

**ELYSIAN CITY COUNCIL
REGULAR MEETING
NOVEMBER 12, 2024**

The Elysian City Council met in regular session on Tuesday, November 12, 2024, 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, Dennis Schnoor, Derek Westby; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald; City Attorney Jason Moran. Absent: Councilmember Bryan Suemnick.

On motion by Schnoor, seconded by Westby, all voting in favor, to approve the minutes of the October 14, 2024 Special Meeting, October 14, 2024 Regular Meeting, and October 24, 2024 Budget Workshop Meeting as presented.

On motion by Westby, seconded by Schnoor, all voting in favor, to approve the agenda of the November 12, 2024 Regular Meeting with the following additions:

1. Le Sueur County Commissioner Steve Rohlfig
2. Sales Quote Hewitt Docks for Floating Dock Lake Francis Park – MN DNR

Steve Rohlfig, Le Sueur County Commissioner, congratulated the newly elected and reelected officials. He thanked those who ran and those who are stepping down.

Rohlfig reported that County staff has checked the two culverts – from Francis to Tustin Lake and from Tustin to Ray’s Lake and both are clean. The remodel of the Government Center is complete. The preliminary budget was certified at 6.8%. Commissioners are looking at spending some reserves and reducing the levy increase to 3.5 – 4.5%. The County is in contract negotiations and has two more bargaining units to resolve. Bolton & Menk is starting the County Land Use Plan update with townships and cities participation. The City of Montgomery will not be taking any more septic.

Westby asked when something would be done on the County Road 11 curve by Glen’s Beach Road. Rohlfig reported that the County Engineer has asked the property owner to remove some shrubs there. A guard rail will not work at that curve due to plowing. The Council suggested the installation of other safety items such as flashing lights, flashing chevron, or rumble strips.

Le Sueur County Patrol Deputy Bryce Hermel introduced himself to the Council and reported that things have been pretty quiet. The Council again noted the disregard for the stop signs at the intersection of Main Street and County Road 11. Hermel stated he will report that.

On motion by McBroom, seconded by Houlihan, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:11 pm.

The purpose of the hearing is to allow public input from citizens on proposed Ordinance No. 119/24 – Regulating Cannabinoid and Hemp Derived Products; Ordinance No. 120/24 - Amending §156.067 C-1 Central Commercial Business District Allowing Lower-Potency Hemp Edible Sales in Retail and Eating and Drinking Establishments as an Accessory Use; Ordinance No. 121/24 – Amending §156.068 C-2 Highway Commercial District Allowing Lower-Potency Hemp Edible Sales in Retail and Eating and Drinking Establishments as an Accessory Use; Ordinance No. 122/24 – Amending §156.069 C-3 Neighborhood Commercial Service District Allowing Lower-Potency Hemp Edible Sales

at Gas Stations and Convenience Stores as an Accessory Use; and Ordinance No. 123/24 – Amending §156.070 I Industrial District to allow the Manufacture and Retail Sales of Cannabinoid and Hemp Derived Products as a Conditional Use.

City Attorney Jason Moran stated that the Minnesota Legislature has recently legalized recreational marijuana. These proposed ordinances mirror what is currently in State Law. Ordinance No. 119/24 is a general ordinance that regulates the hours of operation, placement, and signage of the business. The amending ordinances will allow lower-potency hemp edible sales as an accessory use in the commercial zones with a cap of 6 and the hours of operation will be 8:00 am to 1:00 am, and allow manufacture and retail sales of cannabinoid and hemp derived products as a conditional use in the Industrial District with a cap of 2 and the hours of operations will be 10:00 am to 8:00 pm.

This will be an annual registration, and the fees will be set in the City fee schedule as allowed by the State of Minnesota.

Dan Jarosz, 102 Fourth Street NW, questioned why the high-potency sales are restricted to the Industrial Zone and why they aren't allowed to be sold on Main Street. It should be treated the same as vodka or whiskey and regulated the same as hard liquor. The only Industrial Zone is at the sewer ponds and without an Industrial Zone in town, there is not a good place for people who are looking to purchase for medicine and it is not offering an opportunity for tax revenue for the City.

Houlihan asked if Jarosz was planning to sell from home. Jarosz stated that he was not. He supports legal use of a substance that was legal in the 60s and 70s and then was bastardized for no reason and shoved in a dark corner. There is no research that shows the ability to become addicted any more than alcohol or other substances. So, it should be treated the same as alcohol. If you can sit at the beach and drink a beer, you should be able to sit at the beach and eat a gummy. It is legal and it shouldn't be culturally pushed away because we are a small rural town. This will push people to keep secrets and hide their use. I have no intention of use but do not want people to have to pull their drapes closed just because of a stigma. It should be treated the same as alcohol.

Schnoor stated that drinking a beer does not affect others, but smoking pot affects everyone around. Jarosz stated he agreed that there should be restrictions on smoking.

John Manning, 205 Park Avenue NE, asked if there were restrictions on apartment buildings or rental properties. Moran stated that there are MN State Statutes that prohibit use in common areas of apartment complexes.

Written Comments: None were received.

On motion by McBroom, seconded by Schnoor, all voting in favor, to close the Public Hearing and open the Regular Meeting at 6:30 pm.

Public Comment: None.

On motion by Houlihan, seconded by Westby, all voting in favor, to table consideration of proposed signs to honor two local residents to the December 9, 2024 City Council Meeting.

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 925/24
A RESOLUTION CERTIFYING THE RESULTS OF THE

TUESDAY, NOVEMBER 5, 2024 ELECTION
(Canvass Election)

WHEREAS: The City of Elysian held an election for the office of Mayor (two-year term) and two Council Members (four-year term) on Tuesday, November 5, 2024, during the General Election with approximately 532 persons voting including absentee votes.

WHEREAS: On this 12th day of November, 2024, the City Council has met to canvass said election results;

WHEREAS: The votes tabulated at said election were:

MAYOR 2-year term	VOTES	COUNCIL MEMBER 4- year term	VOTES
<i>Tom McBroom, Sr.</i>	266	<i>Derek Westby</i>	384
<i>Pat Nusbaum</i>	244	<i>Paul Hunter</i>	336
<i>Write-In</i>	7	<i>Write-In</i>	15

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN MINNESOTA, that the official election results for the office of Mayor for the term of 2025-2026 shall be Tom McBroom, Sr.;

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF ELYSIAN MINNESOTA, that the official election results for the offices of Council Member for the term of 2025-2028 shall be Derek Westby and Paul Hunter.

Upon vote being taken:

Councilmembers voting in the affirmative: Houlihan, McBroom, Schnoor, Westby

Councilmembers voting in the negative: None

Adopted by the City Council of the City of Elysian this 12th day of November, 2024.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator

Councilmember Houlihan introduced Ordinance No. 119/24 and was seconded by Councilmember Westby.

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
ORDINANCE NO. 119/24

AN ORDINANCE REGULATING CANNABINOID AND HEMP DERIVED PRODUCTS IN THE CITY
OF ELYSIAN

Whereas, Minnesota Statutes Chapter §342 allows Cities, by and through its City Council, to enact reasonable regulations concerning cannabinoid and hemp derived products; and

Whereas, the City Council for the City of Elysian believes that regulating cannabinoid and hemp derived products is in the best interest and general welfare of the City.

NOW THEREFORE, the City Council for the City of Elysian does HEREBY AND HEREIN ORDAIN AS FOLLOWS:

113.000 STATE LAW ADOPTED.

Minnesota Statutes Chapter §342 shall be, and is hereby, incorporated into this Ordinance by reference.

113.010 DEFINITIONS.

For the purposes of this chapter, all of the definitions contained in Minnesota Statutes Chapter §342.01 are incorporated by reference herein. The following terms shall have the meanings given them, unless inconsistent with Minnesota Statute §342.01, in which case, those definitions in §342.01, as they are amended from time to time, shall control.

(1) Adult-use cannabis concentrate. "Adult-use cannabis concentrate" means cannabis concentrate that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis concentrate does not include any artificially derived cannabinoid.

(2) Adult-use cannabis flower. "Adult-use cannabis flower" means cannabis flower that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis flower does not include medical cannabis flower, hemp plant parts, or hemp-derived consumer products.

(3) Adult-use cannabis product. "Adult-use cannabis product" means a cannabis product that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis product includes edible cannabis products but does not include medical cannabinoid products or lower-potency hemp edibles.

(4) Advertisement. "Advertisement" means any written or oral statement, illustration, or depiction that is intended to promote sales of cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or sales at a specific cannabis business or hemp business and includes any newspaper, radio, Internet and electronic media, or television promotion; the distribution of fliers and circulars; and the display of window and interior signs in a cannabis business. Advertisement does not include a fixed outdoor sign that meets the requirements in section [342.64, subdivision 2](#), paragraph (b).

(5) Artificially derived cannabinoid. "Artificially derived cannabinoid" means a cannabinoid extracted from a cannabis plant, cannabis flower, hemp plant, or hemp plant parts with a chemical makeup that is changed after extraction to create a different cannabinoid or other chemical compound by applying a catalyst other than heat or light. Artificially derived cannabinoid includes but is not limited to any tetrahydrocannabinol created from cannabidiol but does not include cannabis concentrate, cannabis products, hemp concentrate, lower-potency hemp edibles, or hemp-derived consumer products.

(6) Cannabinoid. "Cannabinoid" means any of the chemical constituents of hemp plants or cannabis plants that are naturally occurring, biologically active, and act on the cannabinoid receptors of the brain. Cannabinoid includes but is not limited to tetrahydrocannabinol and cannabidiol.

(7) Cannabinoid extraction. "Cannabinoid extraction" means the process of extracting cannabis concentrate from cannabis plants or cannabis flower using heat, pressure, water, lipids, gases, solvents, or other chemicals or chemical processes, but does not include the process of extracting concentrate from hemp plants or hemp plant parts or the process of creating any artificially derived cannabinoid.

(8) Cannabinoid product. "Cannabinoid product" means a cannabis product, a hemp derived consumer product, or a lower-potency hemp edible.

(9) Cannabinoid profile. "Cannabinoid profile" means the amounts of each cannabinoid that the office requires to be identified in testing and labeling, including but not limited to delta-9 tetrahydrocannabinol, tetrahydrocannabinolic acid, cannabidiol, and cannabidiolic acid in cannabis flower, a cannabis product, a batch of artificially derived cannabinoid, a lower-potency hemp edible, a hemp-derived consumer product, or a hemp-derived topical product expressed as percentages measured by weight and, in the case of cannabis products, lower-potency hemp edibles, and hemp-derived consumer products, expressed as milligrams in each serving and package.

(10) Cannabis business. "Cannabis business" means any of the following:

- (1) cannabis microbusiness;
- (2) cannabis mezzobusiness;
- (3) cannabis cultivator;
- (4) cannabis manufacturer;
- (5) cannabis retailer;
- (6) cannabis wholesaler;
- (7) cannabis transporter;
- (8) cannabis testing facility;
- (9) cannabis event organizer;
- (10) cannabis delivery service;
- (11) medical cannabis cultivator;
- (12) medical cannabis processor;
- (13) medical cannabis retailer; and
- (14) medical cannabis combination business.

(11) Cannabis concentrate.

(a) "Cannabis concentrate" means:

- (1) the extracts and resins of a cannabis plant or cannabis flower;
- (2) the extracts or resins of a cannabis plant or cannabis flower that are refined to increase the presence of targeted cannabinoids; or
- (3) a product that is produced by refining extracts or resins of a cannabis plant or cannabis flower and is intended to be consumed by combustion or vaporization of the product and inhalation of smoke, aerosol, or vapor from the product.

(b) Cannabis concentrate does not include hemp concentrate, artificially derived cannabinoid, or hemp-derived consumer products.

(12) Cannabis flower. "Cannabis flower" means the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.

(13) Cannabis industry. "Cannabis industry" means every item, product, person, process, action, business, or other thing related to cannabis flower and cannabis products and subject to regulation under this chapter.

(14) Cannabis paraphernalia. "Cannabis paraphernalia" means all equipment, products, and materials of any kind that are knowingly or intentionally used primarily in:

- (1) manufacturing cannabis products;
- (2) ingesting, inhaling, or otherwise introducing cannabis flower or cannabis products into the human body; and
- (3) testing the strength, effectiveness, or purity of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.

(15) Cannabis plant. "Cannabis plant" means all parts of the plant of the genus Cannabis that is growing or has not been harvested and has a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis.

(16) Cannabis product.

(a) "Cannabis product" means any of the following:

- (1) cannabis concentrate;
- (2) a product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower; or
- (3) any other product that contains cannabis concentrate.

(b) Cannabis product includes adult-use cannabis products, including but not limited to edible cannabis products and medical cannabinoid products. Cannabis product does not include cannabis flower, artificially derived cannabinoid, lower-potency hemp edibles, hemp-derived consumer products, or hemp-derived topical products.

(17) Cannabis seed. "Cannabis seed" means the viable seed of the plant of the genus Cannabis that is reasonably expected to grow into a cannabis plant. Cannabis seed does not include hemp seed.

(18) Cultivation. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts.

(19) Edible cannabis product. "Edible cannabis product" means any product that is intended to be eaten or consumed as a beverage by humans; contains a cannabinoid other than an artificially derived cannabinoid in combination with food ingredients; is not a drug; and is a type of product approved for sale by the office, or is substantially similar to a product approved by the office including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods. Edible cannabis product does not include lower-potency hemp edibles.

(20) Hemp business.

(a) "Hemp business" means either of the following licensed under this chapter:

- (1) lower-potency hemp edible manufacturer; or
- (2) lower-potency hemp edible retailer.

(b) Hemp business does not include a person or entity licensed under chapter 18K to grow industrial hemp for commercial or research purposes or to process industrial hemp for commercial purposes.

(21) Hemp concentrate.

(a) "Hemp concentrate" means:

- (1) the extracts and resins of a hemp plant or hemp plant parts;
- (2) the extracts or resins of a hemp plant or hemp plant parts that are refined to increase the presence of targeted cannabinoids; or
- (3) a product that is produced by refining extracts or resins of a hemp plant or hemp plant parts and is intended to be consumed by combustion or vaporization of the product and inhalation of smoke, aerosol, or vapor from the product.

(b) Hemp concentrate does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived consumer products, or hemp-derived topical products.

(22) Hemp-derived consumer product.

(a) "Hemp-derived consumer product" means a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and:

- (1) contains or consists of hemp plant parts; or
- (2) contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.

(b) Hemp-derived consumer product does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp grain.

(23) Hemp-derived topical product. "Hemp-derived topical product" means a product intended for human or animal consumption that contains hemp concentrate, is intended for application externally to a part of the body of a human or animal, and does not contain cannabis flower or cannabis concentrate.

(24) Hemp fiber product. "Hemp fiber product" means an intermediate or finished product made from the fiber of hemp plant parts that is not intended for human or animal consumption. Hemp fiber product includes but is not limited to cordage, paper, fuel, textiles, bedding, insulation, construction materials, compost materials, and industrial materials.

(25) Hemp plant. "Hemp plant" means all parts of the plant of the genus Cannabis that is growing or has not been harvested and has a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.

(26) Hemp plant parts. "Hemp plant parts" means any part of the harvested hemp plant, including the flower, bud, leaves, stems, and stalk, but does not include derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers that are separated from the plant. Hemp plant parts does not include hemp fiber products, hemp grain, or hemp seed.

(27) Hemp seed. "Hemp seed" means the viable seed of the plant of the genus Cannabis that is intended to be planted and is reasonably expected to grow into a hemp plant. Hemp seed does not include cannabis seed or hemp grain.

(28) Intoxicating cannabinoid. "Intoxicating cannabinoid" means a cannabinoid, including an artificially derived cannabinoid, that when introduced into the human body impairs the central nervous system or impairs the human audio, visual, or mental processes. Intoxicating cannabinoid includes but is not limited to any tetrahydrocannabinol.

(29) License holder.

"License holder" means a person, cooperative, or business that holds any of the following licenses:

- (1) cannabis microbusiness;
- (2) cannabis mezzobusiness;
- (3) cannabis cultivator;
- (4) cannabis manufacturer;
- (5) cannabis retailer;
- (6) cannabis wholesaler;
- (7) cannabis transporter;
- (8) cannabis testing facility;
- (9) cannabis event organizer;
- (10) cannabis delivery service;
- (11) lower-potency hemp edible manufacturer;
- (12) lower-potency hemp edible retailer;
- (13) medical cannabis cultivator;
- (14) medical cannabis processor;
- (15) medical cannabis retailer; or
- (16) medical cannabis combination business.

(30) Lower-potency hemp edible.

"Lower-potency hemp edible" means any product that:

- (1) is intended to be eaten or consumed as a beverage by humans;
- (2) contains hemp concentrate or an artificially derived cannabinoid, in combination with food ingredients;
- (3) is not a drug;
- (4) consists of servings that contain no more than five milligrams of delta-9 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabigerol, or any combination of those cannabinoids that does not exceed the identified amounts;
- (5) does not contain more than a combined total of 0.5 milligrams of all other cannabinoids per serving;
- (6) does not contain an artificially derived cannabinoid other than delta-9 tetrahydrocannabinol;
- (7) does not contain a cannabinoid derived from cannabis plants or cannabis flower; and
- (8) is a type of product approved for sale by the office or is substantially similar to a product approved by the office, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods.

(31) Local Unit of Government. Local Unit of Government means the City of Elysian.

(32) Medical cannabinoid product.

(a) "Medical cannabinoid product" means a product that:

- (1) consists of or contains cannabis concentrate or hemp concentrate or is infused with cannabinoids, including but not limited to artificially derived cannabinoids; and
- (2) is provided to a patient enrolled in the registry program; a registered designated caregiver; or a parent, legal guardian, or spouse of an enrolled patient, by a cannabis retailer or medical cannabis retailer to treat or alleviate the symptoms of a qualifying medical condition.

(b) A medical cannabinoid product must be in the form of:

- (1) liquid, including but not limited to oil;
- (2) pill;
- (3) liquid or oil for use with a vaporized delivery method;
- (4) water-soluble cannabinoid multiparticulate, including granules, powder, and sprinkles;
- (5) orally dissolvable product, including lozenges, gum, mints, buccal tablets, and sublingual tablets;
- (6) edible products in the form of gummies and chews;
- (7) topical formulation; or
- (8) any allowable form or delivery method approved by the office.

(c) Medical cannabinoid product does not include adult-use cannabis products or hemp-derived consumer products.

(33) Medical cannabis business.

"Medical cannabis business" means an entity licensed under this chapter to engage in one or more of the following:

- (1) the cultivation of cannabis plants for medical cannabis flower;
- (2) the manufacture of medical cannabinoid products; and
- (3) the retail sale of medical cannabis flower and medical cannabinoid products.

(34) Medical cannabis flower. "Medical cannabis flower" means cannabis flower provided to a patient enrolled in the registry program; a registered designated caregiver; or a parent, legal guardian, or spouse of an enrolled patient by a cannabis retailer or medical cannabis business to treat or alleviate the symptoms of a qualifying medical condition. Medical cannabis flower does not include adult-use cannabis flower.

(35) Medical cannabis paraphernalia. "Medical cannabis paraphernalia" means a delivery device, related supply, or educational material used by a patient enrolled in the registry program to administer medical cannabis and medical cannabinoid products.

(36) Office. "Office" means the Office of Cannabis Management.

(37) Outdoor advertisement. "Outdoor advertisement" means an advertisement that is located outdoors or can be seen or heard by an individual who is outdoors and includes billboards; advertisements on benches; advertisements at transit stations or transit shelters; advertisements on the exterior or interior of buses, taxis, light rail transit, or business vehicles; and print signs that do not meet the requirements in Minnesota Statute [§342.64, subdivision 2](#), paragraph (b), but that are placed or located on the exterior property of a cannabis business.

(38) Synthetic cannabinoid. "Synthetic cannabinoid" means a substance with a similar chemical structure and pharmacological activity to a cannabinoid but is not extracted or derived from cannabis plants, cannabis flower, hemp plants, or hemp plant parts and is instead created or produced by chemical or biochemical synthesis.

113.020 LICENSE REQUIRED.

No retail sale, manufacture for retail sale, or cultivation for retail sale, of a cannabinoid product, hemp product, or low-potency hemp product shall occur unless the seller, person, cooperative, or business first holds, and has at the time of said sale the applicable licenses required by Law from the Office of Cannabis Management.

113.030. APPLICATION FOR LICENSE.

(A) Form. Every application for a license to engage in retail sale, manufacture for retail sale, or cultivation for retail sale of any cannabinoid products, hemp products, or low-potency hemp products, must be made to the Office of Cannabis Management on forms supplied by that Office.

113.040. RESTRICTIONS ON BUSINESS AND SIGNS

(A) Cannabis businesses, and any related outdoor advertisement, shall not operate or be placed within 1000 feet of any school, nor shall they operate or be placed within 500 feet of any duly licensed daycare, residential treatment facility, or an attraction within a public park that is regularly used by minors including a playground or athletic field. Distances set forth herein shall be a parallel line from the closest two points property lines.

(B) Cannabis business shall not engage in the retail sale of cannabis products, hemp derived products, or low-potency hemp edibles from 1:00 a.m. and 8:00 a.m. on any weekday Monday through Saturday, and after 1:00 a.m. on Sundays. Neither shall any such sales be conducted on any Sunday between the hours of 1:00 a.m. and 10:00 a.m.

OR:

(B) Cannabis business shall not engage in the retail sale of adult use cannabis products before 10:00 a.m. or after 8:00 p.m. on any day. Hemp derived products or low-potency hemp edibles sale shall not be sold after 1:00 a.m. on any day.

(C) Cannabis businesses, hemp derived retail businesses, and low-potency hemp retail businesses facilities shall meet or exceed the standards set forth in the Minnesota State Building Code, State Fire Code, and the City's Code of Ordinances.

(D) License holders shall operate in full compliance with the City's Zoning Controls including obtaining any applicable conditional use permits prior to operation.

113.050. LICENSE FEES.

Fees for registration of cannabis businesses, hemp derived retail businesses, and low-potency hemp retail businesses shall be set according to the City's Fee Schedule as it is Amended from time to time. All fees shall be paid into the City's general fund. License fees are non-refundable in the event that a license applicant is rejected.

113.060. LOCAL REGISTRATION REQUIRED.

(A) Before making retail sales to customers or patients, a cannabis microbusiness, cannabis mezzobusiness, cannabis retailer, medical cannabis combination business, or lower-potency hemp

edible retailer must first register with the city, town, or county in which the retail establishment is located.

(B) Fee. The City shall impose a fee for an initial retail registration fee of \$500 or up to half the amount of the applicable initial license fee under section MSA §342.11, whichever is less. The initial registration is good for the year in which the registration is permitted. Registration shall be on an annual basis and shall be good until December 31 of the year in which it was issued. Thereafter an annual renewal registration is required. The City shall also impose a renewal retail registration fee of \$1,000 or up to half the amount of the applicable renewal license fee under Minnesota Statute §342.11, whichever is less. The initial registration fee shall include the fee for initial registration and the first annual renewal. Any renewal fee imposed by the local unit of government shall be charged at the time of the second renewal and each subsequent annual renewal thereafter. Registration fees are non-refundable.

(C) A local unit of government shall issue a retail registration to a cannabis microbusiness with a retail operations endorsement, cannabis mezzobusiness with a retail operations endorsement, cannabis retailer, medical cannabis combination business operating a retail location, or lower-potency hemp edible retailer that:

- (1) has a valid license or license preapproval issued by the Office of Cannabis Management;
- (2) has paid the registration fee or renewal fee pursuant to subdivision B;
- (3) is found to be in compliance with the requirements of this chapter at any preliminary compliance check that the local unit of government performs; and
- (4) if applicable, is current on all property taxes and assessments at the location where the retail establishment is located.

(b) Before issuing a retail registration, the local unit of government may conduct a preliminary compliance check to ensure that the cannabis business or hemp business is in compliance with any applicable local ordinance including Zoning Ordinances.

(c) A local unit of government shall renew the retail registration of a cannabis business or hemp business when the office renews the license of the cannabis business or hemp business.

(d) A retail registration issued under this section may not be transferred.

113.070. CAPS ON LICENSES.

There shall be no more than two (2) license/registration issued for a cannabis business, hemp business, or .

There shall be no more than six (6) licenses/registration issued solely for low-potency hemp edible businesses.

113.080 COMPLIANCE CHECKS.

(a) The City's police department or the Le Sueur County Sheriff's Department shall conduct compliance checks of every cannabis business, hemp business, and low-potency hemp edible business with a retail registration issued by the City. During a compliance check, the police department shall assess a business's compliance with age verification requirements, and compliance with any applicable local ordinances established pursuant to Minnesota Statute §342.13 including Zoning Ordinances.

(b) The Police Department or Sheriff's Department must conduct unannounced age verification compliance checks of every cannabis business, hemp business, and low-potency hemp edible business at least once each calendar year. Age verification compliance checks must involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.

113.090 REGISTRATION SUSPENSION AND CANCELLATION; NOTICE TO OFFICE OF CANNABIS, PENALTIES.

(a) If the City determines that a cannabis business, hemp business, or low-potency hemp edible business with a retail registration issued by the local unit of government is not operating in compliance with the requirements of a local ordinance authorized under Minnesota Statute §342.13 or that the operation of the business poses an immediate threat to the health or safety of the public, the City Council may suspend the retail registration of the cannabis business, hemp business, or low-potency edible business. The City Administrator must immediately notify the Office of Cannabis Management with the suspension and shall include a description of the grounds for the suspension.

(b) The office of Cannabis Management may review the retail registration suspension and that Office may order reinstatement of the retail registration or take any action described in section Minnesota Statutes § 342.19 or §342.21.

(c) The retail registration suspension shall be for up to 30 days unless the office of Cannabis Management suspends the license and operating privilege of the cannabis business or hemp business for a longer period or revokes the license. Upon revocation by that Office, the registration shall be revoked.

(d) The City Council may reinstate the retail registration if the City Council determines that any violation has been cured. The City Council must reinstate the retail registration if the Office of Cannabis Management orders reinstatement.

(e) No cannabis microbusiness, cannabis mezzobusiness, cannabis retailer, medical cannabis combination business, or lower-potency hemp edible retailer may make any sale to a customer or patient without a valid retail registration with the City and a valid license with any applicable endorsement from the Office of Cannabis Management. A local unit of government may impose a civil penalty of up to \$2,000 for each violation of this paragraph, in addition to any additional penalties, civil or criminal, that they may impose.

(f) Any violation of this Ordinance shall be a misdemeanor offense punishable by incarceration of up to ninety (90) day, a fine of up to \$1,000, or both. Said penalty shall be in addition to any civil penalty the City may impose.

Upon motion made by Houlihan, duly seconded by Westby, and passed this 12th day of November, 2024.

Upon motion made by Houlihan, duly seconded by Westby, and passed this 12th day of November, 2024, summary publication is authorized. This Ordinance is effective upon publication of the Summary.

Tom McBroom, Sr.-Mayor

ATTEST:

Lorri Kopischke-City Administrator

Councilmember Schnoor introduced Ordinance No. 120/24 and was seconded by Councilmember Houlihan.

CITY OF ELYSIAN
LE SUEUR COUNTY
ORDINANCE NO. 120/24

AN ORDINANCE AMENDING §156.067 C-1 CENTRAL BUSINESS COMMERCIAL DISTRICT, PERMITTED USES, THEREBY ALLOWING LOWER-POTENCY HEMP EDIBLE SALES AS AN ACCESSORY USE TO RETAIL SALES, AND ALLOWING THE SAME AS A PERMITTED USE AT EATING AND DRINKING ESTABLISHMENTS AS AN ACCESSORY SALE IN THE CITY OF ELYSIAN.

WHEREAS, the Minnesota Legislature and the Governor recently signed a Cannabis Bill into Law, commonly known as Chapter 342 of the Minnesota Statutes, and

WHEREAS, Chapter 342 does allow Cities some zoning control over cannabis concerns, and

WHEREAS, Minnesota Statute §462.357 gives cities, through its City Council, the power to enact zoning controls for the benefit of and general welfare for, the city, and

WHEREAS, the City Council has met this day, and following a duly published public hearing NOW ORDAINS AS FOLLOWS:

1. That §156.067 C-1 Central Business Commercial District Zoning Regulation shall be Amended to add the following thereto:

§156.067 C-1 CENTRAL BUSINESS COMMERCIAL DISTRICT.

(B) *Permitted Uses.*

(1) Retail, wholesale trades. At retail business, the sale of Lower-Potency Hemp Edible and/or beverage sales shall be a permitted use when sold as an accessory to retail sales as they are defined in MSA 342.01

(5) Eating and drinking establishments including the sale of Lower-Potency Hemp Edible and/or beverage sales as accessory to retail sales as they are defined in MSA 342.01.

All other provisions of §156.067 C-1 shall remain in full force and effect unless herein changed by this Amending Ordinance.

This Ordinance shall be effective upon passage and publication as required by Law.

Upon motion made by Schnoor, duly seconded by Houlihan, and passed this 12th day of November, 2024.

Adopted this 12th day of November, 2024.

Tom McBroom, Sr.-Mayor

ATTEST:

Lorri Kopischke-City Administrator

Councilmember Schnoor introduced Ordinance No. 121/24 and was seconded by Councilmember Houlihan.

CITY OF ELYSIAN
LE SUEUR COUNTY
ORDINANCE NO. 121/24

AN ORDINANCE AMENDING §156.068 C-2 HIGHWAY COMMERCIAL DISTRICT, PERMITTED USES, THEREBY ALLOWING LOWER-POTENCY HEMP EDIBLE SALES AS AN ACCESSORY USE TO RETAIL SALES AT EATING AND DRINKING ESTABLISHMENTS IN THE CITY OF ELYSIAN.

WHEREAS, the Minnesota Legislature and the Governor recently signed a Cannabis Bill into Law, commonly known as Chapter 342 of the Minnesota Statutes, and

WHEREAS, Chapter 342 does allow Cities some zoning control over cannabis concerns, and

WHEREAS, Minnesota Statute §462.357 gives cities, through its City Council, the power to enact zoning controls for the benefit of and general welfare for, the city, and

WHEREAS, the City Council has met this day, and following a duly published public hearing NOW ORDAINS AS FOLLOWS:

1. That §156.068 C-2 Highway Commercial District Zoning Regulation shall be Amended to add the following thereto:

§156.068 C-2 HIGHWAY COMMERCIAL DISTRICT.

(B) *Permitted Uses.*

(4) Eating and drinking establishments including the sale of Lower-Potency Hemp Edible and/or beverage sales as accessory to retail sales as they are defined in MSA 342.01.

All other provisions of §156.068 C-2 shall remain in full force and effect unless herein changed by this Amending Ordinance.

This Ordinance shall be effective upon passage and publication as required by Law.

Upon motion made by Houlihan, duly seconded by Westby, and passed this 12th day of November, 2024.

Adopted this 12th day of November, 2024.

Thomas McBroom, Sr.-Mayor

ATTEST:

Lorri Kopischke-City Administrator

Councilmember Westby introduced Ordinance No. 122/24 and was seconded by Councilmember Houlihan.

CITY OF ELYSIAN
LE SUEUR COUNTY
ORDINANCE NO. 122/24

AN ORDINANCE AMENDING §156.069 C-3 NEIGHBORHOOD COMMERCIAL SERVICE DISTRICT, PERMITTED USES, THEREBY ALLOWING THE ACCESSORY SALE OF LOWER-POTENCY HEMP EDIBLE SALES AS A CONDITIONAL USE AT GAS STATIONS AND CONVENIENCE STORES IN THE CITY OF ELYSIAN

WHEREAS, the Minnesota Legislature and the Governor recently signed a Cannabis Bill into Law, commonly known as Chapter 342 of the Minnesota Statutes, and

WHEREAS, Chapter 342 does allow Cities some zoning control over cannabis concerns, and

WHEREAS, Minnesota Statute §462.357 gives cities, through its City Council, the power to enact zoning controls for the benefit of and general welfare for, the city, and

WHEREAS, the City Council has met this day, and following a duly published public hearing NOW ORDAINS AS FOLLOWS:

1. That §156.069 C-3 Neighborhood Commercial Service District Zoning Regulation shall be Amended to add the following thereto:

§156.069 C-3 NEIGHBORHOOD COMMERCIAL SERVICE DISTRICT.

(C) *Conditional Uses.*

(4) Gas stations and convenience stores engaged in the retail sale of Lower-Potency Hemp Edible and/or beverage sales as accessory to retail sales as they are defined in MSA 342.01.

All other provisions of §156.069 C-3 shall remain in full force and effect unless herein changed by this Amending Ordinance.

This Ordinance shall be effective upon passage and publication as required by Law.

Upon motion made by Westby, duly seconded by Houlihan, and passed this 12th day of November, 2024.

Adopted this 12th day of November, 2024.

Tom McBroom, Sr.-Mayor

ATTEST:

Lorri Kopischke-City Administrator

Councilmember Schnoor introduced Ordinance No. 122/24 and was seconded by Councilmember Houlihan.

CITY OF ELYSIAN
LE SUEUR COUNTY
ORDINANCE NO. 123/24

AN ORDINANCE AMENDING §156.070 I INDUSTRIAL DISTRICT, THEREBY ALLOWING THE MANUFACTURE OF AND RETAIL SALES OF CANNABINOID AND HEMP DERIVED PRODUCTS AS A CONDITIONAL USE IN THE CITY OF ELYSIAN

WHEREAS, the Minnesota Legislature and the Governor recently signed a Cannabis Bill into Law, commonly known as Chapter 342 of the Minnesota Statutes, and

WHEREAS, Chapter 342 does allow Cities some zoning control over cannabis concerns, and

WHEREAS, Minnesota Statute §462.357 gives cities, through its City Council, the power to enact zoning controls for the benefit of and general welfare for, the city, and

WHEREAS, the City Council has met this day, and following a duly published public hearing NOW ORDAINS AS FOLLOWS:

1. That §156.070 I Industrial District Zoning Regulation shall be Amended to add the following thereto:

§156.070 I INDUSTRIAL DISTRICT.

(C) *Conditional Uses.*

5. Cannabinoid and/or hemp derived product manufacture or retail sale as defined in Minnesota Statutes Chapter §342.01, and so long as said industry complies with Elysian City Code §113 pertaining to the Licensing and Establishing of said industry.

All other provisions of §156.070 I Industrial District shall remain in full force and effect unless herein changed by this Amending Ordinance.

This Ordinance shall be effective upon passage and publication as required by Law.

Upon motion made by Schnoor, duly seconded by Houlihan, and passed this 12th day of November, 2024.

Duly passed and adopted this 12th day of November, 2024.

Tom McBroom, Sr.-Mayor

ATTEST:

Lorri Kopischke-City Administrator

Moran noted that there is a moratorium on this issue that is set to expire on January 1, 2025. The above Cannabinoid Ordinances will take effect upon publication.

The Council considered Resolution No. 926/24 – Adopting Findings of Fact and Reasons for Approval of Variance Application of Brian and Melanie Burmeister at 6 Roots Beach Lane.

Brian and Melanie Burmeister are requesting a variance for lot coverage and setback from the OHWL on a non-conforming lot for the property to allow for a home expansion and an addition of a detached garage. The property is zoned R-1 Shoreland Residential and includes lots 14 and 15 for a total of 13,687 square feet. The Shoreland Ordinance requires 20,000 square feet.

The required setback from the OHWL is 75 feet. The current setback from the OHWL is 30.8 feet and the proposed is 29.7 feet.

The maximum allowed lot coverage is 25%. The current lot coverage is 30.0% and the originally proposed lot coverage was 40.7%. Upon further discussion at the Planning Commission Meeting, the Burmeisters will remove part or all of the bituminous asphalt driveway and replace it with a permeable material that is recommended by the MN DNR to reduce the impervious lot coverage to no more than 30%.

There was one written public comment in support of the proposal.

Todd Piepho, Area Hydrologist, MN DNR responded as follows: I just don't have much for comments on this specific proposal. Sounds like they will increase impervious 10% and remain essentially the same for the setback, not ideal, however they have very little room to work with. Doesn't look like they have much room for retaining the water onsite as far as a rain garden, however that could be something the council could look at requiring for a condition. If they do, it should be sized accordingly for the site and impervious area.

The Council acknowledged the Burmeisters efforts to reduce the lot coverage. Mr. Burmeister noted this is a double lot and they will keep as much green space as possible. The large existing driveway is problematic but there are alternative permeable surfaces that they will figure out in the spring.

Council Member Westby introduced the resolution and was seconded by Councilmember Houlihan.

CITY ELYSIAN
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 926/24
RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS FOR
APPROVAL FOR VARIANCE APPLICATION OF
BRIAN AND MELANIE BURMEISTER AT 6 ROOTS BEACH LANE

FACTS

1. Brian and Melanie Burmeister are the owners of a parcel of land located at 6 Roots Beach Lane, Elysian, Minnesota; and,
2. The subject property is legally described as found on Exhibit A; and,
3. Brian and Melanie Burmeister have applied to the City for a variance to build a home expansion and a detached garage as described on Exhibit B.

4. The proposal would vary from the Elysian Code of Ordinances §156.091 General Standards B (1) Lot Area Requirement 20,000 square feet, Lot Coverage Requirement not more than 25%, and Setback from OHW of 75 feet in that the lot is 13,687 square feet, the lot coverage is 30%, and the setback from the OHWL is 29.7 feet.
5. Following a public hearing on the application, the Elysian Planning and Zoning Commission has recommended approval of the variance on November 6, 2024.
6. The City Council of the City of Elysian reviewed the requested variance at its Meeting of November 12, 2024.

APPLICABLE LAW

7. Minnesota Statute Section 462.357, subd. 6 provides:
 - a. Variances shall only be permitted (a) when they are in harmony with the general purposes and intent of the ordinance and (b) when the variances are consistent with the comprehensive plan.
 - b. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality.

CONCLUSIONS OF LAW

8. The requested variance is in harmony with the purposes and intent of the ordinance.
9. The requested variance is consistent with the comprehensive plan.
10. The property owner does propose to use the property in a reasonable manner because the property owners are unable to use the home due to foundation damage caused by a failed main sewer line and tree roots. This will require partial demolition of the residence and removal of damaging trees. Homeowners will make addition to home and build detached garage at time of repair and will remove part or all of the impervious driveway to remain under 30% impervious lot coverage.
11. There are unique circumstances to the property not created by the landowner because the large bituminous asphalt driveway has more square footage than the current home itself. This makes it almost impossible to improve the home and be below the required maximum impervious lot coverage.
12. The variance will maintain the essential character of the locality because the surrounding homes on Roots Beach Lane are located within the required 70-foot OHWL of Lake Francis. This proposal will line up with those homes. The proposal will retain a large percentage of green space on the property and the home and the garage design will complement the updated architecture of recent renovations of neighboring properties.
13. And with the condition of removal of part or all of the bituminous asphalt driveway and replace with permeable material as recommended by the MN DNR to reduce the impervious lot coverage to not more than 30%.

14. NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elysian, Minnesota, that the application to issue a variance to allow Brian and Melanie Burmeister to build a home expansion and detached garage so as to deviate from the Elysian Code of Ordinances §156.091 General Standards B (1) Lot Area Requirement 20,000 square feet, Lot Coverage Requirement not more than 25%, and Setback from OHW of 75 feet in that the lot is 13,687 square feet, the lot coverage is 30%, and the setback from the OHWL is 29.7 feet is hereby approved.

Upon vote being taken:

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

Council Members voting in the negative: None

Adopted by the City Council of Elysian on this 12th day of November 2024.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator

Exhibit A

Lots Numbered 14 and 15, in Root's Beach Subdivision Plat, being a part of Government Lot 6, of Section Thirty-five (35), in Township Numbered One Hundred Nine (109) North, Range Numbered Twenty Four (24), West, in Le Sueur County, Minnesota, according to the recorded Plat thereof on file and of record in the Office of the Register of Deeds, in and for Le Sueur County and State of Minnesota.

Exhibit B



The Council considered Ordinance No. 124/24 – Amending Section 156.999; Penalty Provision of the Zoning Code to Include an After-the-Fact Penalty for Variance Violations. There was a question as to the language in (C) relating to the amount of the administrative penalty. Moran will revise that language in the next draft per the Council conversation.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to schedule a public hearing to receive public input on proposed Ordinance No. 124/24 – Amending Section 156.999; Penalty

Provision of the Zoning Code to include an After-the-Fact Penalty for Variance Violations for Monday, December 9, 2024 at 6:15 pm.

The Council considered Ordinance No. 125/24 – Regulating Bed and Breakfast Facilities in the City of Elysian. This Ordinance will repeal and replace that Ordinance known as §156.119 Bed and Breakfast Establishments. The performance standards in this Ordinance are similar to those in the Short Term Rental Ordinance. Items specific to a Bed and Breakfast establishment include:

13. Meals shall be served to guests only. There shall be no separate or additional kitchen facility located in any guest rooms.

15. All Bed and Breakfast facilities must have a Conditional Use Permit and be Licensed by the City of Elysian.

17. The Bed and Breakfast use shall be incidental and secondary to primary residential use of the property. It shall be owner occupied.

The Ordinance requires yearly license renewal with inspection every three years and includes a means for suspension and/or revocation of license.

On motion by Westby, seconded by Houlihan, all voting in favor, to schedule a public hearing to receive public input on proposed Ordinance No. 125/24 - Regulating Bed and Breakfast Facilities in the City of Elysian for Monday, December 9, 2024 at 6:25 pm.

The Council considered Ordinance No. 126/24 – Amending Ordinance No. 115/24 – Short Term Rental Ordinance. This amending Ordinance will update 3. Density to include both “Short Term Rental and Bed and Breakfast’ to be consistent with the Ordinance No. 125/24 regulating Bed and Breakfast Establishments.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to schedule a public hearing to receive public input on proposed Ordinance No. 126/24 – Amending Ordinance No. 115/24 Short Term Rental Ordinance for Monday, December 9, 2024 at 6:35 pm.

Lee Istvanovich, SEH Engineering, reported that W W Blacktopping, Inc. has performed a mill and overlay to repair the damage on the Lewis Lane cul-de-sac. However, the work has left a defect in the pavement and W W Blacktopping will need to return and repair.

Greenwald presented a quote from Barga Incorporated for repair to 12 manholes and areas extending to both sides of the street with Maxwell Gap Mastic in Willow Point in the amount of \$6,000. The quote also includes a quote to repair 13 additional areas in the City in the amount of \$4,500. Greenwald reported that the manholes are either settling or raising and this makes it difficult to plow and there is also water seeping under and into the road. There was lengthy discussion as Willow Point is a private drive. There is, however, public infrastructure beneath the private drive and the drive is used by the public.

Greenwald acknowledged that while this is a private drive, the City does have an agreement in place to plow this road. This is such low ground that the manholes are either low or high and the plowing has become extremely aggressive causing damage to cutting edges. Last winter an attempt was made to mark the manholes with stakes on each side but that was not successful. Greenwald stated the large gaps could be repaired with cold patch but the Mastic provides a better result.

On motion by Westby, second by McBroom, all voting in favor, to pre-authorize an amount up to \$10,000 to Bargen Incorporated for Maxwell Gap Mastic repair on Willow Point Drive to protect City infrastructure only and to repair any other areas in the City that will result in damage to City equipment.

Greenwald reported that Wigen will be onsite this Thursday to shut down the Elysian RO Pilot. Following shutdown, the trailer will be picked up on the morning of Friday, November 15th to return to Wigen.

Greenwald reported that a large 16 foot maple shade tree has been planted at the Lake Francis Park in honor of Councilmember Mary Opsahl. A plaque has been ordered and a dedication can be arranged once that arrives.

Greenwald reported that the base work has been completed for the walkway for the fishing pier at the Lake Francis Park. W W Blacktopping was supposed to have paved the walkway when they paved Lewis Lane, but they did not. Istvanovich is hopeful to get them back to pave it prior to the plant closing on November 22nd.

On motion by Houlihan, seconded by Westby, all voting in favor, to approve Resolution No. 927/24 – Approving a Split of Real Estate within the Corporate Limits of the City of Elysian, Le Sueur County, Minnesota.

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA

Resolution No. 927/24

A RESOLUTION APPROVING A SPLIT OF REAL ESTATE WITHIN THE CORPORATE LIMITS OF THE CITY OF ELYSIAN, LE SUEUR COUNTY, MINNESOTA

WHEREAS, Kathryn P. Wenker, applied for a split of land to the City of Elysian; and

WHEREAS, Kathryn P. Wenker owns a parcel of property located at 205 State Highway 60 East, City of Elysian, Le Sueur County, Minnesota. Said property has a Le Sueur County Parcel Identification Number of 16.440.1120. Said property is legally described on attached Exhibit A. Said parcel shall hereby and herein be identified as the “parent parcel;” and

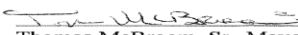
WHEREAS, Wenker has petitioned the City to split off from that parent parcel that real estate described on Attached Exhibit B according to the survey attached hereto as Exhibit C; and

WHEREAS, this land split is being done to facilitate the development and sale of both parcels of real estate, neither parcel would be nonconforming, and allowing said split would further the goal of increasing the tax base for the City of Elysian.

NOW THEREFORE, the City Council for the City of Elysian met this 12th day of November, 2024, and approves said split. The property contained on Exhibit B as depicted in the survey attached hereto as Exhibit C shall be split off from that parent parcel identified in Exhibit A. Said split is in harmony with the City’s land use plan and puts that land being split from the parent parcel to its best use.

Upon motion made, duly seconded, and passed unanimously, said split is APPROVED.

Dated this 12th day of November, 2024.


Thomas McBroom, Sr., Mayor

ATTEST:


Lorri Kopischke, City Administrator

Exhibit A - Parent Parcel Legal Description

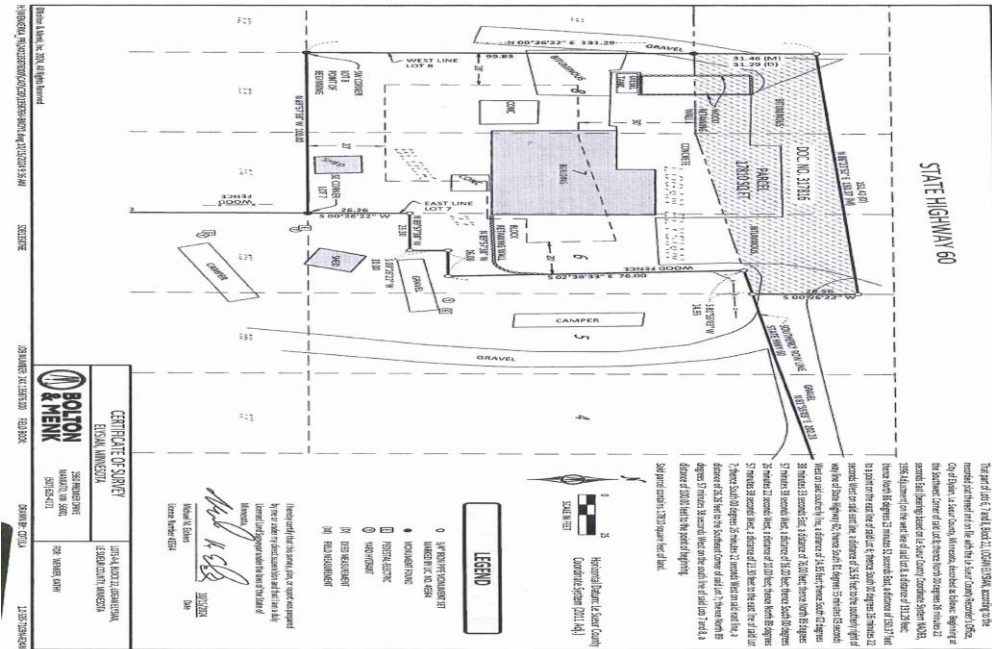
Lots Four (4), Five (5), Six (6), Seven (7), and Eight (8), lying South of the southerly Highway right of way line, all in Block Twenty-two (22), Logan Townsite of Elysian, Le Sueur County, Minnesota. Parcel Identification Number 16.440.1120

EXHIBIT B

Legal Description – new parcel

That part of Lots 6, 7 and 8, Block 22, LOGAN ELYSIAN, according to the recorded plat thereof and on file with the Le Sueur County Recorder's Office, City of Elysian, Le Sueur County, Minnesota, described as follows: Beginning at the Southwest Corner of said Lot 8; thence North 00 degrees 26 minutes 22 seconds East (bearings based on Le Sueur County Coordinate System NAD83, 1996 Adjustment) on the west line of said Lot 8, a distance of 131.29 feet; thence North 86 degrees 23 minutes 52 seconds East, a distance of 150.37 feet to a point on the east line of said Lot 6; thence South 00 degrees 26 minutes 22 seconds West on said east line, a distance of 26.56 feet to the southerly right of way line of State Highway 60; thence South 81 degrees 55 minutes 03 seconds West on said southerly line, a distance of 14.95 feet; thence South 02 degrees 38 minutes 33 seconds East, a distance of 76.00 feet; thence North 89 degrees 57 minutes 38 seconds West, a distance of 16.00 feet; thence South 00 degrees

Parcel Identification Number: to be determined



The Council considered an updated Position Description for the City Administrator.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the updated Position Description for City Administrator.

The Council considered an Employment Agreement for the Position of City Administrator. This Agreement will be in effect from November 12, 2024 until May 1, 2027.

On motion by Houlihan, seconded by Westby, all voting in favor, to approve the Employment Agreement for the Position of City Administrator between the City of Elysian (“Employer”) and Lorri Kopischke (“Employee”).

On motion by Houlihan, seconded by Schnoor, all voting in favor, to approve the 2025 Full-time Employee Insurance Benefit Monthly Contributions as discussed as part of the budget and presented here tonight.

The Council considered a proposal from Hawk Alarm Systems, Inc. for Access and Video Install at the City Hall building. The Council requested that the Hawk Alarm Representative attend a workshop and explain the proposal and different options.

Full-time Employee Evaluations are completed. All employees meet and/or exceed the expectations of the position. A shout out and thank you to all the City of Elysian employees.

Reminder of Truth and Taxation Hearing, Monday, December 9, 2024 at 6:05 pm.

Thank you to Jane Conroy and friends for decorating Main Street for the Autumn/Halloween Season.

Thank you to the Elysian Area Chamber, Elysian Area Fire Department, businesses, City staff, and all the volunteers for a fun and spooky Halloween Event.

Winter Hazard Awareness Week is November 18th through November 22nd. ([weather.gov/mpx/whaw](https://www.weather.gov/mpx/whaw))

Small Business Saturday in Elysian will be November 30, 2024. The Holiday Winter Lights Parade and Winter Fun Event will be held on Saturday, December 7, 2024.

On motion by Houlihan, seconded by Westby, all voting in favor, to approve the request for streets closures for the Holiday Lights Parade to include Main Street from 5th Street NW to Fire Hall on December 7, 2024 from 6:00 to 7:00 pm.

Jim Levitt, Shore Fishing Coordinator, MN Department of Natural Resources, has submitted a price quote (good for 30 days) and the drawings from Hewitt Docks for the pier at Lake Francis Park. In his conversations with Hewitt about ordering, they have recommended that the City order the pier through one of their dealers. Once the City has been invoiced by the dealer, and has paid the invoice, copies of the paperwork can be forwarded to Levitt, and it will be processed for reimbursement from the Get Out MORE funding.

On motion by Westby, seconded by Houlihan, all voting in favor, to proceed with the ordering of the Hewitt Docks fishing pier for Lake Francis Park to be reimbursed via the State of Minnesota Get Out MORE Funding.

City Attorney Moran reported contact has been made with the owner of 205 Fifth Street NW on no less than 10 occasions to request that he vacate the commercial property. The owner of the commercial property is trying to sell the property but up to this point has been unsuccessful. Notice has been tendered to the owner that he must cease living there by December 1, 2024. The next step is enforcement action. This is a criminal misdemeanor offense. The Council can choose to authorize City Attorney Moran to proceed with enforcement action or approve additional time for the owner to come into compliance.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to authorize City Attorney Moran to proceed with enforcement action for the Zoning Code Violation at 205 Fifth Street SW.

Moran noted that at the last City Council meeting he had tendered his notice to not renew his appointment for 2025. He has received a number of calls asking him to stay on and he has reconsidered his decision. Moran presented a City Attorney Employment Agreement for Council consideration. This is a 3 year agreement. The hourly rate is \$150. This will not increase for the length of the contract. The contract includes an availability fee of \$300 per month. This availability fee is in addition to the hours worked. Moran will provide criminal and civil support services to the City. Attendance at City Council meetings will be on an as needed basis.

On motion by Westby, seconded by Schnoor, all voting in favor, to approve the City of Elysian City Attorney Employment Agreement between Jason L. Moran, Attorney at Law and the City of Elysian for the period beginning December 1, 2024 and continue for a period of three years for both criminal prosecution and civil matters except for complex employment matters or bonding matters which require separate specialized professional services.

On motion by Houlihan, seconded by Schnoor, all voting in favor, bills, payroll, and transfers were approved in the amount of \$236,830.66.

Public Comment:

Dennis Schnoor, 308 Maple Avenue SW, speaking as it relates to his position on the Elysian City Council. Schnoor stated he would like to respond to a comment that was made at the Meet the Candidates Event held on October 23, 2024. Most of the men here are paid to be on the Council but also have other jobs. Schnoor works for the State of MN. He is a statewide trainer and once in a while he has to miss a Council meeting. This is a five-week training, and he has no choice. This is for his job and this job with the State of MN is what feeds his family. Yes, this is a working Council. They all have other jobs. And he would rather see them come to a Council meeting with their work clothes on and get the job here done than to worry about the way they are dressed. The public did not vote for him because of the way that he dresses. The Council is his second job, and he takes it very seriously but when he gets finished work in Faribault and has to be here at 5:30, he does not have time to go home, shower and put on his best clothes. He asked that anyone with questions, please call him. His number is in the book, or you can call City Hall and get his cell phone number.

On motion by McBroom, seconded by Schnoor, all voting in favor, meeting adjourned to closed session to develop an offer concerning purchase or sale of real estate per MN Statute 13D.05, Subd. 3(b)3 at 7:58 pm.

On motion by McBroom, seconded by Houlihan, all voting in favor, to reopen the meeting at 8:10 pm.

McBroom summarized the closed session as Council discussion to authorize the City Administrator and City Attorney to formulate an offer for land purchase for future city shop/fire hall.

On motion by Westby, seconded by Houlihan, all voting in favor, to adjourn the meeting at 8:15 pm.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator