

**ORDINANCE NO. 194**

**AN ORDINANCE ESTABLISHING SNOW FIFTH ADDITION**

WHEREAS, the City Council for the City of Sleepy Eye reviewed the plat for the adoption of Snow Fifth Addition.

WHEREAS, the City Council has approved the plat at the first reading and the second reading to adopt the plat for Snow Fifth Addition, City of Sleepy Eye.

NOW THEREFORE, the City of Sleepy Eye does ordain as follows:

Snow Fifth Addition, City of Sleepy Eye, is hereby adopted as an official plat within the City of Sleepy Eye.

Passed by the City Council for the City of Sleepy Eye, Minnesota, on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on January 11, 2022 in accordance with the Charter Provisions and state laws provided therefore.

Dated: January 11, 2022

\_\_\_\_\_  
Michelle Strate, City Clerk

Published in the Sleepy Eye HERALD  
DISPATCH, Sleepy Eye, Minnesota, on  
\_\_\_\_\_, 2022.

ORDINANCE NO. 195

AN ORDINANCE FOR SELLING REAL ESTATE TO THOMAS AND DIANE STOKS.

WHEREAS, the City of Sleepy Eye is the owner of Lot 1, Block 1, Sleepy Hollow Seventh Addition, City of Sleepy Eye, Brown County, Minnesota (hereinafter "Property).

WHEREAS, the Property above-described and being owned by the City of Sleepy Eye is of no use to the City, the City wishes to encourage its development, and it is in the best interest of the City that the Property be sold.

WHEREAS, Thomas Stoks and Diane Stoks, spouses married to each other, wish to purchase the Property.

NOW THEREFORE, the City of Sleepy Eye does ordain that Lot 1, Block 1, Sleepy Hollow Seventh Addition, City of Sleepy Eye, Brown County, Minnesota, shall be sold to Thomas Stoks and Diane Stoks, as joint tenants, on the price and terms approved by the City. The Mayor and City Manger are authorized to sign the necessary Deed in order to transfer the Property.

Passed by the City Council for the City of Sleepy Eye, on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on \_\_\_\_\_, 2022, in accordance with the Charter Provisions and state laws provided therefore.

Dated: \_\_\_\_\_, 2022

\_\_\_\_\_  
Michelle Strate, City Clerk

Published in the Sleepy Eye HERALD  
DISPATCH, Sleepy Eye, Minnesota, on  
\_\_\_\_\_, 2022

ORDINANCE NO. 196

AN ORDINANCE FOR SELLING REAL ESTATE TO JOHN AND KAREN MOOSEBRUGGER

WHEREAS, the City of Sleepy Eye is the owner of Lot 13, Block 1, Snow Second Addition, City of Sleepy Eye, Brown County, Minnesota (hereinafter "Property).

WHEREAS, the Property above-described and being owned by the City of Sleepy Eye is of no use to the City, the City wishes to encourage its development, and it is in the best interest of the City that the Property be sold.

WHEREAS, John Moosbrugger and Karen Moosebrugger, spouses married to each other, wish to purchase the Property.

NOW THEREFORE, the City of Sleepy Eye does ordain that Lot 13, Block 1, Snow Second Addition, City of Sleepy Eye, Brown County, Minnesota, shall be sold to John Moosbrugger and Karen Moosebrugger, spouses married to each other, as joint tenants, on the price and terms approved by the City. The Mayor and City Manager are authorized to sign the necessary Deed and related documents in order to transfer the Property.

Passed by the City Council for the City of Sleepy Eye, on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on \_\_\_\_\_, 2022, in accordance with the Charter Provisions and state laws provided therefore.

Dated: \_\_\_\_\_, 2022

\_\_\_\_\_  
Michelle Strate, City Clerk

Published in the Sleepy Eye HERALD  
DISPATCH, Sleepy Eye, Minnesota, on  
\_\_\_\_\_, 2022

ORDINANCE NO. 197

AN ORDINANCE CHANGING PART OF THE CITY ZONING FROM RESIDENTIAL TO BUSINESS INDUSTRIAL.

WHEREAS, the City Council for the City of Sleepy Eye has determined that changing a property in Haala's 3rd Addition, City of Sleepy Eye, Minnesota, from residential to business industrial would be in the public interest. A public hearing was held with no objection, and the City Council passed an ordinance making the appropriate changes.

NOW, THEREFORE, the City of Sleepy Eye does ordain as follows:

Lot 1, Block 3, Haala's 3rd Addition, City of Sleepy Eye, Brown County, Minnesota, is hereby reclassified as business industrial.

Passed by the City Council for the City of Sleepy Eye, Minnesota, on January 11th, 2022.

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Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on January 11th, 2022, in accordance with the Charter Provisions and state laws provided therefore.

Dated: January 11<sup>th</sup>, 2022

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Russell Elston, City Manager

Published in the Sleepy Eye HERALD  
DISPATCH, Sleepy Eye, Minnesota, on  
January \_\_, 2022

ORDINANCE NO. 198

AN ORDINANCE ESTABLISHING SLEEPY HOLLOW SEVENTH ADDITION

WHEREAS, the City Council for the City of Sleepy Eye reviewed the plat for the adoption of Sleepy Hollow Seventh Addition.

WHEREAS, the City Council has approved the plat at the first reading and the second reading to adopt the plat for Sleepy Hollow Seventh Addition, City of Sleepy Eye.

NOW THEREFORE, the City of Sleepy Eye does ordain as follows:

Sleepy Hollow Seventh Addition, City of Sleepy Eye, is hereby adopted as an official plat within the City of Sleepy Eye.

Passed by the City Council for the City of Sleepy Eye, Minnesota, on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on \_\_\_\_\_, 2022, in accordance with the Charter Provisions and state laws provided therefore.

Dated: \_\_\_\_\_, 2022

\_\_\_\_\_  
Michelle Strate, City Clerk

Published in the Sleepy Eye HERALD  
DISPATCH, Sleepy Eye, Minnesota, on  
\_\_\_\_\_, 2022

ORDINANCE NO. 199

AN ORDINANCE FOR SELLING REAL ESTATE TO SLEEPY EYE MULTI FAMILY LLC.

WHEREAS, the City of Sleepy Eye is the owner of Lot 1, Block 1, Snow Fifth Addition, City of Sleepy Eye, Brown County, Minnesota (hereinafter "Property").

WHEREAS, the Property above-described and being owned by the City of Sleepy Eye is of no use to the City, the City wishes to encourage its development, and it is in the best interest of the City that the Property be sold.

WHEREAS, Sleepy Eye Multi Family LLC, a Minnesota limited liability company, wishes to purchase the Property.

NOW THEREFORE, the City of Sleepy Eye does ordain that Lot 1, Block 1, Snow Fifth Addition, City of Sleepy Eye, Brown County, Minnesota, shall be sold to Sleepy Eye Multi Family LLC, a Minnesota limited liability company, on the price and terms approved by the City. The Mayor and City Manger are authorized to sign the necessary Deed in order to transfer the Property.

Passed by the City Council for the City of Sleepy Eye, on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on \_\_\_\_\_, 2022, in accordance with the Charter Provisions and state laws provided therefore.

Dated: \_\_\_\_\_, 2022

\_\_\_\_\_  
Michelle Strate, City Clerk

Published in the Sleepy Eye HERALD  
DISPATCH, Sleepy Eye, Minnesota, on  
\_\_\_\_\_, 2022

ORDINANCE NO. 200

AN ORDINANCE FOR SELLING REAL ESTATE TO JEFFREY AND CAITLYN PIETIG  
LOT 4 BLOCK 2 SNOW'S FIRST ADDITION

WHEREAS, the City of Sleepy Eye is the owner of Lot 4, Block 2, Snow First Addition, City of Sleepy Eye, Brown County, Minnesota (hereinafter "Property").

WHEREAS, the Property above-described and being owned by the City of Sleepy Eye is of no use to the City, the City wishes to encourage its development, and it is in the best interest of the City that the Property be sold.

WHEREAS, Jeffrey Pietig and Caitlyn Pietig, spouses married to each other, wish to purchase the Property.

NOW THEREFORE, the City of Sleepy Eye does ordain that Lot 4, Block 2, Snow First Addition, City of Sleepy Eye, Brown County, Minnesota, shall be sold to Jeffrey Pietig and Caitlyn Pietig, spouses married to each other, as joint tenants, on the price and terms approved by the City. The Mayor and City Manager are authorized to sign the necessary Deed and related documents in order to transfer the Property.

Passed by the City Council for the City of Sleepy Eye, on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on \_\_\_\_\_, 2022, in accordance with the Charter Provisions and state laws provided therefore.

Dated: \_\_\_\_\_, 2022

\_\_\_\_\_  
Michelle Strate, City Clerk

Published in the Sleepy Eye HERALD  
DISPATCH, Sleepy Eye, Minnesota, on  
\_\_\_\_\_, 2022

ORDINANCE NO. 201

AN ORDINANCE FOR SELLING REAL ESTATE TO JEFFREY AND CAITLYN PIETIG  
POND TRIANGLE

WHEREAS, the City of Sleepy Eye is the owner of the property legally described in the attached Exhibit "A", located in the City of Sleepy Eye, Brown County, Minnesota (hereinafter "Property).

WHEREAS, the Property above-described and being owned by the City of Sleepy Eye is of no use to the City, the City wishes to encourage its development, and it is in the best interest of the City that the Property be sold.

WHEREAS, Jeffrey Pietig and Caitlyn Pietig, spouses married to each other, wish to purchase the Property.

NOW THEREFORE, the City of Sleepy Eye does ordain that the property legally described in the attached Exhibit "A", located in the City of Sleepy Eye, Brown County, Minnesota, shall be sold to Jeffrey Pietig and Caitlyn Pietig, spouses married to each other, as joint tenants, on the price and terms approved by the City. The Mayor and City Manager are authorized to sign the necessary Deed and related documents in order to transfer the Property.

The City shall retain a permanent easement over, under and across the Property, including but not limited to pond maintenance and utility easements, including but not limited to storm sewer pipe, and City shall retain the right of ingress and egress over the Property as is reasonably necessary to and for the purpose of accessing the easement on said Property.

Passed by the City Council for the City of Sleepy Eye, on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on \_\_\_\_\_, 2022, in accordance with the Charter Provisions and state laws provided therefore.

Dated: \_\_\_\_\_, 2022

\_\_\_\_\_  
Michelle Strate, City Clerk

Published in the Sleepy Eye HERALD  
DISPATCH, Sleepy Eye, Minnesota, on  
\_\_\_\_\_, 2022



**Exhibit "A"**

That part of the Outlot A in Snow Second Addition, City of Sleepy Eye, Brown County, Minnesota, legally described as follows:

Commencing at the southeast corner of Outlot A in Snow Second Addition, City of Sleepy Eye, Brown County, Minnesota, as the point of beginning, thence west, along the south line of Outlot A, a distance of 230 feet; thence northeasterly a distance of 366.231 feet to a point on the east line of said Outlot A, said point being 285 feet north of the southeast corner of said Outlot A; thence south, along the east line of said Outlot A, a distance of 285 feet, to the point of beginning.

ORDINANCE NO. 202

AN ORDINANCE CHANGING PART OF THE CITY ZONING FROM RESIDENTIAL TO BUSINESS INDUSTRIAL.

WHEREAS, the City Council for the City of Sleepy Eye has determined that changing a property located at 730 3<sup>rd</sup> Avenue NE, City of Sleepy Eye, Minnesota, from residential to business industrial would be in the public interest. A public hearing was held with no objection, and the City Council passed an ordinance making the appropriate changes.

NOW, THEREFORE, the City of Sleepy Eye does ordain as follows:

Sublot 15 of Government Lots 1 and 2, Section 29, Township 110 North, Range 32 West of the 5th P.M., City of Sleepy Eye, Brown County, Minnesota; AND Sublot 6 of Lot 2, Section 29, Township 110N, Range 32W, City of Sleepy Eye, Brown County, Minnesota, is hereby reclassified as business industrial.

Passed by the City Council for the City of Sleepy Eye, Minnesota, on February 23<sup>rd</sup>, 2022.

/s/Wayne Pelzel  
Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on February 23<sup>rd</sup>, 2022, in accordance with the Charter Provisions and state laws provided therefore.

Dated: February 23<sup>rd</sup>, 2022

/s/Russell Elston  
Russell Elston, City Manager

Published in the Sleepy Eye HERALD  
DISPATCH, Sleepy Eye, Minnesota, on  
March 3, 2022

ORDINANCE NO. 203

AN ORDINANCE ESTABLISHING TWICE SECOND ADDITION

WHEREAS, the City Council for the City of Sleepy Eye reviewed the plat for the adoption of Twice Second Addition.

WHEREAS, the City Council has approved the plat at the first reading and the second reading to adopt the plat for Twice Second Addition, City of Sleepy Eye.

NOW THEREFORE, the City of Sleepy Eye does ordain as follows:

Twice Second Addition, City of Sleepy Eye, is hereby adopted as an official plat within the City of Sleepy Eye.

Passed by the City Council for the City of Sleepy Eye, Minnesota, on April 12, 2022.

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Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on April 12, 2022, in accordance with the Charter Provisions and state laws provided therefore.

Dated: April 12, 2022

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Michelle Strate, City Clerk

Published in the Sleepy Eye HERALD  
DISPATCH, Sleepy Eye, Minnesota, on  
April 21, 2022

ORDINANCE NO. 204

AN ORDINANCE FOR SELLING REAL ESTATE TO JEFFREY AND CAITLYN PIETIG

WHEREAS, the City of Sleepy Eye is the owner of the property legally described as follows:

All of that certain vacated "ALLEY", lying South of Maple St SE, in Block 2 of Snow First Addition, City of Sleepy Eye, Brown County, Minnesota, as vacated by Ordinance \_\_\_\_\_, recorded \_\_\_\_\_ as document number \_\_\_\_\_ in the Office of the Brown County Recorder (hereinafter "Property").

WHEREAS, the Property above-described and being owned by the City of Sleepy Eye is of no use to the City, the City wishes to encourage its development, and it is in the best interest of the City that the Property be sold.

WHEREAS, Jeffrey Pietig and Caitlyn Pietig, spouses married to each other, wish to purchase the Property.

NOW THEREFORE, the City of Sleepy Eye does ordain that the Property, legally described as follows:

All of that certain vacated "ALLEY", lying South of Maple St SE, in Block 2 of Snow First Addition, City of Sleepy Eye, Brown County, Minnesota, as vacated by Ordinance \_\_\_\_\_, recorded \_\_\_\_\_ as document number \_\_\_\_\_ in the Office of the Brown County Recorder (hereinafter "Property");

shall be sold to Jeffrey Pietig and Caitlyn Pietig, spouses married to each other, as joint tenants, on the price and terms approved by the City. The Mayor and City Manager are authorized to sign the necessary Deed and related documents in order to transfer the Property.

The City shall retain a permanent easement over, under and across the Property, including but not limited to any and all utility easements, and City shall retain the right of ingress and egress over the Property as is reasonably necessary to and for the purpose of accessing the easement on said Property.

Passed by the City Council for the City of Sleepy Eye, on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on \_\_\_\_\_, 2022, in accordance with the Charter Provisions and state laws provided therefore.

Dated: \_\_\_\_\_, 2022

\_\_\_\_\_  
Michelle Strate, City Clerk

Published in the Sleepy Eye HERALD  
DISPATCH, Sleepy Eye, Minnesota, on  
\_\_\_\_\_, 2022

**Exhibit "A"**

That part of the Outlot A in Snow Second Addition, City of Sleepy Eye, Brown County, Minnesota, legally described as follows:

Commencing at the southeast corner of Outlot A in Snow Second Addition, City of Sleepy Eye, Brown County, Minnesota, as the point of beginning, thence west, along the south line of Outlot A, a distance of 230 feet; thence northeasterly a distance of 366.231 feet to a point on the east line of said Outlot A, said point being 285 feet north of the southeast corner of said Outlot A; thence south, along the east line of said Outlot A, a distance of 285 feet, to the point of beginning.

ORDINANCE NO. 205

AN ORDINANCE FOR SELLING REAL ESTATE TO MILLER SELLNER IMPLEMENT, INC.

WHEREAS, the City of Sleepy Eye is the owner of the property legally described as follows:

Please see attached Exhibit "A" (hereinafter "Property").

WHEREAS, the Property above-described and being owned by the City of Sleepy Eye is of no use to the City, the City wishes to encourage its development, and it is in the best interest of the City that the Property be sold.

WHEREAS, Miller Sellner Implement, Inc, a Minnesota corporation, wishes to purchase the Property.

NOW THEREFORE, the City of Sleepy Eye does ordain that the Property, legally described as follows:

Please see attached Exhibit "A" (hereinafter "Property").

shall be sold to Miller Sellner Implement, Inc, a Minnesota corporation, on the price and terms approved by the City. The Mayor and City Manager are authorized to sign the necessary Deed and related documents in order to transfer the Property.

The City shall retain any easements to the City that are pre-existing this Ordinance, including but not limited to any and all utility easements, and City shall retain the right of ingress and egress over the Property as is reasonably necessary to and for the purpose of accessing said easements on said Property.

Passed by the City Council for the City of Sleepy Eye, on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on \_\_\_\_\_, 2022, in accordance with the Charter Provisions and state laws provided therefore.

Dated: \_\_\_\_\_, 2022

\_\_\_\_\_  
Michelle Strate, City Clerk

Published in the Sleepy Eye HERALD  
DISPATCH, Sleepy Eye, Minnesota, on  
\_\_\_\_\_, 2022

**Exhibit "A"**

That part of the Outlot A in Snow Second Addition, City of Sleepy Eye, Brown County, Minnesota, legally described as follows:

Commencing at the southeast corner of Outlot A in Snow Second Addition, City of Sleepy Eye, Brown County, Minnesota, as the point of beginning, thence west, along the south line of Outlot A, a distance of 230 feet; thence northeasterly a distance of 366.231 feet to a point on the east line of said Outlot A, said point being 285 feet north of the southeast corner of said Outlot A; thence south, along the east line of said Outlot A, a distance of 285 feet, to the point of beginning.



ORDINANCE NO. 206

AN ORDINANCE AMENDING CITY CODE SECTION 9-1-4-A, RESIDENTIAL DESIGN STANDARDS - FOUNDATIONS”

WHEREAS, the City of Sleepy Eye has determined that amending City Code Section 9-1-4-A, “Residential Design Standards - Foundations” would be in the public interest.

NOW, THEREFORE, the City of Sleepy Eye ordains as follows:

City Code Section 9-1-4-A, “Residential Design Standards - Foundations” is hereby amended, in its entirety, to read as follows:

- A. Foundations: All houses shall be placed on a permanent lateral foundation and which complies with the Uniform Building Code as adopted in Minnesota, and which are solid for the complete circumference of the house. The requirement that the foundation be solid for the complete circumference of the house shall not apply if all of the following elements are met for the proposed structure:
1. The proposed structure is an addition to an existing residential home; and
  2. The proposed structure is not larger than Fifty Percent (50%) of the square footage of the main floor of the existing residential home; and
  3. The proposed structure has a permanent foundation which complies with the Uniform Building Code as adopted in Minnesota.

Passed by the City Council for the City of Sleepy Eye on June 14, 2022.

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Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on June 14, 2022, in accordance with Charter Provisions and State laws provided therefore.

Dated: June 14, 2022

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Michelle Strate, City Clerk

Published in the Sleepy Eye  
HERALD DISPATCH, Sleepy Eye,  
Minnesota, on \_\_\_\_\_, 2022.

**ORDINANCE NO. 207**

**AN ORDINANCE ESTABLISHING MILLER SELLNER SECOND SUBDIVISION**

WHEREAS, the City Council for the City of Sleepy Eye reviewed the plat for the adoption of Miller Sellner Second Subdivision, Brown County, Minnesota.

WHEREAS, the City Council has approved the plat at the first reading and the second reading to adopt the plat for Miller Sellner Second Subdivision, Brown County, Minnesota.

WHEREAS, the City is the current owner of the property within the plat, which is currently located outside of the city limits of the City of Sleepy Eye.

NOW THEREFORE, the City of Sleepy Eye does ordain as follows:

Miller Sellner Second Subdivision, Brown County, Minnesota, is hereby established and approved as an official plat by the City of Sleepy Eye, within Brown County, Minnesota.

Passed by the City Council for the City of Sleepy Eye, Minnesota, on July 12, 2022.

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Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on July 12, 2022 in accordance with the Charter Provisions and state laws provided therefore.

Dated: \_\_\_\_\_, 2022

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Michelle Strate, City Clerk

Published in the Sleepy Eye HERALD  
DISPATCH, Sleepy Eye, Minnesota, on  
\_\_\_\_\_, 2022.

ORDINANCE NO. 208

AN ORDINANCE ANNEXING Lot 2, Block 1, Haala's First Addition in the Southwest Quarter (SW<sup>1</sup>/<sub>4</sub>) of Section 32, Township 110 North, Range 32 West, Brown County, Minnesota.

WHEREAS, the City Council of the City of Sleepy Eye, pursuant to MSA Section 414.033 Subd 5, has received a Petition for Annexation from David M. Haala, as President of Haala Holdings, LLC, a Limited Liability Company governed under the laws of Minnesota, located at 1201 Hwy 4 S, PO Box 389, Sleepy Eye, MN 56085 (hereinafter Petitioner); and

WHEREAS, Petitioner is the sole owner of Lot 2, Block 1, Haala's First Addition in the Southwest Quarter (SW<sup>1</sup>/<sub>4</sub>) of Section 32, Township 110 North, Range 32 West, Brown County, Minnesota, which contains approximately 9.01 acres (hereinafter "Property"); and

WHEREAS, the City of Sleepy Eye (hereinafter "City") wishes to annex into the City the Property, which is urban and suburban in character and abuts upon the city limits of the City; and

WHEREAS, the Property is not presently included within the corporate limits of any incorporated city and is not in a flood plain or shore land area; and

WHEREAS, the City agrees to reimburse Home Township \$1,885.42 per year for the next two years for lost real estate taxes; and

WHEREAS, there being no objection from Home Township, and said Township have signed a Waiver of Objection to the annexation of the Property to the City and further waived the 90 days which they have to file an objection of said annexation as allowed per Minnesota Statute Section 414.033, subd. 5; and

WHEREAS, the Property is not presently served by municipal water supply system and municipal sewer system, and the Petitioner, at this time, wishes for the municipal sewer system services; and

WHEREAS, the City has determined that annexation is in the best interest of the City.

NOW, THEREFORE, the City of Sleepy Eye does ordain as follows:

SECTION ONE. The City Council hereby determines that the annexation will be to the best interest of the City and of the Property affected, that the Property described herein abuts upon the city limits and is urban or suburban in character, and that none of said Property is now included within the limits of any city and does not abut upon the limits of any other city.

SECTION TWO. The corporate limits of the City of Sleepy Eye are hereby extended to include the Property described as follows and the same is hereby annexed to and included within the City as effectually as if it had originally been a part hereof:

Lot 2, Block 1, Haala's First Addition in the Southwest Quarter (SW<sup>1</sup>/<sub>4</sub>) of Section 32, Township 110 North, Range 32 West, Brown County, Minnesota.

SECTION THREE. The City Clerk is hereby directed to file certified copies of this Ordinance with the Chief Administrative Law Judge, Secretary of State, Home Township Clerk, and the Brown County Auditor.

SECTION FOUR. This Ordinance takes effect upon its passage and publication and filing an approval of the Administrative Law Judge.

Passed by the City Council for the City of Sleepy Eye, Minnesota, on October 11, 2022.

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Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on October 11, 2022, in accordance with the Charter Provisions and state laws provided therefore.

Dated: October 11, 2022

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Michelle Strate, City Clerk

Published in the Sleepy Eye HERALD  
DISPATCH, Sleepy Eye, Minnesota, on \_\_\_\_\_,  
2022.

ORDINANCE NO. 209

AN INTERIM ORDINANCE IMPOSING A MORATORIUM ON THE SALE OF CANNABIS PRODUCTS

The City Council of the City of Sleepy Eye does ordain as follows:

ARTICLE I. Legislative Findings

- (a) There is a great deal of uncertainty regarding the effect of Minnesota Laws 2022, Chapter 98 amending Minnesota Statutes, section 151.72 (“Act”) to allow the sale of edible cannabinoid products (“Cannabis Products”) within the state.
- (b) Because the proposal to allow the sale of Cannabis Products received little publicity until the Act went into effect on July 1, 2022, the City of Sleepy Eye (“City”) did not have an opportunity to study and consider the potential impacts of the Act on the City. Nor did the City Council have sufficient time to engage in policy discussions regarding the regulations the City Council may elect to impose on the sale of Cannabis Products.
- (c) The Act authorizes the Minnesota Board of Pharmacy to enforce the Act, but the Act does not provide for any licensing of manufacturers or of those who sell Cannabis Products. The Act is also silent regarding the enactment of local regulations related to Cannabis Products.
- (d) The Legislature did not expressly prohibit or limit local regulations, and the regulations established in the Act clearly do not constitute the Legislature having occupied the field of regulation regarding the sale of Cannabis Products.
- (e) The City Council finds the uncertainties associated with sale of Cannabis Products, and the options for local regulation, compels the need for a study to develop information the City Council can rely on as it engages in policy discussions related to potential regulation of Cannabis Products through the adoption of licensing and zoning controls.
- (f) The City Council is authorized to adopt an interim ordinance “to regulate, restrict, or prohibit any use . . . within the jurisdiction or a portion thereof for a period not to exceed one year from the date it is effective.” *Minnesota Statutes Section 462.355, subdivision 4(a)*.
- (g) The City Council is also authorized as part of its general police powers to adopt business licensing requirements related to the sale of Cannabis Products.
- (h) The Minnesota Supreme Court in *Almquist v. Town of Marshan*, 245 N.W.2d 819 (Minn. 1976) upheld the enactment of a moratorium despite the lack of express statutory authority as being a power inherent in a broad legislative grant of power to municipalities. In most cases, the enactment of business licensing requirements is based on a city’s police powers, which is the broadest grant of power to cities. Inherent in that broad grant of authority is the power to

temporarily place a moratorium on a business activity to study and potentially implement licensing regulations on that business activity.

(i) There are both business licensing and zoning issues associated with the sale of Cannabis Products the City Council determines it needs time to study to consider the development and adoption of appropriate local regulations. In order to protect the planning process and the health, safety, and welfare of the residents while the City conducts its study and the City Council engages in policy discussions regarding possible regulations, the City Council determines it is in the best interests of the City to impose a temporary moratorium on the sale of Cannabis Products.

(j) At its regularly scheduled City Council Meeting on September 13, 2022, the City authorized a study regarding the impacts of Cannabis Products and on potential regulations of such products within the City.

#### ARTICLE II. Definitions.

For the purposes of this Ordinance, the following words, terms, and phrases shall have the meanings given them in this Article.

(a) “Act” means 2022 Minnesota Session Laws, Chapter 98 (H.F. No. 4065), amending Minnesota Statutes, section 151.72.

(b) “Cannabis Products” means Edible Cannabinoid Product and any other product that became lawful to sell for the first time in Minnesota effective July 1, 2022, as a result of the adoption of the Act.

(c) “City” means the City of Sleepy Eye.

(d) “City Code” means The Sleepy Eye City Code.

(e) “Edible Cannabinoid Product” has the same meaning given the term in Minnesota Statutes Section 151.72, subdivision 1(c).

#### ARTICLE III. Moratorium.

A moratorium is hereby imposed to prohibit any business, person, or entity from offering for sale or selling Cannabis Products to the public within the jurisdictional boundaries of the City. The City shall not accept, process, or act on any application, site plan, building permit, or other zoning approval for a business proposing to engage in the sale of Cannabis Products.

#### ARTICLE IV. Violations.

During the term of the moratorium, it is a violation of this Ordinance for any business, person, or entity to offer for sale, or to sell, Cannabis Products to the public within the City.

#### ARTICLE V. Exceptions.

The moratorium imposed by this Ordinance does not apply to the sale of medical cannabis or hemp products that were lawful to sell prior to the effective date of the Act.

ARTICLE VI. Enforcement.

A violation of this Ordinance shall be a misdemeanor. In addition, the City may enforce this Ordinance by injunction or other appropriate civil remedy in any court of competent jurisdiction.

ARTICLE VII. Effective Date and Term.

This Ordinance shall be effective 30 days after publication and shall have a term of 12 months. This Ordinance shall remain in effect until the expiration of the 12-month term, until it is expressly repealed by the City Council, or until the effective date of an ordinance amending the City Code to address the sale of Cannabis Products, whichever occurs first.

ARTICLE VIII. General Provisions.

(a) Not Codified. This Ordinance is transitory in nature and shall not be codified into the City Code.

(b) Severability. Every section, provision, and part of this Ordinance is declared severable from every other article, section, provision, and part thereof. If any article, section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other article, section, provision, or part of this Ordinance.

Passed by the City Council for the City of Sleepy Eye, Minnesota, on October 11, 2022.

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Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on October 11, 2022, in accordance with the Charter Provisions and state laws provided therefore.

Dated: October 11, 2022

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Michelle Strate, City Clerk

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