

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
JULY 13, 2020**

The Elysian City Council met in regular session on Monday, July 13, 2020 at City Hall at 6:00 pm.

Roll Call: Mayor Tom McBroom; Councilmembers Bobby Houlihan, Mary Opsahl, Dennis Schnoor, Bryan Suemnick; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald; Utility Clerk Nicole Lamont; City Attorney Jason Moran. Absent: None.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the minutes of the June 8, 2020 Regular Meeting as presented.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the agenda of the July 13, 2020 Regular Meeting with the following additions:

1. Discussion on Ordinance 73/12A
2. Park Committee Members

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

The purpose of the Public Hearing is to allow public input from citizens on proposed Ordinance #98/20 – An Ordinance Establishing Fees for Emergency Protection Fire Service.

This ordinance is necessary so that the City can bill for fire calls and for responding to motor vehicles accidents. The City will not bill to respond to medical calls. The rate will be \$750 per call. This rate is comparable with other similar sized Fire Districts.

There were no public comments. No written comments were received.

On motion by McBroom, seconded by Schnoor, all voting in favor, to close the public hearing and open the regular meeting at 6:04 pm.

Le Sueur County Deputy Matt Shouler reported that July has been a busier month in the City of Elysian. There is always an uptick in calls with the 4<sup>th</sup> of July due to fireworks but nothing major.

Public Comment: None.

The Council then considered Ordinance #98/20 – Establishing Fees for Emergency Protection Service.

The Ordinance was presented by Councilmember Schnoor and seconded by Councilmember Suemnick:

CITY OF ELYSIAN  
LE SUEUR COUNTY MINNESOTA  
AN ORDINANCE ESTABLISHING FEES  
FOR EMERGENCY PROTECTION FIRE SERVICE  
ORDINANCE NUMBER: 98/20

THE CITY COUNCIL FOR THE CITY OF ELYSIAN, MINNESOTA DOES HEREBY AND HEREIN ORDAIN:

SECTION 1. PURPOSES AND INTENT.

This ordinance is adopted for the purpose of authorizing the City of Elysian to charge for fire service as authorized by Minn. Stat. §366.011, 366.012 & 415.01.

SECTION 2. DEFINITIONS.

- (A) "Fire service" means any deployment of firefighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life or property in an area threatened by fire. It also includes the deployment of firefighting personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and rescue as may occasionally occur.
- (B) "Fire service charge" means the charge imposed by the City for receiving fire service.
- (C) "Motor vehicle" means any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes semi-trailers. It does include snowmobiles, all-terrain vehicles, utility vehicles, and the like.
- (D) "Fire protection contract" means a contract between the City and a town or other City for the City to provide fire service.
- (E) "Mutual aid agreement" means an agreement between the City and a town or other city for the City's fire department to provide assistance to the fire department of a town or other city.

SECTION 3. PARTIES AFFECTED.

- (A) Owners of property within the City who receive fire services.
- (B) Anyone who receives fire service as a result of a motor vehicle accident or fire within the City.
- (C) Owners of property in towns or cities to which the City provides fire service pursuant to a fire protection contract.

SECTION 4. RATES

Fire Call	\$750.00
Motor Vehicle Accident	\$750.00

SECTION 5. BILLING AND COLLECTION

- (A) Parties requesting and receiving fire services may be billed directly by the City. Additionally, if the party receiving fire services did not request services but a fire, motor vehicle accident, or other situation exists which, at the discretion of the fire department personnel in charge requires fire service, the party will be charged and billed. All parties will be billed whether or not the fire service is covered by insurance. Any billable amount of the fire charge not covered by a party's insurance remains the debt of the party receiving the fire service.
- (B) Parties billed for the fire service will have 90 days to pay. If the fire service charge is not paid by that time, it will be considered delinquent and the City will send a notice of delinquency.
- (C) If the fire service charge remains unpaid for 30 days after this notice of delinquency is sent, the City will use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service shall be liable for all collection costs incurred by the City including, but not limited to, reasonable attorney fees and court costs.
- (D) If the fire service charge remains unpaid for 30 days after the notice of delinquency is sent, the City Council may also, on or before October 15 of each year, certify the unpaid fire service charge to the county auditor in which the recipient of the service owns real property for collection with property taxes. The county auditor is responsible for remitting to the city all charges collected on behalf of the city. The City must give the property owner notice of its intent to certify the unpaid fire service charge by September 15.
- (E) False alarms will be billed as a fire call.

SECTION 6. MUTUAL AID AGREEMENT

When the City fire department provides fire service to another fire department pursuant to a Mutual Aid Agreement, the billing will be determined by the Mutual Aid Agreement.

SECTION 7. APPLICATION OF COLLECTION TO BUDGET

All collected fire charges will be city funds and may be used to offset the expenses of the City fire department in providing fire service as the City Administrator deems necessary.

SECTION 8. EFFECTIVE DATE

This ordinance shall become effective upon publication.

Upon vote being taken:

Councilmembers voting in the affirmative: McBroom, Opsahl, Schnoor, Suemnick.

Councilmembers voting in the negative: None.

Councilmembers Abstain: Houlihan.

Passed and adopted by the Council this 13<sup>th</sup> day of July, 2020

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Thomas McBroom, Sr., Mayor

ATTEST:

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Lorri Kopischke, City Administrator

Council then discussed the plantings at 182 Ridge Road NE. At their June 2020 Meeting, Council had discussed the alfalfa and other long grasses on this property and had directed staff to enforce the (6) six-inch maximum grass height on the property. The property owners, Jeremy and Tiffany Henninger were sent a letter to inform them of that decision on June 15, 2020.

On June 25, 2020, it was determined that the plantings on the property were longer than (6) six inches and a letter was sent to the property owner requesting that the property be mowed before July 1, 2020 or the City would mow the grass or hire it mowed, and present a bill to the property owner.

Emails in support of the native plantings were received from Craig Soupier, Minnesota Department of Natural Resources, Michael Schultz, Le Sueur Soil and Water Conservation District, and Holly Kalbus, Le Sueur County Environmental Resources.

Property Owners Jeremy and Tiffany Henninger submitted an email on July 1, 2020 and asked that the City Council reconsider their previous decision to enforce the (6) six-inch maximum grass height on their parcel. A planting list was submitted. The email states, "The prairie wildflower landscaping was professionally planted with 45 different native flowers and similar fauna as a means for erosion control, stabilization, and the natural look that is consistent with the surrounding area. In addition,

there is a cover crop that was planted to help stabilize the first year, which was cut and killed off. This is all part of the process to develop the natural look.”

Houlihan asked Henninger if he had the receipt for the plantings as the packing lists provided were vague and one called out a mix for 7 acres and the other a mix for 52.5 acres. Henninger stated he had the cancelled check and confirmed this was the seed that was used on his property.

City Attorney Moran stated the parcel is unique in that it is a 7-acre parcel and is located across the street from a wildlife habitat. The City ordinance regulates weed and grass over (6) six inches but does not address native plantings. The City could consider a native plantings ordinance. The other issue on the parcel is the alfalfa. Moran questioned if that was being used as a cash crop.

Henninger stated he did not want to harvest alfalfa. The alfalfa was growing there, and he did not have it completely tilled up because it is pretty and helps stabilize the ground. He stated he is mowing approximately (2) two acres around the house, shed and driveway and has planted (7) seven acres into prairie so he is not neglecting the yard completely.

Henninger stated there are smaller properties in the City with similar landscaping but they do not have (9) nine acres. He has hired and will continue to hire all the work done on the parcel professionally.

Houlihan stated that the pictures submitted by Henninger were gardens, not weeds, and all had a defined perimeter.

Suemnick noted that Craig Soupir, MN DNR, had commented that the natural vegetation on the Henninger parcel would benefit the lakes. The ordinance should be enforced but this is a unique property. There is a perimeter created by the road on the east side and the blacktop on the left and the south of the parcel. Suemnick stated the ordinance is meant more for smaller properties with abutting lawns.

Henninger stated this property has always been beans and corn. In 2018, he asked Fischer to discontinue planting those crops and it was planted to alfalfa for stabilization. He noted alfalfa is a native and Kalbus from Le Sueur County did not mind that alfalfa was mixed in with his prairie planting. He has \$10,000 in plantings on this parcel.

Opsahl stated it looks good and blends in with the area. The intention is good. She is not sure about enforcement of the ordinance.

Moran stated the Council could grant a variance based on the size of the parcel and the location. There are no other lots of 9 acres in the City and that are located next to a preserve. There is the question of maintenance. The Council could still look at a native planting ordinance.

On motion by Schnoor, seconded by Opsahl, to grant a variance to Jeremy and Tiffany Henninger, 182 Ridge Road NE, to allow native prairie plantings due to the follow findings of fact:

1. The size of the parcel – 9 acres, and
2. The parcel is located across the street from an existing aquatic management area.

And based on the following conditions:

1. That the plantings on the parcel be maintained to wildlife planting standards, and
2. That the plantings on the parcel be reevaluated after (2) two years.

Upon vote being taken:

Councilmembers voting in the affirmative: Houlihan, Opsahl, Schnoor, Suemnick.

Councilmembers voting in the negative: None.

Councilmembers Abstain: McBroom.

Passed and adopted by the Council this 13<sup>th</sup> day of July, 2020

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Thomas McBroom, Sr., Mayor

ATTEST:

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Lorri Kopischke, City Administrator

Staff provided an update on operations in regard to the Coronavirus COVID-19 Pandemic. It was noted that Governor Walz has extended the Peacetime Emergency until August 12, 2020 due to the increase in positive cases in Minnesota.

The City has received \$53,642 in Federal Coronavirus Relief Fund (CARES) Act Funding. The monies can be used as follows:

1. Necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID 19).
2. Costs not accounted for in the City's budget most recently approved as of March 27, 2020.
3. Performance or delivery must occur during the covered period, but payment of funds need not be made during that time. For cities, the covered period is March 1, 2020 to November 15, 2020.

Funds not expended must be returned to the City's home County (Le Sueur). Staff is determining which costs can be coded to the COVID 19 pandemic. It also may be possible to provide some assistance to local businesses in the form of grants. The Elysian Economic Development Authority will be discussing this.

Council considered the COVID-19 Preparedness Plan for the City of Elysian, Le Sueur County, Minnesota. The document is required to be in place for all cities in the State of Minnesota and had to be approved by June 29, 2020. As the Local Emergency Declaration is still active, the Mayor was able to approve and sign the Plan prior to June 29, 2020 without a special Council Meeting.

On motion by Schnoor, seconded by McBroom, all voting in favor, to approve the COVID-19 Preparedness Plan for the City of Elysian, Le Sueur County, Minnesota.

The Council approved Resolution 707/20 – Allowing Outdoor Cafés on May 28, 2020. The American Legion Post #311 was the only business who utilized the option to block off and have outdoor seating on public property and it was removed prior to the 4<sup>th</sup> of July. Schnoor stated that blocking off one half of Main Street in that area was very dangerous. He asked if the area could be reduced

to block off only the parking stall area of the street. He also questioned if it was necessary now that bars and restaurants are allowed indoor seating with proper social distancing in place.

Moran stated the outdoor cafés were only needed for the (2) two-week period that Governor Walz allowed only outdoor dining.

On motion by Houlihan, seconded by Schnoor, all voting in favor, to terminate Resolution 707/20 – Allowing Outdoor Cafés effective immediately.

Chris Cavett, SEH Engineering, presented a scope and fee proposal to assist the Elysian Park Board for Sunset Park & Trails Concept Plan Development.

SEH proposes to utilize available County GIS data (aerial, parcel, and LiDAR) to develop concept park and trail layouts. LiDAR elevation and contour data will be utilized to scaled drawings and to establish feasible trail alignments which are feasible to meet American Disabilities Act (ADA) requirements. The LiDAR data is not survey grade elevations but will be sufficient to establish trail alignments to construct to ADA requirements. The exhibits produced will be reviewed with the Elysian Park Board for comments and for their use to further the Park Board's concept planning.

SEH will then work back and forth with the Park Board through a couple of iterations to develop materials to further refine the park and trail concept plan. The work will be done and billed hourly. The actual time and number of iterations is dependent on interactions and feedback from the Park Board.

The current task, scope of work and fee estimate does not include looking at site specific improvements or cost estimates, such as gardens, play areas, facilities, or picnic areas. SEH can engage SEH landscape architects to assist with these types of items if the City and Park Board wish to explore site specific improvements further in design or with potential costs.

Fees for the proposed services outlined for Task 1 would be provided on an hourly basis, at the hourly rate of the individual providing the service. This cost is estimated to be \$4,000.

Houlihan stated the Park Board needs to start somewhere. Having a plan in place will be beneficial when applying for grants.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to accept the proposal from SEH Engineering for Engineering Services for the Sunset Park and Trails Concept Plan Development as per July 9, 2020 document.

Greenwald reported that the Minnesota Department of Health (MDH) has determined that the City of Elysian public water supply has met the requirements to return to reduced monitoring for bacteriological sampling. This will be quarterly testing rather than the current monthly testing. In addition, MDH will again cover the costs of analysis.

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

#### RESOLUTION NO. 712/20

#### RESOLUTION ESTABLISHING DATES FOR FILING AFFIDAVITS OF CANDIDACY

BE IT RESOLVED, by the Elysian City Council, State of Minnesota, as follows:

1. The period for filing affidavits of candidacy of the office of Mayor and Council shall begin on July 28, 2020 and shall close on August 11, 2020. An affidavit of candidacy must be

filed in the Office of the City Administrator and the \$2.00 filing fee paid prior to 5:00 p.m. on August 11, 2020.

2. The City Administrator is hereby authorized and directed to cause notice of said filing dates to be published in the official newspaper of the city, at least two (2) weeks prior to the first day to file Affidavits of Candidacy.
3. The Administrator is hereby authorized and directed to cause notice of said filing dates to be posted at the administrative office of the City of Elysian at least ten (10) days prior to the first day to file Affidavits of Candidacy.
4. The notice of said filing dates shall be in substantially the following form:

PUBLIC NOTICE

PUBLIC NOTICE OF FILINGS AFFIDAVITS OF CANDIDACY FOR THE  
CITY OF ELYSIAN, LE SUEUR AND WASECA COUNTIES, STATE OF MINNESOTA

NOTICE IS HEREBY GIVEN THAT the City Election will be held in the City of Elysian, Counties of Le Sueur and Waseca, State of Minnesota, on Tuesday, November 3, 2020, to fill the following Offices:

- Mayor – Two (2) year term
- Councilmember – Four (4) year term
- Councilmember – Four (4) year term

Affidavits of candidacy for the above offices may be filed at the Office of the Administrator at City Hall, located at 110 West Main Street between the hours of 8:00 am and 4:30 pm Monday through Friday starting on Tuesday, July 28, 2020 through Tuesday, August 11, 2020 ending on August 11, 2020 at 5:00 pm.

Filing will close at 5:00 p.m. on August 11, 2020. Filing fee: \$2.00

Adopted by the City Council of the City of Elysian this 13<sup>th</sup> day of July, 2020.

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

Councilmembers voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Suemnick.

Councilmembers voting in the negative: None.

Approved:

Attested:

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Tom McBroom, Mayor

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Lorri Kopischke, City Clerk/Administrator

The Council then considered Resolution #713/20 – Vacating City Street, Easements, and Pond Area. These vacations had previously been addressed with Resolution #705/20. Le Sueur County has requested further clarification as provided in the current Resolution #713/20.

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

CITY OF ELYSIAN, MINNESOTA  
RESOLUTION #713/20  
STATE OF MINNESOTA

COUNTY OF LE SUEUR  
RESOLUTION VACATING CITY STREET, EASEMENTS, AND POND AREA

THE CITY COUNCIL FOR THE CITY OF ELYSIAN, LE SUEUR COUNTY MINNESOTA, DOES  
HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the City Council for the City of Elysian met at its regularly scheduled meeting on July  
13, 2020; and

WHEREAS, the City Council discussed the vacation of Stanley Court, the pond area, and the  
easements identified on the survey attached hereto as Exhibit A; and

WHEREAS, the City has no need for those public areas as they are located in a minor subdivision  
previously approved by the City. Vacating the same will encourage development in the area.

WHEREAS, the City's Engineer, SEH Engineering, Inc., has approved of the same.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF ELYSIAN, LE  
SUEUR COUNTY, MINNESOTA, hereby vacates Stanley Court, the pond area, and the easements  
all identified on the survey attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the City Administrator and the City Attorney are hereby  
authorized to sign, record, and file any and all documents necessary to effectuate the intent of this  
Resolution.

Councilmembers voting in the affirmative: Houlihan, Opsahl, McBroom, Schnoor, Suemnick.

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian, Minnesota this 13<sup>th</sup> day of July, 2020.

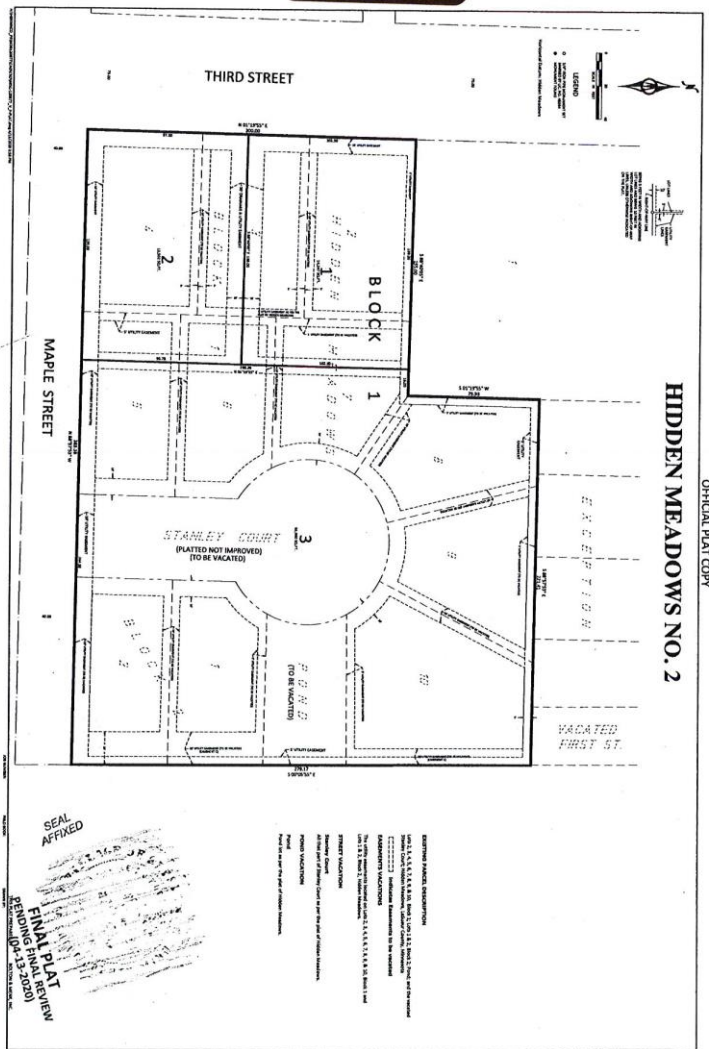
CITY OF ELYSIAN, MINNESOTA

\_\_\_\_\_  
Tom McBroom, Mayor

Attest:

\_\_\_\_\_  
Lorri Kopischke, City Administrator





At the June 8, 2020 Council Meeting, a Cedar Point / Kaplan resident had presented their frustrations with the availability of internet service in their area. Since that meeting, Jaguar Communications has submitted a Franchise Ordinance for Council consideration.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to set a Public Hearing for August 10, 2020 at 6:00 pm for consideration of Ordinance #99/20 – Granting a Franchise to Jaguar Communications, Inc. to Maintain a Cable Communications System in the City of Elysian, Minnesota; Setting forth Conditions Accompanying the Grant of the Franchise; Providing for Regulation and Use of the System; and Prescribing Penalties for the Violation of its Provisions.

On motion by Houlihan, seconded by McBroom, all voting in favor, to approve the West Central Garbage Refuse and Recycle Contract October 2020-2023.

On motion by McBroom, seconded by Houlihan, all voting in favor, to schedule a Budget Workshop Meeting for Monday, July 27, 2020 at 6:00 pm.

The City has received a reimbursement from the State of Minnesota for expenses incurred to administer the 2020 Presidential Nomination Primary in the amount of \$1,423.13.

Potential Unlimited and LCDS will close effective July 15, 2020 due to COVID-19 restrictions.

Councilmembers received an All Traffic Solutions Compliance and Risk Report with data gathered by the radar speed sign on County Road 11 for traffic traveling southbound. The data supports the effectiveness of the use of the radar speed sign.

Park Board Member Lamont presented a quote for (2) two ADA compliant picnic tables for Sunset Park from St. Croix Recreation in the amount of \$2,045.08.

On motion by McBroom, seconded by Opsahl, all voting in favor, to approve a quote for (2) two ADA compliant picnic tables for Sunset Park from St. Croix Recreation in the amount of \$2,045.08.

Schnoor reported that the Park Board needs to recruit a new member. He asked if the Park Board appoints the member or if the Council does that. Moran stated the Park Board recommends and the Council appoints. A notice of the vacancy will be posted to Facebook.

City Attorney Moran presented an email discussion he had with Paul Hansen, District 9 Supervisor Parks and Trails, regarding conveyance of the wayside rest and alley properties to the City. Moran suggested the City may want to pursue a collective maintenance agreement with the City owning the Wayside Rest building and property and the DNR owning the parking lot.

Opsahl stated she would like to solicit input from the City residents. She believes the wayside rest is an asset to the City and important to the tourism of the City of Elysian. They are fixing the trail now and that building provides a place for people to rest and use decent bathrooms. She suggested residents may be willing to put their talents and energy into the remodel and update of the building. Also, a donation box for remodel may be well received.

Houlihan suggested that the Wayside Rest only be open for summer months. That would reduce costs. He stated that people on the trail travel here because of the Wayside Rest and it is good for City businesses. It would be a one-time cost to upgrade to ADA standards.

Greenwald stated the Wayside Rest is a huge asset to the City. The upgrade to ADA standards may be over \$10,000. After that there is not a ton of maintenance. And it is important to the City.

There was Council consensus to let people know that the Council is considering acquiring the wayside rest and ask for their opinions. A poll will be placed on Facebook.

On motion by Opsahl, seconded by Suemnick, all voting in favor, bills, payroll, and transfers were approved in the amount of \$92,952.29.

Public Comment: None.

Suemnick stated that he believed Ordinance 73/12A is being enforced incorrectly. He questioned if the City's intent is to limit trees in the boulevard or in the right of way.

Following discussion, there was a motion by McBroom, seconded by Schnoor, all voting in favor, to refer Ordinance 73/12A to the Planning and Zoning Commission for clarification.

On motion by McBroom, seconded by Houlihan, all voting in favor, to adjourn the meeting at 7:33 pm.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator