

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
JANUARY 9, 2017**

The Elysian City Council met in regular session on Monday, January 9, 2017, at City Hall at 6:00 pm.

City Attorney Moran gave the oath of office with Mayor Clinton Stoen and Council Persons Robert Houlihan, Tom McBroom, and Mary Opsahl answering.

Roll Call: Mayor Clinton Stoen; Councilmembers Mary Opsahl, Robert Houlihan, Dennis Schnoor, and Tom McBroom; Public Works Director Ron Greenwald; and City Attorney Jason Moran.

Absent: City Administrator Lorri Kopischke and City Utility Clerk Nicole Lamont.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the minutes of the December 12, 2016 Regular Meeting and the December 28, 2016 Special Meeting as presented.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the agenda of the January 9, 2017 meeting with the following additions/changes:

1. Add: LeSueur County Sheriff David Tietz
2. Add: LeSueur County Commissioner Steven Rohlfling
3. Mayor Stoen will present Administrative Update.

Public Comment: None.

Commissioner Rohlfling reported the LeSueur County 2017 Levy has been approved with a 4.5% increase. He attributed the increase to payments for bond indebtedness, increased insurance and employee costs, and the new law enforcement center. He stated the County is involved in a septic system survey of properties on area lakes. The inspection will be free of charge and the owners will have until 2022 to make any required repairs. Rohlfling complimented the appearance of Elysian and thanked the Council for keeping the community strong.

Sheriff Tietz thanked the Council for all they do. He noted there had been some speeding issues on State Highway 60. The speed trailer was located on the highway and several traffic stops were made. Tietz reported on new hire Thelemann, a successful drug arrest in the county by Minnesota River Valley Drug Task Force, and the progress on the new law enforcement center. Lastly, the County is working on aquatic invasive species enforcement funding for the upcoming season.

Council asked if it would be possible to get a permanent solar blinking speed sign on State Highway 60. Tietz stated he would check with the Minnesota DOT on this and report back to the Council.

Council asked about placing a prescription disposal box at City Hall. Tietz reported he had checked into this extensively for the City but there are strict restrictions and the City was not approved because the container would not be monitored 24/7.

On motion by Stoen, seconded by Schnoor, all voting in favor, the following designation was approved:

- Regular Council meeting date and time: Second Monday of each month at 6:00 pm unless otherwise designated.

On motion by Schnoor, seconded by McBroom, all voting in favor, the following designations were approved:

- Mayor Pro Tem – Mary Opsahl
- Official Depository – Elysian Bank and Northland Securities

- Official Publication – Elysian Enterprise
- Legal Counsel – Jason Moran, Law Firm of Christian, Keogh, Moran & King – Criminal and Civil
- Auditor – Burkhardt & Burkhardt, Ltd.

On motion by McBroom, seconded by Houlihan, all voting in favor, the following designations were approved:

- Planning and Zoning  
Member from Council – Mayor Clinton Stoen – 1 year term  
Member from Public – Shawn Anderson – 3 year term
- EDA  
Member from Council – Mary Opsahl – 1 year term  
Member from Council – Tom McBroom – 1 year term  
Member from Public – Steve Ritchison – 6 year term  
Administrator – Lorri Kopischke – 1 year term
- Park Committee  
Member from Council – Robert Houlihan – 1 year term  
Member from Council – Dennis Schnoor – 1 year term  
Member from Staff – Ron Greenwald – 1 year term  
Member from Staff – Nicole Lamont – 1 year term

On motion by Houlihan, seconded by McBroom, all voting in favor, the following designations were approved:

- WEM Community Education Advisory Board – Tom McBroom – 1 year term
- Elysian Representative to the MVCOC General Assembly – Clinton Stoen – 1 year term
- Fire Relief Association  
Member from Council – Dennis Schnoor – 1 year term  
Member Appointed – City Administrator Lorri Kopischke – 1 year term
- Joint Fire Board Representative – Clinton Stoen

On motion by Stoen, seconded by McBroom, to appoint Richard Droog as Emergency Management Director. Voting on the motion: Aye: McBroom, Stoen. Nay: Houlihan, Opsahl, Schnoor. Motion failed.

On motion by Schnoor, seconded by Stoen, all voting in favor, the following Fire Department Chief appointments were approved:

- Chief – Jason James
- First Assistant Chief – Mark Muellerleile
- Second Assistant Chief – Eric Muellerleile

Public Works Director Ron Greenwald presented a bill from Hydro Klean in the amount of \$5,400 for sealing seven (7) defective/leaking manholes and one (1) lift station in the City. He reported that Hydro Klean had sealed them but 50% of them were not sealed enough and are leaking. City Engineer Cavett has suggested an amount of \$2,400 be paid and the remainder withheld until such time as the work is performed to City standards. Hydro Klean has agreed to return in the spring and complete the work.

There was Council consensus that the bill should not be paid until the work done is satisfactory and as promised. On motion Stoen, seconded by McBroom, all voting in favor, to table payment to Hydro Klean in the amount of \$5,400 dependent on successful completion of the job.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 558/17  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN FIRE RELIEF ASSOCIATION**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$3,000.00 from the Elysian Fire Relief Association - \$1,790.00 for purchase of a Sound System and \$1,210.00 for Accessories (lights, sirens) for the new trucks;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT:** the City Council of the City of Elysian acknowledges and accepts a donation from the Elysian Fire Relief Association - \$1,790.00 for purchase of a Sound System and \$1,210.00 for Accessories (lights, sirens) for the new trucks.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 9<sup>th</sup> day of January 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

City Attorney Jason Moran stated that Ordinance #2 – An Ordinance Relating to the City of Elysian Water System, Regulating Use and the Manner of Use of the City Waterworks, and Regulating Excavations in Public Street for Water Connections and for any Other Purposes, is archaic and highly difficult to implement. Moran will be working with staff to revise the Ordinance and he asked the Council to set a public hearing to consider an amendment to Ordinance #2 for a meeting in February.

On motion by Stoen, seconded by Houlihan, all voting in favor, to set a public hearing for Monday, February 13, 2017 at 6:15 pm to consider an amendment to Ordinance #2 – An Ordinance Relating to the City of Elysian Water System, Regulating Use and the Manner of Use of the City Waterworks, and Regulating Excavations in Public Street for Water Connections and for any Other Purposes.

Councilmembers will be contacted regarding a date for a goal setting work session.

The Council acknowledged a thank you from the Lake Francis Association for all the help in the 2016 year with Watercraft Inspections on Lake Francis. They also thanked Heather Hering and

Randy Tuma who worked as the Level 1 Watercraft Inspectors. The Association reported that there was no evidence of a new infestation on Lake Francis in 2016.

On motion by McBroom, seconded by Houlihan, all voting in favor, bills, payroll and transfers were approved in the amount of \$38,660.16.

Public Comment: None.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned to closed session to discuss employee labor negotiations and purchase of property at 6:26 pm.

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

Stoen stated that during the closed session there was Council consensus to authorize the City Administrator to negotiate a purchase price for the sale of land and report back to the Council. Also, there was Council consensus to talk to the individuals being considered for appointment as Emergency Management Director and invite them to the discuss the appointment in closed session at the February 13, 2017 City Council Meeting.

On motion by Stoen, seconded by Houlihan, all voting in favor, to adjourn the meeting at 6:49 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
FEBRUARY 13, 2017**

The Elysian City Council met in regular session on Monday, February 13, 2017, at City Hall at 6:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan, Tom McBroom, Mary Opsahl, and Dennis Schnoor; City Administrator Lorri Kopischke; City Utility Clerk Nicole Lamont (arrived at 6:02 pm); and City Attorney Jason Moran. Absent: Public Works Director Ron Greenwald.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the minutes of the January 9, 2017 Regular Meeting as presented.

City Utility Clerk Lamont arrived at 6:02 pm.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the agenda of the February 13, 2017 meeting with the following addition:

1. Brent Kavitz and son Dillon Kavitz attending for a scouting achievement requirement.

Public Comment: None.

The Council welcomed Dillon Kavitz to the meeting. Dillon introduced himself and shook hands with all Councilmembers, City Administrator, and City Attorney.

Jeff Bertram and James Handt, West Central Sanitation, were present to discuss city clean-up options. The Council would have the choice of providing a curbside clean-up or a clean-up where items are brought to a central location. They could offer one or two clean-ups per year.

It was noted that the 2016 fall clean-up at the Lake Francis Park by West Central cost the City approximately \$352. West Central did not charge for their services. The only cost was for disposal of the waste, appliances, electronics, etc. The cost for a curbside clean-up may be as high as \$1,200 to \$1,500 but there is a chance of better participation. One option to offset the cost is to charge all who participate a flat fee of \$25. Residents would also purchase a tag for their appliances, electronics, etc.

The Council suggested polling the residents to determine the interest in a curbside clean-up. The options will be considered and a decision will be made at the March 13, 2017 Council Meeting.

On motion by Stoen, seconded by Schnoor, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:20 pm.

The purpose of the public hearing is to discuss changes and address all comments related to an amendment to Ordinance #2 – Amended: An Ordinance Relating to the City of Elysian Water System, Regulating the Use and the Manner of Use of the City Waterworks, and Regulating Excavations in Public Street for Water Connections and for Various Other Water Related Purposes.

Kopischke explained the proposed changes to Ordinance #2 are as follows:

Section 20. Water Policy

#6. During the months of April through October, any utility bill that is considered delinquent for three (3) months will receive a ten (10) day notice by mail stating that one-third of the bill must be paid by the stated time or the water service to the property will be shut off at the curb stop. If payment is not received by the due date, the water service is shut off. The water service will remain disconnected until such time as one-third of the balance due is received plus a \$50 reconnection fee.

In November, any utility bill that is considered delinquent for three (3) months will receive a ten (10) day notice by mail stating the bill must be paid by the stated time or the bill will be placed on the property taxes of the following year, after City Council approval.

And:

#8. All residences or businesses wishing to have their water service temporarily stopped in the Fall shall contact the City Administrator for shut off of the water service at least five (5) business days prior to the desired shut off day. The City will then turn the service off at the curb stop. The homeowner is fully responsible and liable for the service line and any infrastructure from the curb stop to the home and additionally responsible for all infrastructure inside the home. The city will not be responsible for draining pipes or the winterizing of lines. In the event of freezing conditions, the homeowner is fully and completely liable and responsible for any damage done to the service line and any infrastructure from the curb stop to the home. In the Spring, when the homeowner desires to have the water service restored to the home, the homeowner shall contact the City Administrator at least five (5) business days prior to the turn on date. The City will then send out a public works worker to have the utility service restored, however, the homeowner must be on site for the turn on event or have a licensed plumber there to verify completion in the event that the homeowner is unavailable to attend. Anyone tampering with the City Water Works are in violation of Ordinance #2 Regulating the Use and the Manner of Use of City Water Works.

Kopischke reported that the City Council had approved the change to item #6 in 2014 but the Ordinance had never been formally amended. The change to #8 was discussed by the City Council in-depth at the December 28, 2016 meeting and was approved at that time.

There was no public comment and no written comments were received.

On motion by Stoen, seconded by McBroom, all voting in favor, to close the Public Hearing at 6:25 pm and open the Regular Meeting.

Mayor Stoen presented the Ordinance Amendment with Summary Publication and was seconded by Councilmember Houlihan.

CITY OF ELYSIAN  
ORDINANCE #2  
Amended

AN ORDINANCE RELATING TO THE CITY OF ELYSIAN WATER SYSTEM, REGULATING THE  
USE AND THE MANNER OF USE OF THE CITY WATERWORKS, AND REGULATING  
EXCAVATIONS IN PUBLIC STREETS FOR WATER CONNECTIONS AND FOR VARIOUS OTHER  
WATER RELATED PURPOSES.

THE CITY COUNCIL OF THE CITY OF ELYSIAN, LESUEUR AND WASECA COUNTIES,  
MINNESOTA, HEREBY ORDAINS AS FOLLOWS:

SECTION 1. MUNICIPAL WATER SYSTEM.

The City of Elysian municipal water system, hereinafter called the water system, shall be operated as a public utility and convenience, from which revenue will be derived, subject to the provisions of this ordinance.

SECTION 2. USE OF WATER RESTRICTED TO AUTHORIZED PERSONS.

No person, firm or corporation shall make, construct or install any water service installation or make use of any water service which is connected to the water system except in the manner provided in this ordinance.

### SECTION 3. CONNECTION PERMIT REQUIRED

No connection shall be made to the city water system, or any repair or modification of the connection, unless the City of Elysian has issued a permit therefore. Application for a permit shall be made at the office of the City Administrator on a form furnished by the city by the owner of the premises sought to be connected. The application shall, among other things, state the name of the owner, the street address, the kind of service desired and the application must bear the signature of the applicant. The duly completed and signed application must be accompanied by payment of all connection fees and charges before the same shall be considered by the City Administrator's Office.

### SECTION 4. CODE REQUIREMENTS.

All piping, connections and appurtenances shall be installed and performed strictly in accordance with the Minnesota Plumbing Code. Failure to install and maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the city, be grounds for termination of water service to any water consumer.

### SECTION 5. DEFICIENCY OF WATER AND SHUTTING OFF WATER.

The City shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs of connections, or from any other cause whatsoever. In case of fire, or alarm of fire, or in making repairs, or construction of new works, water may be shut off at any time and kept shut off as long as is necessary.

### SECTION 6. SINGLE METERED SERVICE

No more than one residence or business building shall be supplied from one service connection or lead for either water or sewage services; any garage portion of the residence or business building may be serviced from the connection or lead and the same shall then continue to constitute a single metered service. In the case of multiple dwelling units where the owner desires more than one meter installed on a single service, written request shall be made for approval to the City Administrator with the Department of Public Works inspecting and approving the multiple meters.

### SECTION 7. TAPPING OF MAINS.

No person except persons employed or authorized by the City shall tap any distributing main or pipe of the water system, unless approval is given by the City Water Supervisor.

### SECTION 8. REPAIR OF LEAKS AND INSTALLATION AND MAINTENANCE OF SERVICE.

It shall be the responsibility of the consumer or owner to install, under the supervision of the City, or to pay for all installation costs from the main, and to maintain the service pipe from main to the shut off. In case of failure upon the part of any consumer or owner to repair any leak occurring in the pipe within twenty four (24) hour after verbal or written notice thereof, the water will be shut off. When the waste of water is great, or when damage is likely to result from the leak, the water may be turned off immediately pending repairs.

### SECTION 9. SERVICE PIPES.

Every service pipe must be laid sufficiently waving to not allow less than one foot of extra length and in such manner as to prevent rupture by settlement. The service pipe must be placed no less than seven feet below the surface and in all cases so arranged as to prevent rupture by freezing. Service

pipes must extend from the curb box to the inside of the building; or, if not taken into a building, then to the hydrant or other fixtures which it is intended to supply. Type K Copper tubing shall be used up to and including two inch service. All underground joints to be mechanical joints on copper tubing shall be kept to a minimum, which not more than one joint used for service up to 70 feet in length. All joints and connections shall be left uncovered until inspection by the City Water Supervisor and tested at normal water line pressure. All services over two inch shall be ductile iron or water main PCV pipe. Connections with the mains for domestic supply shall be at least one (1) inch.

#### SECTION 10. PRIVATE WATER SUPPLIES.

No water pipe of the water system shall be connected with any pump, well, tank, or piping that is connected with any other source of water supply.

#### SECTION 11. USE CONFINED TO PREMISES.

No person shall permit water from the water system to be used for any purpose except upon his own premise unless written consent is obtained from neighbors being affected.

#### SECTION 12. CONNECTIONS BEYOND CITY BOUNDARIES.

The City of Elysian will not supply any unmetered water as of date of acceptance of ordinance, no additional water users will be serviced outside the city limits.

#### SECTION 13. RESTRICTIONS AGAINST SPRINKLING AND OTHER LIMITATIONS OF WATER USE.

All water customers and regulations promulgated by the City Council as limitations in the time and manner of using water and such other applicable regulations promulgated by the City Council affecting the preservation, regulation, and protection of the water supply. At no time may the Elysian Fire Department use or provide water to any property in city limits or outside city limits without prior approval from City Hall. In case of a fire emergency, Fire Department Personnel have the authority to obtain water from city hydrant for purposes of firefighting.

#### SECTION 14. DAMAGE TO THE WATER SYSTEM

No person shall remove or damage any structure, appurtenance, or property of the water system. It is unlawful for any person to willfully or carelessly break, injure, mar, deface, disturb, or in any way interfere with any buildings, attachments, machinery, apparatus, equipment, fixture, or appurtenance of any municipal utility or municipal utility system, or commit any act tending to obstruct or impair the use of any municipal utility.

#### SECTION 15. EXCAVATIONS AND WATER CONNECTIONS.

No excavation for the purpose of water connection, or for any other purpose whatsoever, shall be made except upon application to City Hall and after a permit has been duly issued therefore. Any such excavation and any water connection, tapping or curb box installation, shall be made only by persons who have been approved by the City Administration and all costs thereof from the main, including taping, shall be paid for by the person requiring such excavation, either for water use or otherwise. Restoration of any street or public way in which any such excavation is applied for or is made, will be paid by the person requiring the excavating. Restoration quotes will be obtained by the Water Supervisor in order to meet qualifications set by the City Council. For those who desire to be approved for such work may be required to obtain a bond before any person or firm is designated. Each curb stop shall be placed at the city property line.

## SECTION 16. WATER METERS AND HYDRANTS.

Except for extinguishment of fires, no person, except authorized city employees shall use water from the water system or permit water to be drawn therefrom, unless the same be metered by passing through a meter supplied or approved by City personnel. No person, shall connect, disconnect, take apart, or in any manner change, or cause to be changed, or interfere with any such meter or the action thereof. Water Hydrants will be flushed monthly during the summer months on the authority of the Water Superintendent.

## SECTION 17. WATER RATES AND CHARGES.

The Council may, from time to time, set rates by resolution. Such rates shall become effective upon publication of such resolution once in the official newspaper. Water billings will be billed monthly. Payment must be made by the fifth day of each month, except when those occasions on which the fifth day of the month falls on a weekend or legal holiday whereupon the due date shall then be extended to the end of the next working business day.

Payment of all municipal utility service and charges shall be the primary responsibility of the owner of the premises served and shall be billed to him or her unless otherwise contracted for and authorized in writing by the owner and the tenant, as agent for the owner, and consented to by the City.

Each account is hereby made a lien upon the premises served. All accounts which are past due may be certified by the City Administrator to the County Auditor, when authorized by resolution of the City Council, for certification against the tax rolls of the premises for collection of the same. The City Administrator in so certifying shall specify the amount thereof, the description of the premises served, and the name of the owner thereof.

## SECTION 18. RIGHT OF ENTRY.

By applying for or receiving a municipal water service, a customer irrevocably consents and agrees that any city employee acting within the course and scope of his or her employment may enter into and upon the private property of the customer, including dwellings and other buildings, at all reasonable times under the circumstances, for the purpose of inspecting, repairing, reading meters, connecting or disconnecting the municipal water service.

## SECTION 19. DISCONTINUANCE OF SERVICE FOR VIOLATIONS.

Water service may be shut off at any stop box connection whenever:

1. The owner or occupants of the premises served or any person working on any pipes or equipment thereon which are connected with the water system has violated or threatens to violate any of the provisions of this ordinance.
2. Any charge for water service, meter or financial obligations imposed on the present or former owner or occupant of the premises served is unpaid.
3. Fraud or misrepresentation by the owner or occupant of the premises served in connection with an application for service.

## SECTION 20. WATER POLICY.

1. All residences or businesses in or out of the City limits using the water service or with water service available must pay an availability charge even though their water may be turned off for any amount of time. The availability charge is the minimum water bill.

An availability charge is charged to all meter hookups. Availability charge rates will be updated periodically upon City Council approval. An availability charge is billed monthly to all meter hookups as part of the monthly utility billing. Availability charges are placed on billings whether meter is in the building or has been removed or whether or not water usage is occurring. If a business or home has been destroyed or removed, the availability charge will be discontinued until which time the house or business has been replaced. No availability charge will be made to developed property when water is not directly available to property.

2. All property owners serviced by the city water system, must purchase a remote meter. Charge will be made for the cost of the remote and for the installation. A second meter may be purchased at a rate set by the City Council. The Second Meter will be used for lawn watering, car washing and other uses not considered primary usage. The meter will be installed by a licensed plumber. Water usage will be charged at the regular rate, with gallonage being subtracted from sewer usage charge.
3. All meters must be kept in good working condition. If repairs are needed to the meters, due to neglect of owner or person occupying residence or business, said repairs will be billed to the owner of residence.
4. It is a violation to refuse entry to city personnel for the purpose of inspection of meters. Anyone refusing to allow the city employees entry shall be subject to having their water turned off.
5. Non-payment of sanitary sewer, garbage, and water on rental property is the responsibility of the property owner. All owners of rental property will receive a copy of the monthly billing sent to the renter.
6. During the months of April through October, any utility bill that is considered delinquent for three (3) months will receive a ten (10) day notice by mail stating that one-third of the bill must be paid by the stated time or the water service to the property will be shut off at the curb stop. If payment is not received by the due date, the water service is shut off. The water service will remain disconnected until such time as one-third of the balance due is received plus a \$50 reconnection fee.

In November, any utility bill that is considered delinquent for three (3) months will receive a ten (10) day notice by mail stating the bill must be paid by the stated time or the bill will be placed on the property taxes of the following year, after City Council approval.

7. Residences and businesses will be billed separately unless business and residence is housed within the same building.
8. All residences or businesses wishing to have their water service temporarily stopped in the Fall shall contact the City Administrator for shut off of the water service at least five (5) business days prior to the desired shut off day. The City will then turn the service off at the curb stop. The homeowner is fully responsible and liable for the service line and any infrastructure from the curb stop to the home and additionally responsible for all infrastructure inside the home. The city will not be responsible for draining pipes or the winterizing of lines. In the event of freezing conditions, the homeowner is fully and

completely liable and responsible for any damage done to the service line and any infrastructure from the curb stop to the home. In the Spring, when the homeowner desires to have the water service restored to the home, the homeowner shall contact the City Administrator at least five (5) business days prior to the turn on date. The City will then send out a public works worker to have the utility service restored, however, the homeowner must be on site for the turn on event or have a licensed plumber there to verify completion in the event that the homeowner is unavailable to attend. Anyone tampering with the City Water Works are in violation of Ordinance #2 Regulating the Use and the Manner of Use of City Water Works.

9. It is unlawful for any person to make any connection with any municipal utility system without first having applied for and received permission from the City Administrator to make the same.
10. It is unlawful for any person to turn on or connect a utility when the same has been turned off or disconnected by the city for non-payment of a bill, or for any other reason, without first having obtained a permit to do so from the City Administrator.
11. It is unlawful for any person to "jumper" or by means or device fully or partially circumvent a municipal utility meter, or to knowingly use or consume unmetered utilities or use the services of any utility system, the use of which the proper billing authorities have no knowledge.

#### SECTION 21. PENALTY

Any violation of this ordinance is a misdemeanor punishable by a fine of not more than \$1,000.00 and/or ninety days in jail.

The Ordinance was presented by Mayor Stoen, seconded by Councilmember Houlihan with the following vote being taken:

Voting Yes: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Voting No: None.

Adopted by the Elysian City Council of the City of Elysian, Minnesota, the 13<sup>th</sup> day of February, 2017 and will be in effect upon Summary Publication.

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Clinton Stoen, Mayor

Attest:

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Lorri Kopischke, Clerk Administrator

Kopischke reported Sheriff Tietz had provided information regarding the application process with MNDOT for placement of a Dynamic Speed Display Sign on State Highway #60. Sample pricing of the signs and also a study discussing the effectiveness of the signs was then presented to the Council. Council will take the information under consideration.

Kopischke provided an update on FEMA activities. The City has submitted request for reimbursement in five categories. Two of the five categories have been approved at this time. No firm dollar amounts are available but should be provided to the Council at the March Meeting.

On motion by Stoen, seconded by McBroom, all voting in favor, to set a goal setting workshop for Monday, February 27, 2017 at 6:00 pm.

A reminder that the Le Sueur County Governmental Officials Meeting will be held on Wednesday, February 22, 2017, at the Le Center American Legion – Meal 6:30 pm, Meeting 7:00 pm.

On motion by McBroom, seconded by Stoen, all voting in favor, bills, payroll and transfers were approved in the amount of \$244,994.68.

Public Comment: None.

On motion by Stoen, seconded by Schnoor, all voting in favor, meeting adjourned to closed session to discuss employee labor negotiations and purchase of property at 6:35 pm.

On motion by Stoen, seconded by McBroom, all voting in favor, to reopen the meeting at 7:20 pm.

On motion by Stoen, seconded by McBroom, to appoint Richard Droog as Emergency Management Director.

McBroom stated he would like to see John Roessler stay on, possibly in an assistant role to help Droog with the training and making contacts for the position.

Stoen stated that Roessler had agreed to do that, he thought Roessler would be very good at that, and that the City does need him to do that.

A Co-director situation was suggested but this had not been discussed with Roessler or Droog.

Voting on the motion: Aye: McBroom, Stoen. Nay: Houlihan, Opsahl, Schnoor. Motion failed.

Stoen stated it was unfortunate that the Council could not reach a consensus. Minnesota Statute 12.25 Local Organizations; Directors, Duties. Subdivision 1. Political subdivisions; director, responsibilities states: "...Each local organization for emergency management must have a director appointed forthwith: in a city by the mayor..."

That being said, Mayor Stoen then appointed Richard Droog as Emergency Management Director for the City of Elysian.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 7:23 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
EMERGENCY MEETING  
FEBRUARY 22, 2017**

The Elysian City Council met in emergency session on Wednesday, February 22, 2017, at City Hall at 5:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan and Dennis Schnoor; City Administrator Lorri Kopischke; and Public Works Director Ron Greenwald. Absent: Councilmembers Tom McBroom and Mary Opsahl.

Kopischke reported that the US Department of Housing and Urban Development (HUD) has accepted the City of Elysian's bid for the property located at 206 East Main Street R16.440.0700, in the amount of \$50,000. This emergency meeting was called to determine if the Council would like to proceed with, and authorize the purchase of this parcel at that price. HUD requires that the sales contract be signed and returned within 48 hours of the acceptance of a bid.

Resolution #559-17 was presented for consideration if the Council approves proceeding with the bid.

Following considerable discussion, on motion by Houlihan, seconded by Stoen, all voting in favor, to withdraw the City of Elysian bid in the amount of \$50,000 for the property located at 206 East Main Street R16.440.0700, and submit a new bid for the property in the amount of \$30,875.

Greenwald reported that the motor on the Ford 550 Pickup Truck is totally sludged up and non-operable. The two options available are: 1. Have the engine cooked out and install new main bearings. The cost is \$10,000 with a 12-month warranty. 2. Install a new engine with updates. The cost is \$8,500 with a 3-year factory warranty.

The truck is 11 years old and has 62,000 miles. To purchase a similar truck would cost at least \$48,000. The truck is used a lot to haul rock, and to plow and haul snow.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to install a new motor in the amount of \$8,500 in the Ford 550 Pickup Truck.

On motion by Stoen, seconded by Houlihan, all voting in favor, to adjourn the meeting at 5:40 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
MARCH 13, 2017**

The Elysian City Council met in regular session on Monday, March 13, 2017, at City Hall at 6:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan, Tom McBroom, and Dennis Schnoor; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald; City Utility Clerk Nicole Lamont; and City Attorney Jason Moran. Absent: Councilmember Mary Opsahl.

On motion by McBroom, seconded by Houlihan, to approve the minutes of the February 13, 2017 Regular Meeting and February 22, 2017 Emergency Meeting as presented. Voting on the motion: Aye: Houlihan, McBroom, Stoen. Nay: Schnoor. Motion passed.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the agenda of the March 13, 2017 meeting as presented.

Public Comment: None.

On motion by Stoen, seconded by McBroom, all voting in favor, to schedule the date for City-wide fall clean-up for Saturday, May 20 from 8:30 to 11:00 am at the Lake Francis City Park. A list of acceptable items and fee schedule will be available soon.

Fire Chief Jason James was present to introduce firefighter candidate Aaron Johnson. Johnson has recently moved to the area and has served as a firefighter for the Waseca Fire Department for ten years. The Council welcomed Johnson to the Elysian area.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the hire of Aaron Johnson to the Elysian Fire Department.

Chief Deputy Brett Mason, Le Sueur County, announced that Sheriff Tietz has decided to retire. His last day as Sheriff will be April 28, 2017. Mason has been appointed as Interim Sheriff and will take office on April 29. Mason stated his values and integrity will not change. He will move forward with professionalism and transparency to provide Sheriff Tietz's constituents with the service they deserve. Patrol Sgt. Nick Greenig has been promoted to Deputy Sheriff.

Mason reported the new law enforcement center is moving ahead with interviews being held for an architectural firm and a construction management firm. He also stated he is more than pleased with the work being done by the Drug Task Force.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 560/17  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN AMERICAN LEGION POST #311**

WHEREAS, the City of Elysian has received a donation in the amount of \$3,700.00 from the Elysian American Legion Post #311, for tax relief to the Elysian Area Chamber of Commerce for the purpose of funding a portion of the July 4<sup>th</sup> Celebration.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian acknowledges and accepts the donation from the Elysian American Legion Post #311 in the amount of \$3,700.00 – July 4<sup>th</sup> Celebration Parade (\$1,600), Fireworks (\$1,500), and Kid's Bingo (\$600).

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 13<sup>th</sup> day of March, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 561/17  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN FIRE RELIEF ASSOCIATION

WHEREAS, the City of Elysian has received a donation in the amount of \$4,000.00 from the Elysian Fire Relief Association toward the 2016 Rosenbauer Pump Fire Truck payment;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian acknowledges and accepts a donation from the Elysian Fire Relief Association in the amount of \$4,000.00 toward the 2016 Rosenbauer Pump Fire Truck payment.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 13<sup>th</sup> day of March, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by Houlihan, seconded by McBroom, all voting in favor, to advertise for summer help for 40 hours per week at \$10 per hour.

Kopischke referred to a sample Sidewalk and Alley Ordinance that was included in Council packet. Staff has received inquiries from residents regarding the upkeep of sidewalks in the City and there currently is not an ordinance to address these issues. City Attorney is recommending that the City address this with the creation of an Ordinance similar to the sample provided.

On motion by Stoen, seconded by McBroom, all voting in favor, to schedule a Public Hearing for April 10, 2017 at 6:00 pm to consider a Sidewalk and Alley Ordinance. City Attorney will draft an Ordinance for consideration.

Kopischke reported the annual audit process has been completed and Greg Burkhardt would like to present the audit report in April. On motion by Houlihan, seconded by Stoen, all voting in favor, to schedule the 2016 Audit Report for April 10, 2017 at 5:30 pm prior to the Regular Council Meeting.

On motion by Stoen, seconded by McBroom, all voting in favor, to set a goal setting workshop for Tuesday, March 28, 2017 at 6:00 pm.

Kopischke provided an update on FEMA activities. The exit interview was conducted today. The City was awarded funds in five categories for a total of \$66,892.92. Some of the funds are for reimbursement of preventative measures and immediate necessary repairs that have been completed. The remaining funds are for work to be completed this spring / summer.

The City's confined space equipment needs updating. The proposed new equipment which includes a tripod, ventilation kit, two harnesses, a hard hat and a sign, will cost \$4,685.48. The City has received an OSHA grant from the State of Minnesota toward the purchase of the equipment in the amount of \$2,164.05. The remaining City cost would be funded 75% from the sewer fund and 25% from the water fund.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve purchase of the confined space entry equipment as presented in the amount of \$4,685.48.

The Board of Appeal and Equalization Open Book Meeting for 2017 – Le Sueur County will be held Tuesday, April 11, 2017 from 10:00 am to 6:00 pm at the Le Sueur County Courthouse and the meeting for property located in Waseca County will be held Monday, April 17, 2017 from 8:00 am to 4:30 pm at the Waseca County Assessor's Office.

A reminder that the Le Sueur County Governmental Officials Meeting will be held on Wednesday, March 22, 2017, at the New Prague Golf Course – Meal 6:30 pm, Meeting 7:00 pm.

On motion by Stoen, seconded by McBroom, all voting in favor, bills, payroll, and transfers were approved in the amount of \$91,709.84.

Public Comment: None.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 6:40 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
GOAL SETTING WORKSHOP MEETING  
APRIL 5, 2017**

The Elysian City Council held a goal setting workshop meeting on Wednesday, April 5, 2017 at City Hall at 5:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan (exited at 6:00 pm), Tom McBroom (arrived at 5:30 pm), Mary Opsahl, and Dennis Schnoor; City Administrator Lorri Kopischke; and Public Works Director Ron Greenwald. Absent: None.

Greenwald presented suggested improvements and goals in the areas of the City's water, sewer, and storm sewer systems.

Kopischke presented suggested improvements and goals in the areas of the City's parks and administration.

Planning documents to help guide staff and the Council were discussed. The City does have a current Financial Debt Service Plan and a Capital Improvement Plan for streets and infrastructure. Next steps will be creation of a Capital Improvement Plan for equipment and buildings for approval by the City Council.

On motion by Stoen, seconded by Schnoor, all voting in favor, meeting adjourned at 6:30 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
APRIL 10, 2017**

The Elysian City Council met in regular session on Monday, April 10, 2017, at City Hall at 5:30 pm.

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

Greg Burkhardt, Auditor, Burkhardt & Burkhardt, presented the 2016 Audit Report. He reported that the City Financial Statements are in order and the results of the audit are positive. On motion by Stoen, seconded by McBroom, all voting in favor, to accept the 2016 Audit Report as presented.

On motion by Stoen, seconded by Schnoor, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:00 pm.

The purpose of the public hearing is to allow public input from citizens on Ordinance No. 85/17 – An Ordinance Pertaining to the Repair of Sidewalks.

City Attorney Moran stated he had drafted the Ordinance so there would be a policy in place to require that the repair of sidewalks was the duty of the homeowner.

There was no public comment and no written comments were received.

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

Councilmember McBroom presented a Proclamation of Appreciation to Sheriff David Tietz for his service to the City of Elysian and all of Le Sueur County. Sheriff Tietz expressed his appreciation to the City Council and to all the citizens of Elysian. He stated Elysian is a great community and easy to work with due to the great communication of the residents. He assured the Council that Interim Sheriff Mason and Chief Deputy Greenig will continue that standard of communication going forward.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the minutes of the March 13, 2017 Regular Meeting and April 5, 2017 Goal Setting Meeting as presented.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the agenda of the April 10, 2017 Regular Meeting with the following addition to bills, transfers and payments:

1. Approval of Payment to Visa in the amount of \$29.99 for Samsung Galaxy Tablet Keyboard with Case.

Public Comment:

Le Sueur County Commissioner Steve Rohlfing updated the Council. The tri-county transit system continues to move forward and hopes to have buses in operation in July, The County Emergency Management purchased a sandbagger which has the capacity to fill 1,600 bags per hour. Progress continues on the new justice center and public hearings sharing the plans and the impact to County resident's taxes will be held in June. A kick-off meeting for the Ray's Lake and Lake Francis septic inspections will be held on May 6 at 10:00 am.

The Council asked if there was any progress on the Sakatah Trail rehabilitation or the allowing of golf carts on County roads. Rohlfing stated he would add both items to the next County Commissioner meeting agenda.

There was no further public comment.

Mike Scott, President and Carl Morsching Vice President, Elysian Fire Relief Association, were present to request an increase to the annual benefit amount. They reported that surrounding communities are receiving benefits as follows: Morristown - \$2,000, Cleveland - \$1,800, Janesville - \$1,800, Waterville - \$1,600, Madison Lake - \$1,500, Kilkenny - \$1,200 and Elysian - \$1,200. They asked the Council to make a commitment to increase the annual benefit to \$1,500 in the 2018 payable budget. They noted there had not been an increase in many years. They felt that with the Townships contributing for the last three years it should allow the City to increase the benefit amount. An increased amount would help attract and retain new firemen to the department.

The Council stated they could not commit to an increase tonight but they would commit to consider an increase to the benefit amount as part of their next budgeting process.

Morsching reported the Fire Department is considering the purchase of an extractor for cleaning their gear. Recent studies have determined that the fibers of the gear are absorbing carcinogens that are not removed by a regular washing machine. The extractor spins at a higher rate of speed and removes more of these chemicals.

Two quotes were presented for 2017 mosquito control services: Clarke Environmental Mosquito Management, Inc. – Nine (9) treatments \$4,590 or fifteen (15) treatments \$6,750 and Mosquito Control of Iowa – Nine (9) treatments \$2,150 or fifteen (15) treatments \$3,250 plus one (1) barrier treatment.

Kopischke reported that Mosquito Control of Iowa was recommended by the City of Pemberton. They currently service 130 cities and have been in business for 35 years. Their approach is a bit different in that they collect mosquitos from your area to determine what type of application will be most effective. They also watch the weather and determine what days will be most effective to spray rather than spraying on one certain day of the week. They also use a TUG unit which allows the chemical to be in the air longer and therefore more effective. City staff will alert residents of the day of treatment via the electronic sign and Facebook. Residents can also contact the office and provide their email address and ask to be notified by email or phone.

On motion by McBroom, seconded by Houlihan, all voting in favor, to award the 2017 Mosquito Control contract to Mosquito Control of Iowa for fifteen (15) treatments in the amount of \$3,250 which will also include one (1) barrier treatment.

Chris Cavett, SEH Engineering and George Eilertson, Northland Securities, were present to discuss Project B Street and Utility Project as identified in the 2015 Capital Improvement Plan. This project would include the following streets:

- Park Avenue NW from 4<sup>th</sup> Street NW to 1<sup>st</sup> Street N
- Frank Avenue NW from 4<sup>th</sup> Street NW to 1<sup>st</sup> Street N
- 2<sup>nd</sup> Street NW from Main Street W to Frank Avenue NW
- 3<sup>rd</sup> Street SW from Hwy 60 to Main Street W
- 3<sup>rd</sup> Street NW from Main Street W to Frank Avenue NW
- 4<sup>th</sup> Street NW from Hwy 60 to Main Street E
- 2<sup>nd</sup> Street SE from dead end south of Hwy 60 to Main Street E
- Possible Stormwater pond

The estimated cost of Project B is \$2.7 million. This project would be funded by assessments, water and sewer utility funds, and general levy monies.

The Council discussed costs for park improvements and the acquisition of land for the stormwater pond. Cavett noted the stormwater pond was not a necessity to the project but would be an opportunity to improve the quality of the lake and the beach. He suggested involving other entities such as the lake associations and DNR in those discussions.

Eilertson discussed the funding process and will provide the Council with more accurate numbers for future consideration.

On motion by Stoen, seconded by McBroom, all voting in favor, to authorize SEH Engineering to proceed with the next action of preparing a resolution for ordering a feasibility study for Project B as identified in the 2015 Capital Improvement Plan.

Schnoor noted there are some issues with the concrete portions of the 2016 Street and Utility Project. Cavett stated there will be a spring walk through to determine work needing to be done. There is a two-year warranty window on those items.

Mayor Stoen presented Ordinance 85-17 and was seconded by Councilmember McBroom:

ORDINANCE NUMBER 85-17  
CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA

AN ORDINANCE PERTAINING TO THE REPAIR OF SIDEWALKS

The City Council for the City of Elysian, Le Sueur County, Minnesota, does hereby Ordain as follows:

REPAIR OF SIDEWALKS.

(A) *Duty of owner.*

(1) The owner of any property within in the city abutting a public sidewalk shall keep the sidewalk in good repair and safe for pedestrians.

(B) *Inspections: notice.*

(1) The public works director shall, from time to time, make inspections as are necessary to determine that public sidewalks within the City are kept in good repair and safe for pedestrians.

(2) If he or she finds that any sidewalk abutting private property is unsafe and in need of repairs, he or she shall cause a notice to be sent to the record owner of the property (and the occupant, if the owner does not reside within the city or cannot be found therein) ordering the owner to have the sidewalk repaired and made safe within 45 days and stating that if the owner fails to do so, the public works director will do so on behalf of the city, that the expense thereof must be paid by the owner, and that if unpaid it will be made a special assessment against the property concerned.

(C) *Repair by city.*

(1) If the sidewalk is not repaired within 45 days after receipt of the notice, the public works director shall report the facts to the Council and the Council may by resolution, order the

public works director to repair the sidewalk and make it safe or order the work be done by contract in accordance with law.

(2) The public works director shall keep record of the total cost of the repair attributable to each lot or parcel of property and report the information to the City Administrator.

This Ordinance shall be effect after its passage and publication.

Upon the following vote being taken:

Voting Yes: Houlihan, McBroom, Opsahl, Schnoor, Stoen

Voting No: None.

Passed this 10<sup>th</sup> day of April 2017.

By: \_\_\_\_\_

Clinton Stoen, Mayor

Attest:

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

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the hire of Heather Hering and Randy Tuma as Watercraft Inspectors for the 2017 season.

Kopischke reported that both City Ordinance Number 5 and City Ordinance Number 6 (C) require amendment to provide compliance with the recent enactment of Sunday liquor sales as passed by the Minnesota Legislature and as signed by Governor Mark Dayton.

On motion by Stoen, seconded by Schnoor, all voting in favor, to set a Public Hearing to consider Amended Ordinance Number 5 and Amended Ordinance Number 6(C) – to provide compliance with the recent enactment of Sunday liquor sales as passed by the Minnesota Legislature and as signed by Governor Mark Dayton for June 12, 2017 at 6:00 pm.

Minnesota Severe Weather Awareness Week is April 17-21. The two annual statewide tornado drills are scheduled for Thursday, April 20<sup>th</sup> at 1:45 pm and 6:45 pm.

The Le Sueur County Governmental Official Association Meeting will be held Wednesday, April 26, 2017 in Montgomery (location to be announced) – Meal 6:30 pm, Meeting 7:00 pm

The City-wide Garage Sales will be held Saturday, May 13 with the City-wide Clean-Up on May 20 from 8:30 to 11:00 am at the Lake Francis Parking Lot.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 562/17

RESOLUTION GRANTING APPROVAL FOR ONE-DAY OFF SITE  
LAWFUL GAMBLING LICENSE

WHEREAS; The Elysian City Council was presented with a request from the Elysian Fire Department Relief Association for one day off site lawful gambling,

WHEREAS; State Laws of Minnesota require approval be granted by the local governing body, thus the City of Elysian,

WHEREAS; the request was made at a regular meeting of the Elysian City Council,

NOW THEREFORE, BE IT RESOLVED; The Elysian City Council granted approval for a one-day off site lawful gambling license to the Elysian Fire Department Relief Association in conjunction with the July 4<sup>th</sup> Celebration.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 10<sup>th</sup> day of April 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by Houlihan, seconded by Stoen, all voting in favor, to provide Police Protection and Porta-Pots for the July 4<sup>th</sup> celebration in an amount up to \$3,000.

Councilmember Schnoor introduced the resolution and was seconded by Mayor Stoen.

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 564/17

REQUEST FOR LAWFUL GAMBLING  
ELYSIAN AREA CHAMBER OF COMMERCE RAFFLE

WHEREAS, the Elysian City Council was presented with a request from Elysian Area Chamber of Commerce for a lawful gambling event: raffle, in conjunction with the 2017 Fourth of July Community Celebration.

WHEREAS, State Laws of Minnesota require approval be granted by the local governing body, thus the City of Elysian.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the Elysian City Council grants approval to the Elysian Area Chamber of Commerce for a lawful gambling event: raffle, in conjunction with the 2017 Fourth of July Community Celebration.

Upon vote being taken:

Councilmembers voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 10<sup>th</sup> day of April 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve a Temporary 5-day Liquor License for Elysian Area Chamber of Commerce for the period of June 30<sup>th</sup> to July 4<sup>th</sup> in conjunction with the July 4<sup>th</sup> celebration.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the closure of certain streets and vendor policy as follows:

REQUEST OF STREETS TO BE CLOSED DURING JULY 4<sup>TH</sup> CELEBRATION 2017

JUNE 28<sup>TH</sup> – JULY 5<sup>TH</sup>

SECOND STREET FROM MAIN STREET TO THE ALLEY BETWEEN MAIN AND PARK AVENUE  
NE - LOCATION OF TENT

SATURDAY, JULY 1<sup>ST</sup>

MAIN STREET FROM COUNTY ROAD #11 TO FIRE HALL FROM 7:30 P.M. TO END OF DANCE  
– 1:00 A.M.

SECOND STREET IN FRONT OF BANK FROM ALLEY TO MAIN STREET – FROM 12:00 NOON  
UNTIL AFTER DANCE – 1:00 A.M. (This is also area for Sheriff Department vehicles to be parked.)

SUNDAY, JULY 2<sup>ND</sup>

MAIN STREET FROM TENT AREA WEST TO 3<sup>RD</sup> STREET SW – 6:00 A.M. TO AFTER CAR  
SHOW. (All intersections will be open to accommodate cross traffic.)

AFTER CAR SHOW – MAIN STREET EAST FROM MID BLOCK TO FIRE HALL UNTIL TIME VENDORS CLOSE.

MONDAY, JULY 3<sup>RD</sup>

MAIN STREET FROM COUNTY ROAD #11 TO FIRE HALL FROM 7:30 P.M. TO END OF FIREFIGHTERS DANCE.

SECOND STREET IN FRONT OF BANK FROM ALLEY TO MAIN STREET – FROM 5:00 P.M. UNTIL AFTER FIRE FIGHTER'S DANCE – 1:00 A.M. (This is also area for Sheriff Department vehicles to be parked.)

TUESDAY, JULY 4<sup>TH</sup>

MAIN STREET 10:00 A.M. FROM THIRD STREET NE TO STATE HWY #60 WEST UNTIL AFTER PARADE.

AFTER PARADE – MAIN STREET FROM COUNTY ROAD #11 TO FIRE HALL. (County Road #11 must be kept open at all times.) Need to post signs off Highway # 60 to Main Street and from First Street North at the intersection of First Street North and Park Avenue to Main Street warning traffic of people crossing on Main Street.

SECOND STREET SW - IN FRONT OF BANK FROM ALLEY TO MAIN STREET – FROM 8:00 A.M. UNTIL VENDORS ARE CLOSED.

TRIATHLON – SATURDAY, JULY 8<sup>TH</sup>

PARTIAL SIDE OF STREET - BIKE ROUTE MAIN STREET WEST FROM COUNTY ROAD #11 TO FIFTH STREET NW

REQUEST TO CONTINUE POLICY FOR 2017 CELEBRATION

Due to activities being sponsored by the Elysian Area Chamber of Commerce in conjunction with the City of Elysian during all July 4<sup>th</sup> celebration activities, the following has been approved; local Main Street businesses may not allow a vendor, other than their business, or a non-profit organization, to set up on their property; independent vendors will not be allowed to set up and do business during the celebration on any street in Elysian or in front of any business with the exception of Flea market, unless prior approval of the July 4<sup>th</sup> Committee.

On motion by Stoen, seconded by McBroom, all voting in favor, to accept the recommendation of the Planning and Zoning Commission and send notice to the following properties as nuisance properties: 109 Frank Avenue NE, 130 Main Street East, 200 Frank Avenue NE, and 309 First Street N.

Kopischke reported that in the Planning and Zoning Commission review of the City Land Use Plan, it was noted that a Farmers Market was one of the desired initiatives. This has been studied by staff and the following information has been gathered:

1. The Tourism Center has been identified as a good location for a Farmers Market. The area between State Highway 60 and the DNR trail could be used for vendor setup.
2. The DNR has stated that parking would be available at the Wayside Rest. However, no sales can be transacted in that area.
3. The League of MN Cities Underwriting Department has stated, "As long as the City will be organizing and will be responsible for this Farmers Market activity and this will be held at the City's property, we really don't have much of an issue from an underwriting standpoint."

4. The City of Madison Lake Farmers Market is covered by the city's insurance. The City of Waterville Farmers Market is covered by the Chamber's insurance.
5. Most Farmers Markets charge a fee for participation. Madison Lake = \$5 per time, Faribault = \$40 per season, Waterville = \$20 per season. Monies can go toward advertising.
6. Most Farmers Markets have rules on what type of vendors can participate. Waterville requires that items be grown in Minnesota and are handmade. Madison Lake requires that participants are from a 50-mile radius and that items be grown, raised or handmade by the participating vendor or their family member. They also limit the number of local artisan booths that are allowed.
7. There does appear to be an interest in the Elysian area from vendors who would like to participate. There also are several local residents with experience in managing Farmers Markets who would be willing to help get this established.

Kopischke suggested that if the Council approved moving forward, the first step would be to establish a committee of interested persons to develop the rules. The Farmers Market could hopefully start the beginning of June.

On motion by Opsahl, seconded by Houlihan, all voting in favor, to approve the pursuit of a Farmers Market on the Tourism property between State Highway 60 and the DNR Trail.

Councilmember Houlihan reported that the Park Committee had met and would like to add three (3) at-large members from the public. With this goal in mind, the City Attorney has drafted an enabling resolution to establish the Elysian Park Board and accompanying By-Laws. The Park Board will consist of two (2) Councilmembers, two (2) staff and three (3) members of the public. There will be no residency requirement for service on the Board and appointments will be made by the Council.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 563/17

ENABLING RESOLUTION ESTABLISHING THE ELYSIAN PARK BOARD

WHEREAS, the City Council for the City of Elysian, Minnesota, has determined that it is in the best interest of the City of Elysian to establish a Park Board to promote the general welfare of the people of the City of Elysian, and preserve its parks; and

WHEREAS, the City Council has met, and discussed this enabling resolution, as well as the proposed By-Laws for the Elysian Park Board, and finds them to be acceptable.

NOW THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF ELYSIAN:

1. That a park board shall be established for the City of Elysian. This park board shall be an advisory board, which shall make recommendations to the City of Elysian Council concerning City of Elysian park issues.
2. The Elysian Park Board shall be governed by a board of seven (7) members, two (2) of whom shall be members of the Elysian City Council, two (2) of whom shall be City staff, and three (3) whom shall be at large commissioners. There is no residency requirement for service on the Elysian Park Board. All members shall be appointed by and confirmed by the Elysian City Council.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 10<sup>th</sup> day of April 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Lamont reported that the all the picnic tables at the Lake Francis Park had been repaired and repainted and are in very good shape. There is \$3,000 in the budget for picnic tables and benches at the Lake Francis Park. The Park Board has suggested this budgeted amount be used for handicap accessible picnic tables and some sturdy benches. Some examples were included in the Council packet for consideration.

On motion by Houlihan, seconded by Opsahl, all voting in favor, to spend up to \$3,000 of budgeted funds for handicap accessible picnic tables and sturdy benches.

Greenwald reported that the Park Board had also discussed lights at the bathrooms at the Lake Francis Park. There would be one light on each side of the bathroom that would be on a timer. An outside light would be mounted that would run by photo cell. It is LED and would only draw 9 amps. Two quotes were provided: Volkman Electric in the amount of \$1,015 and Ploog Electric, Inc. in the amount of \$1,100.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the quote from Volkman Electric for lights on the bathroom at Lake Francis Park in the amount of \$1,015.

On motion by McBroom, seconded by Stoen, all voting in favor, bills, payroll, and transfers were approved in the amount of \$72,865.68 (which includes an added bill for VISA in the amount of \$29.99 for Samsung Galaxy Keyboard with case).

Public Comment: None.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 7:24 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
MAY 8, 2017**

The Elysian City Council met in regular session on Monday, May 8, 2017, at City Hall at 6:00 pm.

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

On motion by McBroom, seconded by Schnoor, all voting in favor, to approve the minutes of the April 10, 2017 Regular Meeting as presented.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the agenda of the May 8, 2017 Regular Meeting with the following additions:

1. Consideration of Resolution 571/17 – A Resolution Approving a request from St. Andrew's Catholic Church for one day lawful gambling event: raffle and bingo, on August 13, 2017.
2. 24-hour parking.
3. Mowing.

Public Comment: None.

The Council considered a variance request to lot coverage from Donna and Timothy Henninger for a property they own at 105 Willow Point Drive, PID# 16.415.0060. The current lot coverage is 39% and the variance request would allow lot coverage of 42%. The Henningers would like to enlarge their existing kitchen area by 14 feet x 15 feet x 6 feet (342 square feet). They are also planning a future porch addition of 328 square feet. The kitchen expansion and porch addition would meet setback and all other zoning requirements.

The Planning and Zoning Commission considered the request at their May 2, 2017 meeting. Comment in favor of the proposal was received from the two adjacent neighboring property owners. Additional neighbor comment was received and all spoke in favor of the proposal. Todd Piepho, Area Hydrologist, Minnesota Department of Natural Resources submitted written comment that it would be nice to see that the additional roof water be directed either into a temporary storage basin like a small rain garden or directed back away from the lake into a wetland basin for settling.

The Planning and Zoning Commission has recommended approval of the proposed kitchen expansion and porch addition resulting in an increase in lot coverage from 39% to 42% based on the following findings of fact:

1. Reasonableness: This is a minimal request that will result in a lake cabin being modified to a full-time residence. The water runs to the rear and not to the lake due to the landscaping of the adjacent house and the position of this house on the lot.
2. Uniqueness: The lot is odd-shaped and has a road running through the middle of the lot.
3. Essential character: This will not change the character of the neighborhood and will enhance the neighborhood as it is an improvement to the house.

And with the following condition:

1. Addition of gutters and landscaping to direct the water run off away from the lake.

McBroom stated he believes the request is doable being that the neighbors are good with it and there is no conflict, and the Henningers agree to meet the conditions required by the Planning and Zoning Commission.

Stoen stated he had expressed concerns with drainage but that this has been addressed with the condition imposed by the Planning and Zoning Commission so he was also in support of granting the variance.

Schnoor stated he had walked the property and he did not see a problem. Especially if the Henningers will be installing rain gutters and diverting the water away from the lake.

Houlihan stated he was alright with the request as long as it was acceptable to the neighbors.

Mayor Stoen introduced the resolution and was seconded by Councilmember Schnoor.

RESOLUTION NO. 565/17  
RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS  
FOR APPROVAL FOR VARIANCE APPLICATION OF  
DONNA AND TIMOTHY HENNINGER, 105 WILLOW POINT DRIVE

FACTS

1. Donna and Timothy Henninger are the owners of a parcel of land located at 105 Willow Point Drive, Elysian, Minnesota; and,
2. The subject property is known as Le Sueur County Parcel Identification R16.415.0060, and legally described as: (See Exhibit A); and,
3. Donna and Timothy Henninger have submitted a variance request to increase the lot coverage from 39% to 42% in the Shoreland District to allow for a kitchen expansion and future porch addition.
4. The proposal would vary from the City of Elysian's Zoning Ordinance Section 13.0 Shoreland Overlay Zone – Shoreland Standards General – Residential (R1 & R2) Recreational Development Lakes – Sewered Areas, Lot Coverage – 25% maximum as this would result in a lot coverage of 42%.
5. That following a public hearing on the Application held on May 2, 2017 the Elysian Planning Commission has recommended Approval of the Variance.
6. That the City Council for the City of Elysian reviewed the requested Variance at its Meeting on May 8, 2017.

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 property owner does propose to use the property in a reasonable manner because this is a minimal request that will result in a lake cabin being modified to a full-time residence. The water runs to the rear of the property and not to the lake due to the landscaping of the adjacent house and the position of this house on the lot.
9. There are unique circumstances to the property not created by the landowner because the lot is odd-shaped and has a road running through the middle of the lot.
10. Finally, the Variance will maintain the essential character of the locality because this will not change the character of the neighborhood and will enhance the neighborhood as it is an improvement to the house.
11. And with the following Condition: Addition of gutters and landscaping to direct the water run-off away from the lake.
12. NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Elysian, Minnesota, that the application to issue a variance to Donna and Timothy Henninger for the property at 105 Willow Point Drive, legally described as: (See Exhibit A), Le Sueur County Minnesota, shall be, and is hereby granted a Variance to allow 42% lot coverage to allow for a kitchen expansion and future porch addition.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Whereupon said resolution was declared duly passed and adopted.

Dated this 8<sup>th</sup> day of May, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Exhibit A

Lot 1, in Block 2 of Chesnut's Lakeshore Subdivision, Le Sueur County, Minnesota, according to the Plat of such Subdivision on file and of record in the Office of the Register of Deeds in and for the said County and State;

AND ALSO The One-half of Lot 7, in Block 1, which is adjacent to Lot 1, in Block 2 Chesnut's Lakeshore Subdivision, Le Sueur County, Minnesota; the one-half of said Lot 7 to be 30 feet lake frontage but to run to center of the rear of lot as platted so as to be exactly one-half of entire lot.

AND ALSO That part of the driveway and utility easement according to the plat of Chesnut's Lakeshore Subdivision, on file and of record with the Le Sueur County Recorder, described as: Beginning at the northwest corner of Lot 1, Block 2, Chesnut's Lakeshore Subdivision thence South 72 degrees 16 minutes 00 seconds East, (assumed bearing), along the northerly line of said Lot 1, Block 2 and along the northerly line of Lot 7, Block 1, Chesnut's Lakeshore Subdivision, 75.00 feet; thence North 01 degrees 31 minutes 16 seconds East 41.66 feet to a point on the northerly line of the driveway and utility easement; thence North 72 degrees 16 minutes 00 seconds West, along said northerly line, 54.11 feet; thence South 30 degrees 46 minutes 00 seconds West, 41.06 feet to the point of beginning.

INCLUDING AN ACCESS EASEMENT AS FOLLOWS:

An access easement for access purposes over and across that part of Lot 7, Block 1, Chesnut's Lakeshore Subdivision, according to the plat thereof on file and of record with the Le Sueur County Recorder, described as: Commencing at the northwest corner of Lot 1, Block 2, Chesnut's Lakeshore Subdivision; thence South 72 degrees 16 minutes 00 seconds East (assumed bearing), along the northerly line of said Lot 1, Block 2, and along the northerly line of Lot 7, Block 1, Chesnut's Lakeshore Subdivision, 75.00 feet to the point of beginning; thence continuing south 72 degrees 16 minutes 00 seconds East, along the northerly line of said Lot 7, Block 1, a distance of 9.00 feet; thence South 17 degrees 44 minutes 00 seconds West, 31.13 feet; thence North 01 degrees 31 minutes 16 seconds East, 32.40 feet to the point of beginning. Containing 140 square feet.

AND ALSO

Commencing at the NW corner of Section 35-109-24, thence South on the West line of said Section 35 a distance of 1094.94 feet, thence South 89 degrees East 90.00 feet to place of beginning; thence South 21 degrees 32 minutes West 245.18 feet, thence South 71 degrees 19 minutes East 57.00 feet, thence North 13 degrees 46 minutes East 253.42 feet, thence North 89 degrees West 25.00 feet to the place of beginning. Being part of Government Lot 7 of said Section 35, according to the recorded maps or plats on file and of record in the Office of the County Recorder in and for LeSueur County, Minnesota.

The Council considered a variance request from Elde and Matt Kretlow to construct a 36 foot x 36 foot – 2 story garage on the property they own at 128 Willow Point Drive, PID# R16.415.0300. The proposed garage as designed would result in a lot coverage of 50%, would exceed the maximum height allowed for an accessory structure by 9 feet at the peak, and would exceed the total building area allowed by 792 total square feet.

This property is split down the middle by two large roadway and utility easements (40 foot and 60 foot). There is also a water line easement on the north and east side of the proposed garage

property which limits his area in which to build. Also, at one point his neighbor to the south built his garage 15 feet onto Mr. Kretlow's property which has resulted in the lot being smaller yet. Mr. Kretlow has provided a survey of the property. He also owns the two lots east of this parcel. Mr. Kretlow has worked diligently with staff to find a way to fit the garage on the property so it meets the setbacks. However, the garage as proposed does cross over the property line to the north which is property owned by Mr. Kretlow.

Public Works has expressed some concern regarding the water coming down the hill to this property. The Kretlows have stated that the water comes down the hill, turns, and runs down Willow Point Drive. It does not flow into the lake.

There are several other garages in the area that exceed the maximum height allowed including 113 Willow Point Drive (30 feet) and 122 Willow Point Drive (20 feet).

The Planning and Zoning Commission considered the request at their May 2, 2017 meeting. Comment in favor of the proposal was received from the two adjacent neighboring property owners. Additional neighbor comment was received and all spoke in favor of the proposal. Todd Piepho, Area Hydrologist, Minnesota Department of Natural Resources submitted written comment that it would be nice to see that the additional roof water be directed either into a temporary storage basin like a small rain garden or directed back away from the lake into a wetland basin for settling.

The Planning and Zoning Commission has recommended approval of the variance request to allow a 36 foot by 36 foot – 2 story garage on the property located at 128 Willow Point Drive as presented, which will result in a lot coverage of 50%, and a height of 26 feet which is 9 feet taller than allowed by the zoning ordinance and a total building area of 2,592 square feet which is 792 square feet larger than allowed by the zoning ordinance based on the following findings of fact:

1. Reasonableness: The request to build this size garage is reasonable as there are several similar sized structures in the area with the same use.
2. Uniqueness: The uniqueness of the property is not caused by the landowner. There is a large roadway and utility easement to the west of the property and water line easements on the north and east of his property. Also, that the neighbor built his garage 15 feet onto the Kretlow lot.
3. Essential character: The proposed garage will fit in well with the other structures in the area.

City Attorney Moran encouraged Mr. Kretlow to have the lots combined and to determine which easements are no longer necessary and ask the City of Elysian to eliminate those easements.

Matt Kretlow stated the main purpose of this structure is for overflow. It will serve the same purpose as the camper and shed that are there now and also provide extra space for storage over the winter months. The garage will be hooked to water and sewer and will provide additional revenue in the form of those service fees and also property taxes generated by the increased value.

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

RESOLUTION NO. 566/17  
RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS  
FOR APPROVAL FOR VARIANCE APPLICATION OF  
ELDE AND MATT KRETLOW, 128 WILLOW POINT DRIVE

## FACTS

1. Elde and Matt Kretlow are the owners of a parcel of land located at 128 Willow Point Drive, Elysian, Minnesota; and,
2. The subject property is known as Le Sueur County Parcel Identification R16.415.0300, and legally described as: Lot Numbered Thirty-Seven (37), in Block Numbered Two (2), of "Chestnut's Lakeshore Subdivision", being a part of Government Lots Five (5) of Section 34, and Government Lot Seven (7) of Section 35, all in Township 109 North of Range 24 West, according to the recorded Plat thereof on file and of record in the Office of the LeSueur County Recorder; and,
3. Elde and Matt Kretlow have submitted a variance request to increase the lot coverage from 32% to 50%, to exceed the height requirement of a detached structure by 9 feet, and to exceed the total building area allowed by 792 square feet in the Shoreland District to allow for construction of a two-story 36 feet x 36 feet detached accessory structure.
4. The proposal would vary from the City of Elysian's Zoning Ordinance Section 13.0 Shoreland Overlay Zone – Shoreland Standards General – Residential (R1 & R2) Recreational Development Lakes – Sewered Areas, Lot Coverage – 25% maximum and Section 15.0. Performance Standards. Subd. Q. Accessory Structure Standards. Dimensional Limits: Attached and detached accessory structures are subject to the dimensional limits established below: a. Maximum height: seventeen feet (17') and a maximum side wall height of a detached structure shall not exceed ten feet (10'); and c. Accessory structure(s) total building area allowed per lot: 1,800 square feet.
5. That following a public hearing on the Application held on May 2, 2017 the Elysian Planning Commission has recommended Approval of the Variance.
6. That the City Council for the City of Elysian reviewed the requested Variance at its Meeting on May 8, 2017.

## 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 property owner does propose to use the property in a reasonable manner because the request to build this size garage is reasonable as there are several similar sized structures in the area with the same use.

9. There are unique circumstances to the property not created by the landowner because there are large roadway and utility easements to the west of the property and there are water line easements on the north and east of this property. Also, that the neighbor built his garage 15 feet onto the Kretlow lot.
10. Finally, the Variance will maintain the essential character of the locality because the proposed garage will fit in well with the other structures in the area.
11. NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Elysian, Minnesota, that the application to issue a variance to Elde and Matt Kretlow for the property at 128 Willow Point Drive, legally described as: Lot Numbered Thirty-Seven (37), in Block Numbered Two (2), of "Chestnut's Lakeshore Subdivision", being a part of Government Lots Five (5) of Section 34, and Government Lot Seven (7) of Section 35, all in Township 109 North of Range 24 West, according to the recorded Plat thereof on file and of record in the Office of the LeSueur County Recorder; Le Sueur County Minnesota, shall be, and is hereby granted a Variance to allow 50% lot coverage, a structure height of 26 feet, and a total building area of 2,592 square feet to allow for a 36 foot by 36 foot two-story detached garage on this property.

Upon vote being taken:

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

Councilmembers voting in the negative: Stoen.

Whereupon said resolution was declared duly passed and adopted.

Dated this 8<sup>th</sup> day of May, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Le Sueur County Sheriff Brett Mason was present to update the Council and introduce Chief Deputy Nick Greenig. Mason stated the Sheriff's Department is in transition with a total of eight position changes. The Justice Center project continues to move forward and the Sheriff's Department has been retained to provide a supervisory role for the Montgomery Police Department.

Chief Deputy Nick Greenig stated it was a pleasure to meet the Council. He encouraged the Council to keep the lines of communication open and to contact him if anything was needed.

Brad Zimbrich, owner of Tucker's Tavern, was present to request that Main Street West be closed from County Road 11 (First Street North) to Second Street NW from 4:00 to 8:00 pm on Wednesday evenings from May 10 to August 30, 2017. Zimbrich explained he will be sponsoring car, motorcycle and tractor roll-ins and would like to use that area of the street for parking. He plans to have outdoor

food and music and to involve other businesses in the area as sponsors. He has talked with Davis Marketplace, the Chamber of Commerce and Country 103.5 Radio Station. He has contacted his insurance and is insured for these types of events. He believes these types of events will bring people to town and will be good for all the businesses in Elysian.

Zimbrich stated he is also planning a wrestling event similar to AWA Wrestling for June 24, 2017 from 7:00 to 9:00 pm. This event will be held in the Tucker's Tavern parking lot. The lot will be partitioned off and the event contained. This should be a good event that will again bring a lot of people to town.

City Attorney agreed it would be appropriate to request that the City of Elysian be added to Zimbrich's insurance as an additional insured.

On motion by Stoen, seconded by McBroom, all voting in favor, to close Main Street West from County Road 11 (First Street North) to Second Street NW from 4:00 to 8:00 pm on Wednesday evenings from May 10 to August 30, 2017.

Chris Cavett, City Engineer, SEH Engineering, noted that at the April City Council meeting the Council approved moving forward with the feasibility study for the proposed 2018 Street and Utility Improvement Project. Preparation of the feasibility study is the first required step in the public improvement process (MN Statute 429).

Cavett stated SEH will begin the study with an introductory letter this month to the residents within the project area. Field surveys and collection of field data will be done this summer. Neighborhood meetings will be held in September, completion of the report by October, and the public hearing will be held by November. Completion of the public hearing will complete the phase 1 services (Feasibility Phase).

Cavett noted that there will be some consideration of including the cost of the proposed park improvements in the report and including those costs in the financing plan. However, the current proposal does not include any surveying, design or cost estimating related to park improvements. If SEH is asked to provide surveying or design work for the park, an amendment to the proposal will be required.

Stoen stated the Council may want to pave the alley behind city hall and a small parking area.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA

RESOLUTION 567/17  
2018 STREET AND UTILITY IMPROVEMENT PROJECT  
ORDERING PREPARATION OF REPORT

WHEREAS, it is proposed to make improvements to the 2018 Street and Utility Improvement Project as proposed in the 2015 City's Capital Improvement Plan (CIP); and

WHEREAS, it is recommended that the report also include the area streets planned for 2018 in the CIP; and

WHEREAS, the streets in the study will include the following:

1. Second Street NW, from Main Street to Frank Avenue NW
2. Third Street SW/NW, from TH 60 to Frank Avenue NW

3. Fourth Street SW, from TH 60 to Main Street
4. Frank Avenue NW, from 4<sup>th</sup> Street NW to 1<sup>st</sup> Street
5. Park Avenue NW, from 4<sup>th</sup> Street NW to 1<sup>st</sup> Street
6. Second Street SE, from Main Street to dead end; and

WHEREAS, it is recommended that the project and report also include consideration for park improvements; and

WHEREAS, the City of Elysian intends to assess the benefited property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Chapter 429,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA:

That the proposed improvement be referred to the city engineer for study and that the engineer is instructed to report to the council with all convenient speed advising the council in a preliminary way as to whether the proposed improvement is necessary, cost effective and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 8<sup>th</sup> day of May, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the Engineering Service Agreement with SEH for preparation of the feasibility study (Phase 1) for the 2018 Street and Utility Improvement Project.

Ron Greenwald, Public Works Director, stated applications had been received from four good candidates for the summer mowing position. Based on experience and availability, his recommended hire is Matt Oswald. On motion by Houlihan, seconded by McBroom, all voting in favor, to approve the hire of Matt Oswald for the summer mowing position.

Greenwald reported that Jerry Ellingsworth has requested Council consideration of an increase to his hourly wage. He has been with the city since 2005 and is a good summer mower. His current rate is \$10.00 per hour. On motion by Schnoor, seconded by Opsahl, all voting in favor, to approve a \$1.00 per hour increase in wages for Jerry Ellingsworth effective today May 8, 2017.

Greenwald stated he would like to apply a fertilizer/weed killer to the grass at the Lake Francis Park and also at the new Sixth Street Park. The cost would be approximately \$900 for each park or a total cost of \$1,800. On motion by Stoen, seconded by McBroom, all voting in favor, to approve the application of fertilizer/weed killer to the grass at the Lake Francis Park and the Sixth Street Park for an approximate cost of \$1,800.

Greenwald reported that there is one non-city owned strip along the Highway 60 corridor that is currently being mowed by the city. This strip is from Casey's General Store to Erdy's Carwash. There was Council direction to discontinue mowing of that strip and send a letter to the property owner informing them that the city will no longer be mowing the property.

The Council considered a letter received from Michael Kauss, 6 Egret Lane, requesting a reduction in the water and sewer bill for service period of March 1 to March 31, 2017. In his letter Kauss states that he was away from the home on vacation until March 18 and does not know how the water could have been used. The water service was not shut off while Kauss was away and there were people in and out of the home during that time. The City software program does indicate that the water did indeed run through the meter and Greenwald stated he had provided Kauss with a printout of the dates and times the water had run through the meter. There was Council consensus to not reduce the charges as the City equipment does show that the water was used.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 568/17  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
LAWRENCE MARTY

WHEREAS, the City of Elysian has received a donation in the amount of \$430.00 from Lawrence Marty to the Elysian Fire Department in the memory of Phyllis Marty;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian acknowledges and accepts a donation in the amount of \$430.00 from Lawrence Marty to the Elysian Fire Department in the memory of Phyllis Marty.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 8<sup>th</sup> day of May, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 569/17  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
SANDRA OLSON

WHEREAS, the City of Elysian has received a donation in the amount of \$20.00 from Sandra Olson to the Elysian Fire Department in the memory of Phyllis Marty;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian acknowledges and accepts a donation in the amount of \$20.00 from Sandra Olson to the Elysian Fire Department in the memory of Phyllis Marty.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 8<sup>th</sup> day of May, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 570/17  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
RICHARD AND JEAN WIECHMANN

WHEREAS, the City of Elysian has received a donation in the amount of \$50.00 from Richard and Jean Wiechmann to the Elysian Fire Department in the memory of Phyllis Marty;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian acknowledges and accepts a donation in the amount of \$50.00 from Richard and Jean Wiechmann to the Elysian Fire Department in the memory of Phyllis Marty.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 8<sup>th</sup> day of May, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Kopischke reported that there is a signed purchase agreement for the sale of the EDA-owned lots at 105, 107 and 109 Park Avenue NE. Closing on the lots will be prior to May 19, 2017.

Kopischke provided samples of various city driveway restrictions. Possible regulations include a maximum driveway width. Currently Elysian does not address this in the zoning ordinance. Also, consideration of a requirement to pave driveways that are gravel or dirt as a condition of sale of the property.

Following Council discussion, on motion by Stoen, seconded by McBroom, to refer to Planning and Zoning Commission for consideration of an amendment to the zoning ordinance to address driveway restrictions including driveway width and the requirement to pave driveways as a condition of sale of the property. Voting on the motion: Aye – Houlihan, McBroom, Opsahl, Stoen. Nay – Schnoor.

The City-wide Garage Sales will be held Saturday, May 13 with the City-wide Clean-Up on May 20 from 8:30 to 11:00 am at the Lake Francis Parking Lot.

Sip & Shop will be held at the American Legion Saturday, May 13 from 9 am to 2 pm. Come and support local businesses.

Wine & Beer Tasting Event will be held at Tucker's Tavern, Thursday, May 18 from 6 to 8 pm. This is a fundraiser for the Elysian Area Chamber of Commerce and proceeds will go towards the 4<sup>th</sup> of July fireworks display costs.

The Le Sueur County Governmental Official Association Meeting will be held Wednesday, May 24, 2017 in Waterville (location to be announced) – Meal 6:30 pm, Meeting 7:00 pm.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 571/17  
REQUEST FOR LAWFUL GAMBLING  
ST ANDREWS CHURCH BINGO/RAFFLE

WHEREAS: the Elysian City Council was presented with a request from St. Andrew's Catholic Church for one day lawful gambling event: raffle and bingo, on August 13, 2017.

WHEREAS: St. Andrew's Catholic Church is a nonprofit organization conducting lawful gambling in the City of Elysian.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the Elysian City Council grants approval to St. Andrew's Catholic Church for one day lawful gambling event: raffle and bingo, on August 13, 2017.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 8th day of May, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Schnoor reported he has received two calls complaining that there is a truck with boat and trailer that has been parking on the corner of Lake Avenue NE and County Road 11 (First Avenue N). This will be reported to the sheriff.

Two applications were received for the Park Board – Becky Kelley and Kris Miller. On motion by Stoen, seconded by Houlihan, all voting in favor, to appoint Becky Kelley and Kris Miller to the Elysian Park Board for a one-year term.

On motion by McBroom, seconded by Stoen, all voting in favor, bills, payroll, and transfers were approved in the amount of \$83,572.15

Public Comment:

Mark Sybilrud, 514 Lake Avenue NW, asked who was responsible to spray the park at the school. The Council referred him to Scott Allen, Waterville Elysian Morristown School.

Sybilrud asked what was being done for the big holes on the road by the ball park? Greenwald stated the holes would be patched but there will not be an overlay or any further repair as this street is included in the 2018 Street and Utility Project.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 7:17 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
JUNE 12, 2017**

The Elysian City Council met in regular session on Monday, June 12, 2017, at City Hall at 6:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan, Mary Opsahl, and Dennis Schnoor; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald; City Utility Clerk Nicole Lamont; and City Attorney Jason Moran. Absent: Councilmember Tom McBroom.

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

The purpose of the hearing is to allow public input from citizens on Amended Ordinance # 6(C) – Pertaining to the Sale and Consumption of Intoxicating Liquor to comply with the recent enactment of Sunday liquor sales as passed by the Minnesota Legislature and as signed by Governor Dayton.

City Attorney Moran explained that this amendment is written such that whenever the Legislature makes any changes to dates or times this ordinance will automatically follow the State Law and will not require amendment. The current change allows Sunday off sale from 11 am to 6 pm. Businesses who wish to have off sale on Sunday will not be required to pay any additional fees or obtain additional licenses.

There was no public comment and no written comments were received.

On motion by Stoen, seconded by Houlihan, all voting in favor, to close the Public Hearing at 6:04 pm and open the Regular Meeting.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the minutes of the May 8, 2017 Regular Meeting as presented.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve the agenda of the June 12, 2017 Regular Meeting with the following additions:

1. Pat Nusbaum, 104 Park Avenue NE, regarding mowing of the boulevard.
2. Mark O'Malley, 504 Frank Avenue NW, regarding implementing a youth soccer program.

Public Comment: None.

Le Sueur County Commissioner Rohlfsing reported that the County Commissioners will be holding a workshop to discuss the regulations of golf carts on June 20<sup>th</sup> at 10:00 am. They would welcome input from law enforcement and City Councilmembers at that meeting. The Commissioners will also be conducting a blight workshop. Rohlfsing reported that the Commissioners had held a public hearing on bond sales which included a \$7.3 million jail bond, and a \$2.6 million bond (\$1 million for a new public works shop and \$1.6 million for the justice center). The bonds will be opened and awarded on July 18. A five-year Capital Improvement Plan has been approved and the Board of Equalization Meeting will be held on June 14 at 6:30 pm.

On motion by Stoen, seconded by Houlihan, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:13 pm.

The purpose of the hearing is to allow public input from citizens on Amended Ordinance # 5 – Pertaining to the Licensing and Regulating the Sale and Consumption of Non-Intoxicating Malt

Liquors to comply with the recent enactment of Sunday liquor sales as passed by the Minnesota Legislature and as signed by Governor Dayton.

City Attorney Moran explained that this amendment is similar to the amendment to Ordinance #6C.

There was no public comment and no written comments were received.

On motion by Stoen, seconded by Schnoor, all voting in favor, to close the Public Hearing at 6:14 pm and open the Regular Meeting.

Le Sueur County Chief Deputy Nick Greenig updated the Council. His office is currently working on staffing the 4<sup>th</sup> of July celebration and triathlon.

Jeff Bertram, West Central Sanitation, was present to request renewal of the garbage contract which was scheduled to expire on September 30, 2017. The proposed contract is for a three-year term and includes a 0% increase year one, a 2% increase year two and a 2% increase year three. There are no other proposed changes to the contract. Bertram stated he welcomed comments on what they can do better. West Central continues to have a commitment to service in this area.

The Council expressed their satisfaction with West Central and noted that the customer service has been excellent. On motion by Stoen, seconded by Schnoor, all voting in favor, to approve the three-year contract for garbage services as presented by West Central Sanitation for a term of October 1, 2017 through September 30, 2020.

Mayor Stoen presented the Ordinance Amendment and was seconded by Councilmember Schnoor.

AMENDED ORDINANCE NUMBER 6(C)  
CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA

AN AMENDED ORDINANCE AMENDING ORDINANCE #6(C) SECTION 13, SUBDIVISION 2, AND  
PERTAINING TO THE LICENSING AND REGULATING THE SALE AND CONSUMPTION OF  
INTOXICATING LIQUOR, AND REPEALING INCONSISTENT ORDINANCES, AND PROVIDING  
FOR A PENALTY FOR THE VIOLATION OF THE SAME THEREOF.

AN ORDINANCE AMENDING ORDINANCE #6(C), SECTION 13, SUBDIVISION 2

The City Council for the City of Elysian, Le Sueur County, Minnesota, does hereby Ordain as follows:

(A) Purpose. The purpose of this Ordinance is to Amend Section 13, Subdivision 2 of Ordinance # 6 (C) so that it complies with the recent enactment of Sunday liquor sales as passed by the Minnesota Legislature and as signed by Governor Mark Dayton.

(B) Section 13, Subdivision 2 of Ordinance # 6(C) Shall be Amended to read as follows:

**Section 13. Sunday Liquor.**

The provisions of M.S. Ch. 340A, as they may be amended from time to time, with reference to the definition of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor and 3.2 percent malt liquor are hereby adopted by reference and are made a part of this Chapter as if set out in full. It is the intention of the City Council that all future amendments to

M.S. Ch. 340A are hereby adopted by reference or referenced as if they had been in existence at the time this Chapter is adopted.

This Amended Ordinance shall take effect at midnight on July 2, 2017.

The Ordinance was presented by Mayor Stoen, seconded by Councilmember Schnoor with the following vote being taken:

Voting Yes: Houlihan, Opsahl, Schnoor, Stoen.

Voting No: None.

Adopted by the Elysian City Council of the City of Elysian, Minnesota, the 12<sup>th</sup> day of June, 2017.

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Clinton Stoen, Mayor

ATTEST:

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Lorri Kopischke, City Administrator

Mayor Stoen presented the Ordinance Amendment and was seconded by Councilmember Houlihan.

AMENDED ORDINANCE NUMBER 5  
CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA

AN AMENDED ORDINANCE PERTAINING TO THE LICENSING AND REGULATING THE SALE  
AND CONSUMPTION OF NON-INTOXICATING MALT LIQUORS AND PROVIDING FOR THE  
VIOLATION THEREOF.

AN ORDINANCE AMENDING ORDINANCE #5 SECTION 9

The City Council for the City of Elysian, Le Sueur County, Minnesota, does hereby Ordain as follows:

(C) Purpose. The purpose of this Ordinance is to Amend Section 9 of Ordinance #5 so that it complies with the recent enactment of Sunday liquor sales as passed by the Minnesota Legislature and as signed by Governor Mark Dayton.

(D) Section 9 of Ordinance # 5 Shall be Amended to read as follows:

**Section 9. Closing Hours.**

The provisions of M.S. Ch. 340A, as they may be amended from time to time, with reference to the definition of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor and 3.2 percent malt liquor are hereby adopted by reference and are made a part of this Chapter as if set out in full. It is the intention of the City

Council that all future amendments to M.S. Ch. 340A are hereby adopted by reference or referenced as if they had been in existence at the time this Chapter is adopted.

This Amended Ordinance shall take effect at midnight on July 2, 2017.

The Ordinance was presented by Mayor Stoen, seconded by Councilmember Houlihan with the following vote being taken:

Voting Yes: Houlihan, Opsahl, Schnoor, Stoen.

Voting No: None.

Adopted by the Elysian City Council of the City of Elysian, Minnesota, the 12<sup>th</sup> day of June, 2017.

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Clinton Stoen, Mayor

ATTEST:

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Lorri Kopischke, City Administrator

Ron Greenwald, Public Works Director, presented three quotes to clean, inspect, and disinfect the interior of the water tower. The quotes are as follows: Maguire Iron, Inc. - \$1,850, SEH Engineering, Inc. - \$5,000, and Utility Service, Inc. - \$1,500. Greenwald stated he would recommend using the service that drains the tank to inspect it rather than the service that utilizes a diver to do the work. Greenwald also noted that Maguire Iron, Inc. is the company that built the water tower.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the contract in the amount of \$1,850 and proceed with Maguire Iron, Inc. for the cleaning, inspection and disinfection of the water tower.

Greenwald then presented two quotes to power wash the exterior of the water tower. The quotes are as follows: Maguire Iron, Inc. - \$4,500 and Utility Service, Inc. - \$7,500. There is a ring around the water tower that is rust caused by the freezing inside the tower. The black on the tower is dirt and tree pollen. The power wash would be for aesthetic reasons only. Greenwald was directed to contact Maguire and inquire if a reduction in price would be given if the interior and exterior services were done at the same time.

Greenwald provided an extended contract option for continued maintenance of the water tower. Council did express an interest in this option and this will be discussed at a work shop meeting.

Greenwald presented a proposal from SEH Engineering, Inc. for Engineering Services for Wastewater Pond Capacity Review in the amount of \$5,800. Completion of this report will help the City identify capital improvement needs for the future.

Commissioner Rohlfing noted that there may be an opportunity for more hook-ups following the septic compliance inspections of the homes on Lake Francis and Rays Lake. Homeowners who are found to be non-compliant will have until 2022 to bring their system into compliance.

There was Council consensus to discuss this proposal during the budget process for next year.

Greenwald presented a quote for a 2017 Rahn Pull Type GL650 Infield Groomer from Kibble Equipment in the amount of \$2,900. The unit has five separate tools and can be pulled with a 4-wheeler, lawn mower, or tractor. This would be beneficial for the ballfields and could also be used for various tasks around the City. There is \$3,000 budgeted for this item in the park fund.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the purchase of a 2017 Rahn Pull Type GL650 Infield Groomer from Kibble Equipment in the amount of \$2,900.

The Council acknowledged a letter of resignation of service on the Elysian Fire Department from Josh Thompson. The Council expressed their appreciation for Thompson's service stating he was an asset to the Department.

On motion by Stoen, seconded by Houlihan, all voting in favor, to accept the resignation of service on the Elysian Fire Department from Josh Thompson.

The Council discussed Resolution 573/17 which requests that Le Sueur County convey tax forfeited Parcel ID # 16.410.0250 to the City of Elysian for a public purpose. The address of this property is 301 6<sup>th</sup> Street NW. This property abuts the Sixth Street Park and has a large shed on the property. The Public Works Department is in need of more storage space and the proximity of this property to the park would be ideal. Also, the house on the property has become a nuisance property and it would be beneficial to the City to have the house removed and the property cleaned up.

Mayor Stoen introduced the resolution and was seconded by Councilmember Schnoor.

CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA  
RESOLUTION 573/17

A RESOLUTION CONCERNING THE CONVEYANCE OF TAX FORFEITED LAND TO THE CITY  
OF ELYSIAN FOR A PUBLIC PURPOSE

WHEREAS, the City Council for the City of Elysian, Le Sueur County, Minnesota met this 12<sup>th</sup> day of June, 2017, at its regularly scheduled meeting, and;

WHEREAS, property identification number R16.410.0250 is up for tax forfeiture to Le Sueur County, and;

WHEREAS, the City of Elysian met and discussed parcel identification number R16.410.0250, and;

WHEREAS, parcel identification number R16.410.0250 contains a large shed on the property and it is positioned geographically on the west end of town in an area where the City's public works department needs space to house public works equipment, tools, chemicals, and other inventory that directly relates to, and are beneficial to, the general welfare of the City of Elysian. In addition, this parcel of property is currently a public nuisance due to the rank growth of vegetation on it and the neglect of care given to the buildings located on it, and the property will be best served if conveyance to the City for a public purpose is granted.

NOW THEREFORE, THE CITY COUNCIL FOR THE CITY OF ELYSIAN HEREIN RESOLVES AS FOLLOWS:

1. That the City of Elysian requests that Le Sueur County convey parcel identification number R16.410.0250 to the City of Elysian for a public purpose.
2. That the City of Elysian will use the property for a public purpose.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 12<sup>th</sup> day of June, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

The Council discussed Resolution 574/17 which requests that Le Sueur County convey tax forfeited Parcel ID # 16.457.0250 to the City of Elysian for a public purpose. There currently is a holding pond which is being maintained by the City located on this property.

Councilmember Schnoor introduced the resolution and was seconded by Mayor Stoen.

CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA  
RESOLUTION 574/17

A RESOLUTION CONCERNING THE CONVEYANCE OF TAX FORFEITED LAND TO THE CITY  
OF ELYSIAN FOR A PUBLIC PURPOSE

WHEREAS, the City Council for the City of Elysian, Le Sueur County, Minnesota met this 12<sup>th</sup> day of June, 2017, at its regularly scheduled meeting, and;

WHEREAS, property identification number R16.457.0250 is up for tax forfeiture to Le Sueur County, and;

WHEREAS, the City of Elysian met and discussed parcel identification number R16.457.0250, and;

WHEREAS, parcel identification number R16.457.0250 contains a holding pond on virtually all of the property and it is positioned geographically south of Lake Francis in the City of Elysian. In addition, this parcel of property has historically been used as a holding pond which assists in the purification of water runoff before it reaches Lake Francis which is of great benefit to the residents of the City of Elysian and users of Lake Francis. Finally, the City of Elysian has historically maintained this parcel of property and desires to do so in the future.

NOW THEREFORE, THE CITY COUNCIL FOR THE CITY OF ELYSIAN HEREIN RESOLVES AS FOLLOWS:

1. That the City of Elysian requests that Le Sueur County convey parcel identification number R16.457.0250 to the City of Elysian for a public purpose.

2. That the City of Elysian will use the property for a public purpose.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 12<sup>th</sup> day of June, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

The Council discussed Resolution 575/17 which requests that Le Sueur County convey tax forfeited Parcel ID # 16.457.0260 to the City of Elysian for a public purpose. This parcel directly abuts the property where the City well house is located. Acquiring this property would allow for future expansion of the well house and also provide a place to store snow.

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

CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA  
RESOLUTION 575/17

A RESOLUTION CONCERNING THE CONVEYANCE OF TAX FORFEITED LAND TO THE CITY  
OF ELYSIAN FOR A PUBLIC PURPOSE

WHEREAS, the City Council for the City of Elysian, Le Sueur County, Minnesota met this 12<sup>th</sup> day of June, 2017, at its regularly scheduled meeting, and;

WHEREAS, property identification number R16.457.0260 Outlot A, is up for tax forfeiture to Le Sueur County, and;

WHEREAS, the City of Elysian met and discussed parcel identification number R16.457.0260, Outlot A, and

WHEREAS, parcel identification number R16.457.0260, Outlot A, is a parcel of property that directly abuts a parcel of real estate that the City of Elysian already owns and which contains the City's well house. Acquiring parcel identification number R16.457.0260, Outlot A would benefit the City as it would allow the City additional real estate to expand the City's well house and potentially place a storage shed on it for the City's inventory and equipment. It was also recognized that the City does indeed have issues with the storage of snow in town, and that two parcels of real estate which the City owns and upon which the City stored snow, were recently sold, and that the City's snow storage issues will only increase. Acquiring this parcel would allow the City an additional place to store snow. In short, acquiring parcel identification number R16.457.0260, Outlot A would greatly benefit the City of Elysian and its residents.

NOW THEREFORE, THE CITY COUNCIL FOR THE CITY OF ELYSIAN HEREIN RESOLVES AS FOLLOWS:

1. That the City of Elysian requests that Le Sueur County convey parcel identification number R16.457.0260, Outlot A to the City of Elysian for a public purpose.
2. That the City of Elysian will use the property for a public purpose.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 12<sup>th</sup> day of June, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Mayor Stoen introduced the resolution and was seconded by Councilmember Houlihan.

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 572/17

RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN FIRE RELIEF ASSOCIATION

WHEREAS, the City of Elysian has received a donation in the amount of \$8,000.00 from the Elysian Fire Relief Association toward the purchase of an extractor washer;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian acknowledges and accepts a donation from the Elysian Fire Relief Association in the amount of \$8,000.00 toward the purchase of an extractor washer.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 12<sup>th</sup> day of June, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

The City currently has a 20-hour per week federally funded employee who processes utility bills, does filing, building permit reports, and other miscellaneous duties. The program is intended to provide training and has a maximum funding period. The funding for this employee is set to terminate on July 27, 2017. This position provides some amount of segregation of duties in the office. The City Auditor has consistently cited segregation of duties as a significant deficiency and staffing this position does help to correct that deficiency. Staff is recommending that the currently federally funded employee, Marlene Zimprich, be hired for 10 hours per week at a rate of \$9.50 per hour effective July 28, 2017.

On motion by Stoen, seconded by Opsahl, all voting in favor, to hire Marlene Zimprich for 10 hours per week at a rate of \$9.50 per hour effective July 28, 2017.

Kopischke reported that the summer hire approved at the May 8, 2017 City Council Meeting was not available. Therefore, Dallas McBroom was offered and did accept the 2017 summer temporary position.

Kopischke reported that the property located at 206 Main Street East had sold for a higher amount than the bid the City had submitted.

Appreciation was expressed to Modern Woodmen of America for the donation of \$75 toward the flowers for the Lake Francis Park.

Appreciation was expressed to Lake Area Women for donating the flowers for the flower pots in front of the businesses in the City.

Appreciation was expressed to Jerry and Cheryl Ellingsworth, Ron, Audene and Kim Greenwald, Michele Hollermann, Brenda Rientz, and Bobbi Radke for planting the flower pots/beds and for providing "extra eyes" to be sure they all stay watered.

Appreciation was expressed to Farmers Friend 4H Club for planting the flower pots at the Lake Francis Park.

Patricia Nusbaum, 104 Park Avenue NE, stated she was speaking to the Council tonight in response to a grass/weed letter she received last week for the north side of her property along Frank Avenue NE. She stated the property is unmowable due to the road being raised when the sanitary sewer was installed in 1974 and the road being raised again in 1993 when the streets were blacktopped. In 2012 the City Engineer told her that the trees would be removed when the waterline was replaced and that street was redone. The road is in the wrong place. She has had a survey done and the trees are in the boulevard. She has spent approximately \$2,900 in the last 15 years maintaining the trees back there. One time her son mowed and he had a hernia. She could get a push mower along the boulevard but it is too steep for a rider mower. She asked the Councilmembers to come over and look at it and determine what it is she should do.

The Council discussed options for caring for this area and noted that the location of the road, etc. would be addressed when the street project is done in that area. There was Council consensus that

one strip should be mowed on the top portion of the boulevard next to the curb and that the noxious weeds need to be sprayed so as not to spread to other properties by June 20, 2017.

Nusbaum stated that her lots in the back area of her property could be used for Fourth of July parking. There is a flat area adjacent to the neighbor's property line for entry into her property. She suggested the City could use their bobcat and haul in some gravel or crushed rock to make an entryway. She would also allow them to store snow on that area in the winter. She has put up a sign for the last five years to invite parking there but the neighbor always parks a truck across the entrance and will not let anyone in.

The Council stated that Nusbaum can allow parking there if she wishes but the City will not be involved.

An application was received for the Park Board – Roger Quiram. On motion by Opsahl, seconded by Houlihan, all voting in favor, to appoint Roger Quiram to the Elysian Park Board for a one-year term ending December 31, 2017.

Nicole Lamont, Utility Billing Clerk, reported that the Elysian Fire Department has requested to place a pop machine at the Lake Francis Park. The machine would be placed next to the bathroom to use the power and the Fire Department would service the machine. The Fire Department currently maintains pop machines at the Elysian Area Club House, the Tri-Valley Learning Center, and James Brothers Construction.

On motion by Schnoor, seconded by Houlihan, to allow the Fire Department to place a pop machine at the Lake Francis Park, to service the machines, and retain the revenue. Following Council discussion, Schnoor and Houlihan withdrew the motion.

Mayor Stoen stated that this was a good idea but he struggled with bringing other entities into the City Park which is the City responsibility. With the upcoming street improvement project the bathrooms may be moved and long term the City may be interested in doing the vending at the park.

On motion by Schnoor, seconded by Opsahl, to allow the Fire Department to place a pop machine at the Lake Francis Park, to service the machines, and retain the revenue until the City decides what they would like to do for vending at the Park. Voting on the motion: Aye – Houlihan, Opsahl, Schnoor. Nay – Stoen. Motion passed.

Mark O'Malley, 504 Frank Avenue NW, explained that he currently is coaching youth girls' soccer in Waseca. There seems to be a lot of interest in soccer in this area but there are no programs available. The City has the goals and the nets and they are not being used. He is requesting permission to utilize and maintain the goals to get something going in Elysian. He will make sure they get put back in the fall. The Council thanked O'Malley for his interest and granted permission for him to use the goals.

On motion by Houlihan, seconded by Stoen, all voting in favor, bills, payroll, and transfers were approved in the amount of \$54,271.36

Public Comment: None.

On motion by Stoen, seconded by Houlihan, all voting in favor, to adjourn the meeting at 7:35 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
JULY 10, 2017**

The Elysian City Council met in regular session on Monday, July 10, 2017, at City Hall at 6:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan, Tom McBroom, Mary Opsahl, and Dennis Schnoor; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald; and City Attorney Jason Moran. Absent: City Utility Clerk Nicole Lamont.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the minutes of the June 12, 2017 Regular Meeting as presented.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve the agenda of the July 10, 2017 Regular Meeting with the following additions:

1. Quotes for Tree Removal.

Public Comment: None.

The Elysian Area Chamber of Commerce (EACC) has requested to hold the “Bash” event at Lake Francis Park on Saturday, September 2, 2017. The event was held for the first time in 2016 and was successful. There were no neighborhood complaints and the area was cleaned up by the next morning. The EACC plans to expand the event this year to include a bean bag and a volleyball tournament with the possibility of having bands during the day.

On motion by Opsahl, seconded by Houlihan, all voting in favor, to approve the request of the Elysian Area Chamber of Commerce to hold the “Bash” event at Lake Francis Park on Saturday, September 2, 2017.

On motion by Schnoor, seconded by McBroom, all voting in favor, to approve a Temporary 1-Day Liquor License for Elysian Area Chamber of Commerce for September 2, 2017 in conjunction with the “Bash” to be held at Lake Francis Park.

Jon Winjum, Operations Manager, R.A.W. Construction, has requested a reduction in retainage for payment for the 2016 Street and Utility Project from 5% to 2%. This would reduce the retainage from approximately \$67,942.70 to \$27,177.08. The City Engineer, Chris Cavett, SEH Engineering, is in support of and is recommending approval of the reduction. He states, “There are three pay items still pending and few other things that are pending final acceptance:

1. Striping on 5<sup>th</sup> Street from Highway 60 to Park Avenue (pending correction of low spot in pavement near Highway 60).
2. Saw and seal (pending completion of striping).
3. Install of the SAFL Baffle in the basin control structure.
4. Finalizing contract and release of all retainage would not be recommended or considered until the final 3 pay items are complete and there is final acceptance of turf and any major warrantee items have been addressed (low spot in pavement on 5<sup>th</sup> Street near Highway 60).”

Public Works Director Greenwald stated he was not in favor of a reduction in the retainage amount at this time. He believes there are too many unfinished items.

City Attorney Moran stated he would not recommend approval of a reduction in the retainage amount at this time.

On motion by Stoen, seconded by McBroom, all voting in favor, to keep the retainage for the 2016 Street and Utility Project at 5% for R.A.W. Construction.

Greenwald presented a quote from Maguire Iron, Inc. to pressure wash the exterior of the water tower in the amount of \$4,500. At the June Council Meeting, the Council had directed Greenwald to inquire if the price could be reduced if the inside and outside of the tank were cleaned at the same time. Greenwald reported that the price would not be reduced. The price was quoted in anticipation that the exterior and interior would be cleaned at the same time. The quote would be higher if the pressure wash was done at a different time.

On motion by Opsahl, seconded by Houlihan, all voting in favor, to approve the contract in the amount of \$4,500 and proceed with Maguire Iron, Inc. for the pressure washing of the exterior of the water tower.

Greenwald presented two quotes for cutting of (5) five trees - 209 Fifth Street SW, 205 Fifth Street SW, 212 Main Street East, 101 Frank Avenue NE, and 100 Lake Avenue NE. Quotes are as follows: Suemnick's Final Cut Tree Service - \$1,350 and Scheurer's Tree Service - \$700. Both quotes include cut, grind brush, and pile wood – no grinding of stumps. Trees will be sawed off at turf level as flat as possible, covered with dirt and seeded.

On motion by Houlihan, seconded by Opsahl, all voting in favor, to approve the quote of Scheurer's Tree Service in the amount of \$700 and proceed with the cutting of the (5) five trees - 209 Fifth Street SW, 205 Fifth Street SW, 212 Main Street East, 101 Frank Avenue NE, and 100 Lake Avenue NE.

The Le Sueur County 2017 Municipal Maintenance Agreement in the amount of \$7,736.77 was presented for approval. This amount is \$1,685 less than the 2016 agreement.

On motion by Opsahl, seconded by McBroom, all voting in favor, to approve the Le Sueur County 2017 Municipal Maintenance Agreement in the amount of \$7,736.77.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 576/17

RESOLUTION ACKNOWLEDGING A DONATION FROM  
CRYSTAL VALLEY

WHEREAS, the City of Elysian has received a donation in the amount of \$1,000.00 from Crystal Valley toward the purchase of a Sliding Unit for the Grass Rig;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian acknowledges and accepts a donation from Crystal Valley in the amount of \$1,000.00 toward the purchase of a Sliding Unit for the Grass Rig.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 10<sup>th</sup> day of July, 2017.

Approved:

\_\_\_\_\_  
Clinton Stoen, Mayor

Attested:

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

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 577/17

RESOLUTION ACKNOWLEDGING A DONATION FROM  
LAND O'LAKES, INC. FOUNDATION

WHEREAS, the City of Elysian has received a donation in the amount of \$1,000.00 from Land O'Lakes, Inc. Foundation toward the purchase of a Sliding Unit for the Grass Rig;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian acknowledges and accepts a donation from Land O'Lakes, Inc. Foundation in the amount of \$1,000.00 toward the purchase of a Sliding Unit for the Grass Rig.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 10<sup>th</sup> day of July, 2017.

Approved:

\_\_\_\_\_  
Clinton Stoen, Mayor

Attested:

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

The Council acknowledged Representative Tony Cornish, who represents the City of Elysian at the state legislature, on being selected as a League of Minnesota Cities Legislator of Distinction for 2017. Cornish was specifically appreciated for his work as the chief author of the peace officer

training legislation which will provide much needed funding for peace officer training throughout the state.

On motion by Opsahl, seconded by Houlihan, all voting in motion, to set a Budget Workshop for Tuesday, August 8, 2017 at 6:00 pm.

Elysian's National Night Out will be held at Lake Francis Park on Tuesday, August 1, 2017 from 5:30 to 7:30 pm.

Appreciation was expressed to the Elysian Area Chamber of Commerce, the City of Elysian Employees, and all the volunteers who helped make the 2017 Fourth of July celebration an outstanding event.

Le Sueur County Sergeant Jeff Thelemann updated the Council. He reported that the Fourth of July festivities were relatively calm. The Council noted the speeding on County Road 11 near the Lake Francis boat access. Thelemann will request added enforcement in that location.

On motion by Schnoor, seconded by McBroom, all voting in favor, bills, payroll, and transfers were approved in the amount of \$205,705.64

Public Comment: None.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 6:20 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
SPECIAL JOINT MEETING WITH PARK BOARD  
AUGUST 8, 2017**

The Elysian City Council held a special joint meeting with the Elysian Park Board Tuesday, August 8, 2017 at City Hall at 6:00 pm.

Roll Call Council: Mayor Clinton Stoen; Councilmembers Robert Houlihan, Tom McBroom, and Mary Opsahl; City Administrator Lorri Kopischke; and Public Works Director Ron Greenwald.  
Absent: Councilmember Dennis Schnoor.

Roll Call Park Board: Vice President Robert Houlihan; Boardmembers Nicole Lamont and Ron Greenwald. Absent: President Dennis Schnoor; Boardmembers Rebecca Kelley, Kris Miller, and Roger Quiram.

Chris Cavett and Lee Istvanovich, SEH Engineering, were present to discuss Lake Francis Park updates and improvements to be included in the 2018 Street and Utility Improvement Project.

Some items discussed included the minimum access entrance on the east side of the park, an update to the hydrant for water at the ballfield, new concession stand/handicap accessible bathroom/storage building, grading and fencing along the east side of the park property by the lake, fencing around the lift station, resurfacing of the trails in the park, installation of a basketball court, condition of the current small pavilion, bleachers behind home plate, parking, a fishing pier, and a possible retaining wall between Frank Avenue and the ballfield to reduce the slope and possibly provide seating. Possible creation of a storm basin on the property at Frank Avenue NE and County Road 11 was also discussed.

Cavett will incorporate these ideas into the feasibility report for consideration by Council at a future date.

On motion by Stoen, seconded by Houlihan, all voting in favor, meeting adjourned at 7:03 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
BUDGET WORKSHOP MEETING  
AUGUST 8, 2017**

The Elysian City Council held a budget workshop meeting following adjournment of a Special Joint Meeting with the Park Board Tuesday, August 8, 2017 at City Hall at 7:04 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan, Tom McBroom, and Mary Opsahl; City Administrator Lorri Kopischke; and Public Works Director Ron Greenwald. Absent: Councilmember Dennis Schnoor.

Draft expense figures for the 2017 budget payable in 2018 were submitted for consideration. Some large projected expenses include a mower, truck, and codification of ordinances.

Draft revenue figures for the 2017 budget payable in 2018 were also submitted for consideration.

Council will review and discussion will be held at a future budget workshop meeting.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 7:58 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
AUGUST 14, 2017**

The Elysian City Council met in regular session on Monday, August 14, 2017, at City Hall at 6:00 pm.

Roll Call: Mayor Pro Tem Mary Opsahl; Councilmembers Robert Houlihan, Tom McBroom, and Dennis Schnoor; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald; City Utility Clerk Nicole Lamont; and City Attorney Jason Moran. Absent: Mayor Clinton Stoen.

On motion by Houlihan, seconded by McBroom, all voting in favor, to approve the minutes of the July 10, 2017 Regular Meeting, August 8, 2017 Special Joint Meeting with Park Board, and August 8, 2017 Budget Workshop Meeting as presented.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the agenda of the August 14, 2017 Regular Meeting with the following additions:

1. Le Sueur County Commissioner Steve Rohlfsing
2. Le Sueur County Chief Deputy Nick Greenig

Public Comment: None.

Le Sueur County Commissioner Steve Rohlfsing updated the Council. Progress is being made on the new Justice Center. There will be a Public Hearing on the County ATV, Golf Cart Ordinance at the County Courthouse on September 22, 2017 at 10:00 am. The Commissioners considered increasing the Wheelage Tax but instead maintained the tax at \$10. They are considering a local option sales tax of one half percent. The funds generated by this tax would be totally dedicated to roads. The tax is estimated to generate \$775,000 per year.

Le Sueur County Chief Deputy Greenig stated the Elysian July 4<sup>th</sup> Celebration went well. He encouraged residents to contact the Sheriff's Department with any questions or concerns.

The Council considered Resolution 580/17 – The request of Larry and Sherri Knutson, the property owners of a property located at 6 Cedar Point Drive NW, Elysian, Le Sueur County, Minnesota, for an “after the fact” variance request to install a patio within the required setback to the Ordinary High Water Level (OHWL) on Lake Francis.

On November 14, 2016, the City Council approved a request of Larry and Sherri Knutson, 6 Cedar Point Drive NW, to allow a variance to remove their current house (already removed) and place a new larger home on the lot in the same location. The original home was approximately 55' by 40' and the new home is 78' x 52'.

Since that home was built there have been numerous calls in regard to the size of the driveway, the removal of trees and vegetation on the shoreline, and the installation of a new large patio.

On June 16, 2017, staff visited the site. It appeared that the trees on the shoreline had all been cut and that there was a new patio installed that went from one side of the new house to the other side of the house and basically to the edge of the shoreland. The contractor on the job was emailed and a letter was sent to the owner, expressing concerns with the driveway, the shoreline, and new larger patio. At this point Todd Piepho of the Department of Natural Resources was contacted to obtain his input.

Subsequently the contractor did provide the lot coverage calculation and it appeared to be within the allowed coverage of 25%. The lot is 1.3 acres. There is a wetland on the lot as well.

Todd Piepho, Department of Natural Resources, did visit the site and forwarded pictures. His email dated June 22, 2017 is as follows:

"I was at the Knutson site this morning and took the attached pics. There are a couple items I had further questions on.

1. I assume the OHWL setback variance was given for the structure? From what I can tell that appeared to be roughly what the map showed I didn't measure. However, the paver patio extended out from the house to within ~20' of the shore. The only remaining portion of natural ground on the shoreline was the bank dropping off to the lake. That might be something you want to address assuming the variance was for the house and not patio, which in my opinion when reading MN rule 6120 would be considered a structure, definition below;

Subp. 16. **Structure.** "Structure" means any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

2. The majority of the trees are removed from the shore. I talked with the landowner and he mentioned the large trees were damaged by a storm event and was going to send photos showing that (have not received them yet). I did notice a handful of small cedar stumps that were cut, not sure if they were damaged from the larger tree falling?? Small cedars were likely not damaged by the storm, but I can't say for sure. Pictures showing the east and west side of the lot show the difference in land coverage, both sides are well wooded so tree removal occurred, I'm just not sure when. I don't know what the site looked like prior to the building.

Depending on how you proceed, maybe a compromise could be made on this site?? I would recommend that if they indeed want to leave the patio that it be reduced to what is proposed in the drawing, essentially a walk way around the back of the house with the addition a small patio area they would be able to have a grill, table etc. I would also recommend they plant trees to provide a screen for view from the lake. Not saying to totally screen off the property, however a handful of trees would go a long way in screening at this site. They appeared to leave the lake alone, I didn't see anything too alarming for work below the OHWL other than the 2 poured in place stairways that extended into the lake (which fall in a grey area because we do allow a 4' walkway or stairway for access to the lake, but I have never seen a poured in place concrete stairway). Give me a call and we can discuss this if you would like. I'll be back on July 5<sup>th</sup>.

Todd Piepho  
Area Hydrologist | Ecological and Water Resources  
Minnesota Department of Natural Resources"

The Council was provided with a drawing by the Public Works Department with measurements of the lot, house, driveway, and patio as it is now. Staff has asked but has not been provided with the dimensions of the previous patio. Using a ruler on the google earth pictures, a best estimate is that the previous patio was approximately 160 square feet. If the previous patio extended to the same area as the new patio, it could have been as large as 320 square feet. The new patio is approximately 1,170 square feet. The new patio is approximately 58 feet greater in length.

The Planning and Zoning Commission held a Public Hearing on the after-the-fact variance request on August 1, 2017 and recommend denial of the variance based on the following findings of fact:

1. The request and supporting documentation does not meet Practical Difficulties Condition #1 Reasonableness. The smaller existing patio was allowed as it was existing and would have allowed the homeowner to utilize the property in a reasonable manner.
2. The request and supporting documentation does not meet Practical Difficulties Condition #2 Uniqueness. There are not unique circumstances to this property. The patio is not affected by topography of the lot. The patio is based on the desire of the homeowner and not due to constraints of the land.
3. The request and supporting documentation does not meet Practical Difficulties Condition #3 Essential Character. The patio covering the entire area between the house and the shoreland is not consistent with the Shoreland Ordinance and with what other properties on the lake have in place.
4. The patio is 78 feet long by 15 to 21 feet wide. The patio is right up to the bank that drops down to the lake. This results in run-off of all surface water in the area straight into the lake. The large amount of house, driveway, and patio results in a large amount of water running directly into the lake.
5. Per the Shoreland Ordinance, in shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning and trimming of trees is allowed to provide a view to the water from the principal building site and to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas and permitted water-oriented accessory structures or facilities, provided that: The screening of structures, vehicles or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced. In this instance, almost all of the trees have been removed and the home is not screened from the lake basically from end to end.
6. And to adhere with the recommendation of Todd Piepho, Area Hydrologist, Minnesota Department of Natural Resources as follows: I recommend that if they indeed want to leave the patio that it be reduced to what is proposed in the drawing, essentially a walk way around the back of the house with the addition a small patio area they would be able to have a grill, table etc. I would also recommend they plant trees to provide a screen for view from the lake. Not saying to totally screen off the property, however a handful of trees would go a long way in screening at this site.

Further, after considerable discussion, the Planning and Zoning Commission recommended that the patio be reduced to the size (footprint) of the original patio as shown on google maps and require replacement of the trees that were removed along the altered shoreline per the DNR recommendations for the type and number of trees to be replaced.

Since that meeting, Piepho of the DNR has made the following recommendation:

"Generally, in cases like these we would recommend a 1:1 ratio for replacement. Basically, however many stumps are out there that many trees would need to be replaced. As far as species we always recommend natives. The exact species could be up to the landowner. There are several nurseries that carry MN native species and they are readily available. I'm guessing from the stumps that were onsite when I was there the majority of the trees that were removed were cedar (guessing red) and silver maple (soft maple). Planting to screen the property from the lake would be the DNR's biggest concern, however full screening isn't required. If you or the homeowners have questions in the future regarding the trees feel free to call."

City Attorney Jason Moran stated that there are three conditions that need to be met in order to grant a variance. These are reasonableness, uniqueness, and essential character. If any one of these three conditions are not met, the variance should be denied. The issues here are the 6 to 8

trees that were removed from the shoreline and the enlargement of the patio that is located in the 75-foot setback from a 100-300 square foot patio to a 1,100 to 1,200 square foot patio. The Council can grant the variance, deny the variance, or work with the property owner to find a solution. The Planning and Zoning Commission and the DNR is recommending the patio be put back to the way it was and the homeowner plant 6 to 8 trees along the shoreline.

Lee Morsching, Morsching Tree Service, asked how this worked if the trees were unsafe. Council was referred to the pictures of the trees that were provided in the memorandum from Abby Leach, Leach Law PLLC. Exhibit I is a picture of two hollow tree stumps. Morsching stated the hollow tree stumps are basswoods. Moran noted there are only two that are hollow. The other six appear to be fine. Morsching stated the other trees were elm. One was dead and the others had symptoms. They removed them to save the other trees.

Moran asked Larry Knutson if he was planning to replace the eight trees that had been removed. Knutson stated that he and his wife would be doing landscaping and trees would be planted as part of that.

Moran asked if eight trees were removed. Morsching stated he did not keep track. Moran asked Knutson how many trees he was planning to replace. Knutson stated they didn't have a plan yet but they would have it nice looking when it was all said and done.

Moran asked Knutson if he was willing to replace the trees. Knutson stated he was willing to plant trees. Houlihan asked if the trees would be native. Mrs. Knutson asked what type of trees are native. Council replied that examples of native trees are oaks, maples, cedar. Knutson stated he would plant evergreens. Schnoor asked where he would be planting the trees. Knutson stated he would be having a professional landscaper determine that. Mrs. Knutson stated they would probably be planted back where trees had been removed. Moran asked when the trees would be replaced. Knutson agreed that the trees would be replaced within 60 days.

The Council then discussed the patio. Moran stated that a variance is needed to place a patio within the required 75-foot setback from the OHWL. Houlihan noted that the original patio was located in the 75-foot setback. Moran agreed and noted that the Planning and Zoning has recommended to go back to the original patio size.

McBroom stated that the Council should be following the recommendations of the Planning and Zoning. If not, homeowners and landscapers would be doing whatever they want. The City has recently worked with a business owner in the city to move some trees out of the right-of-way and if the Council grants this variance he may just move those trees right back because we let this request come in after the fact. Which quite frankly he has a problem with. In reading the notes of the Planning and Zoning it is crystal clear that Knutson was to leave the original patio. And the old saying is it is easier to ask for forgiveness than permission. Yes, the house is very beautiful but there are certain guidelines that must be followed. And as a result, Planning and Zoning is requesting that the Council deny the variance and that the patio be restored to its original size.

McBroom stated that Lake Francis is one of the prettiest lakes around and the Council takes the responsibility seriously and works very hard to see that it is not filled up with sediment and that there is proper filtration of run off. At this point, the modifications in the pictures he has seen, there is too much impervious surface to have anything that is going to recycle the water before it goes back in the lake.

Abby Leach, Leach Law PLLC, stated the Planning and Zoning talked a lot about impervious surface. She just measured everything on the lot and the coverage is well below the 25% that is

allowed. She noted the road setbacks and the lake setback and the wetland area on the lot and stated that the placement of the house is the only place on the lot that it could go.

Leach then stated that the original patio was not 8 feet by 20 feet. The original patio was rounded. She noted the pictures she had submitted with her memorandum. They have only added eight to ten feet on both sides.

Leach stated she had tried to read the City Ordinances and she was confused as all get out. What she read said that landscaping was pavers and impervious surface was pea rock and compacted sand. So, in her mind, the pavers are landscaping. She stated a normal standard person in reading the ordinance would be confused on if it were landscaping or an impervious structure or if a variance was needed. It also stated in the original site plan that it only applied to "major" landscaping and they were keeping the original size and only adding a little on each side so that is not "major" landscaping. Also, they could have gone back to cement but they used pavers and packed sand to allow run off. They also installed tile that runs the water to the wetland and spent the extra money to put the mat down to catch the run off while they built the house. And she could not find any language about the original patio in the Council minutes.

Kopischke stated it was discussed at the November 1, 2016 Planning and Zoning Commission Meeting. She read as follows: "The Commissioners suggested the location of the proposed house be moved to the east to avoid placement in the road right-of-way. Peterson stated that the proposed placement of the house was based on maintaining the existing concrete on the lot and removing the least number of trees as possible."

Mrs. Knutson stated that the new patio is no closer to the lake than the previous patio. Houlihan stated the new patio is three times bigger than the previous patio. Mr. Knutson stated that during construction his whole concrete patio was ruined by large equipment. McBroom asked why Knutson didn't just replace the patio to the same size. Knutson stated he had already had Council people out to his house and explained why he made it bigger. He never had to have anything for the first patio. The only thing was that he had to stay under 25%. Why would he think he had to do anything this time?

Leach noted that the original variance for the 36 feet for the house never took into account the patio. Kopischke responded that the Planning and Zoning was told the patio would not be changed. So, the patio was existing. If it was not moved or enlarged, then no action was required.

Moran stated it had been discussed that the previous patio was 167 square feet. Knutson stated it had been discussed but he didn't think that was correct. Moran then asked how much bigger the new patio was compared to the previous patio. Mrs. Knutson stated that the size stated by the city staff had only been an estimate. Houlihan noted that everyone can see that the new patio is much bigger than the previous patio. Mrs. Knutson stated the cabin that was there was built in the 1960s and it was very small. When they built this new house they had some doors coming out and it just makes common sense. Why would they build a larger footprint of a house and have to stay with the smaller footprint of a patio?

Moran stated the original plat was for a small cabin. It is a smaller parcel. There are neighbors who are complaining and the complaints have led to this. Moran stated that a lot of times these things are caught after the fact when someone reports it.

Leach stated she looked back in the Council minutes since 2010 and there has never been a request for a variance for a patio. She drove around and there are houses with patios on the lot line and variances that have been granted to allow 42% lot coverage. There are much larger structures

with more run off on the lake. That same property that has 42% coverage added a massive patio and she didn't see a variance for that.

Houlihan stated that a lot of the uniqueness of this lot came from the trees. And now, when you are on a boat on the lake, looking at the lakeshore, this property sticks out because of the trees that are gone and because of the patio. So, the removal of trees and installation of the large patio has taken away from the uniqueness of it.

Mrs. Knutson stated they had lost 24 trees to the tornado. That opened up the lot on the lakeside but that was by no means to them. All that was left were the trees in the bank that slowly year to year were taken by nature. Yes, someday there needs to be some restoration there. But no fault to them. They are only trying to beautify the lot.

Leach asked who determines the size of the previous patio. Houlihan noted there are two sets of paved stairs there. He thought the patio should be between those steps. Mr. Knutson stated that if you look on the picture, that patio goes past that. Mr. Moran again asked for the size of the previous patio. There was no response.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve Resolution 580/17 – Adopting Findings of Fact, Conclusions of Law, and Denial of an “After the Fact” Variance Application for Larry and Sherri Knutson for Property located at 6 Cedar Point Drive NW, Elysian, Minnesota as follows:

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 580/17**

**RESOLUTION ADOPTING FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DENIAL OF AN  
“AFTER THE FACT” VARIANCE APPLICATION  
FOR LARRY AND SHERRI KNUTSON FOR  
PROPERTY LOCATED AT 6 CEDAR POINT DRIVE NW, ELYSIAN, MINNESOTA**

**FACTS**

1. Larry and Sherri Knutson are the owners of a parcel of land located at 6 Cedar Point Drive NW, Elysian, Minnesota; and,
2. The subject property is legally described as: Unit 6 CIC #034 Kaplan's Cedar Pointe, Le Sueur County, Minnesota; and,
3. Larry and Sherri Knutson have applied to the City for an “after the fact” variance to install a 78 foot by 15 to 21-foot patio within the Ordinary High Water (OHW) setback on Lake Francis.
4. The proposal the applicants have made would vary from the City of Elysian's Zoning Ordinance, specifically Section 13.0, Shoreland Overlay Zone Subd. G, Shoreland Standards General 1. Residential (R-1 and R-2) a. Recreational Lake (Francis) Setback from OHW mark requires a 75 feet setback from the OHW mark of the Lake. Considering this, applicant's newly installed patio is located entirely within the OHW setback from Lake Francis in clear violation of the Shoreland Ordinance.
5. On November 14, 2016, the City Council for the City of Elysian, did approve a variance request for Larry & Sherri Knutson to build a new home 38.5 foot within the OHW setback of Lake Francis. At that time, there was an existing patio of approximately 160 square feet and the Knutson's stated they would be keeping that patio in place. Importantly, the Knutson's never submitted any drawings, surveys, or other documentation concerning a larger patio than what existed on-site at the time. Since then, the new home has been built, the small

patio has been removed, and it was discovered that the old patio had been ripped out and a very much larger 1,170 square foot patio has been installed. Importantly, the old patio was 160 square foot and the after-the-fact patio has been discovered to be 1,170 square feet. Additionally important, the new patio is completely and entirely within the 75-foot setback in violation of the Shoreland Ordinance setback which specifically requires a 75-foot setback from the OHW mark of the lake. In addition, applicant has clear cut many trees along his shoreline in clear violation of the Ordinances of the City of Elysian which prohibit clear cutting (Section 13-Shoreland Overlay Zone, Subd. I, Section 5).

6. Following a public hearing on the application, the City of Elysian Planning Commission has recommended denial of the "after the fact" patio variance on August 1, 2017.
7. The City Council of the City of Elysian reviewed the requested "after the fact" variance at its regularly scheduled Meeting of August 14, 2017.

### **APPLICABLE LAW**

8. 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 City's 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; and (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**

9. The request and supporting documentation does not meet Practical Difficulties Condition #1 Reasonableness. The smaller existing patio was allowed as it was existing and would have allowed the homeowner to utilize the property in a reasonable manner. A larger patio would increase the impervious surfaces on the property and would lead to additional water run off to Lake Francis.
10. The request and supporting documentation does not meet Practical Difficulties Condition #2 Uniqueness. There are no unique circumstances to this property. The patio is not affected by the topography of the lot. The patio is based on the desire of the homeowner and not due to constraints of the land. The larger patio was created entirely by the homeowner. The property is not unique and there are no unique circumstances that would require a larger patio than what previously existed. The situation is entirely self-created by the property owner and relates to the property owner's desire and want for a much larger patio. The City has enacted the Shoreland Ordinance and enforces the same so that the environment and Lake Francis is protected. The setback requirements in the zoning ordinance are to ensure that the entire community's best interests and general welfare are protected.
11. The request and supporting documentation does not meet Practical Difficulties Condition #3 Essential Character. The patio covering the entire area between the house and the shoreland is not consistent with the Shoreland Ordinance and with what other properties on the lake have in place. Applicant previously had a 160-square foot patio and now, in this

after the fact application, are requesting a variance for an 1170-foot patio. Such a patio is not consistent with the other properties in the neighborhood.

12. The patio is 78 feet long by 15 to 21 feet wide. The patio is right up to the bank that drops down to the lake. This results in run-off of all surface water in the area straight into the lake. The large amount of structural coverage (house, driveway, and patio) results in a large amount of water running directly into the lake. The Minnesota Department of Natural Resources has made a recommendation to deny the variance.
13. Per the Shoreland Ordinance, in shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning and trimming of trees is allowed to provide a view to the water from the principal building site and to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas and permitted water-oriented accessory structures or facilities, provided that: The screening of structures, vehicles or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced. In this instance, almost all of the trees have been removed and the home is not screened from the lake basically from end to end. Clear cutting of trees is prohibited. Applicants have engaged in clear cutting. Applicants have removed all of the trees at their lakeshore and this was evident from the photographs provided to the Council.
14. Todd Piepho, Minnesota Department of Natural Resources, and Area Hydrologist, has recommended as follows: I would also recommend they plant trees to provide a screen for view from the lake.
15. Applicant's actions in installing the much larger patio directly violates Section 13, G, 1 (a) of the Shoreland Ordinance, 75-foot setback rule.
16. Applicant's clear cutting of trees by the lakeshore directly violates Section 13-Shoreland Overlay Zone, Subd. I, Section 5, which prohibits clear cutting.
17. **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Elysian, Minnesota, that the application to issue an "after the fact" variance to allow Larry and Sherri Knutson to install a 78 foot by 15 to 21-foot patio in the OHW setback on Lake Francis so as to deviate from City of Elysian Zoning Ordinance Section 13.0 Shoreland Overlay Zone Subd. G. Shoreland Standards General 1. Residential (R-1 and R-2) a. Recreational Lake (Francis) Setback from O-H-W required 75 feet is hereby Denied. The patio must be reduced to its original size or removed in its entirety by October 15, 2017. In addition, applicants have agreed to work with the City in replacing 8 trees at the lakeshore near the bank per Department of Natural Resources specifications by October 15, 2017 and this issue is therefore moot. Said 8 trees shall be native trees.

Considered and adopted by the City Council for the City of Elysian on this 14<sup>th</sup> day of August 2017 after considering all of the facts and circumstances of the application.

Variance Denied:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Council was presented with a draft Ordinance #86/17 – Pertaining to Driveways in the City of Elysian. It was noted that at the May 8, 2017 Council Meeting, staff had mentioned the lack of regulation of driveways widths, curb cuts, etc. in the City Ordinances. The City Engineer had recommended an ordinance to regulate these issues and had provided samples from other cities. At that meeting, the Council voted to refer this issue back to Planning and Zoning for consideration. The Planning and Zoning Commission has created the draft ordinance and referred to Council for consideration.

On motion by Opsahl, seconded by Houlihan, all voting in favor, to set a Public Hearing for September 11, 2017 to consider Ordinance 86/17 – An Ordinance Pertaining to Driveways in the City of Elysian.

Council received a request from John H Carpenter, Ramona M Carpenter, and Barbara C Nelson to close and vacate Lakeside Drive NW between Sixth Street NW and to the west to the extent that it is platted up to PID # 16.460.0100. The requestor states “This part of Lakeside Drive has been abandoned and not maintained by the City for many years. If it is closed and the land apportioned it will enable us to consolidate three parcels of land (Reserve Block 1, Block 5 and 35-foot strip of land on the western edge of the two Blocks) into one developable parcel. Any development of the parcel will benefit the City by increasing the tax base”.

On motion by Opsahl, seconded by Schnoor, all voting in favor, to set a Public Hearing for September 11, 2017 pm to consider the request of John H Carpenter, Ramona M Carpenter, and Barbara C Nelson, to close and vacate Lakeside Drive NW between Sixth Street NW and to the west to the extent that it is platted up to PID # 16.460.0100.

Public Works Director Ron Greenwald reported that Maguire Iron, Inc. will be cleaning the interior and the exterior of the water tower on Tuesday, August 15, 2017. There should not be an interruption in water service.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 578/17**

**RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN AMERICAN LEGION POST #311**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$280.20 from the Elysian American Legion Post #311, for tax relief for the purpose of replacing flag poles caps on the poles located along State Highway 60.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT:** the City Council of the City of Elysian acknowledges and accepts the donation from the Elysian American Legion Post #311 in the amount of \$280.20 for the purpose of replacing flag pole caps on the poles located along State Highway 60.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14<sup>th</sup> day of August, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 579/17**

**RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN AMERICAN LEGION POST #311**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$2,664.00 from the Elysian American Legion Post #311, for tax relief for the purpose of replacing flag poles located along State Highway 60.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT:** the City Council of the City of Elysian acknowledges and accepts the donation from the Elysian American Legion Post #311 in the amount of \$2,664.00 for the purpose of replacing flag poles located along State Highway 60.

Upon vote being taken:

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

Council Members voting in the negative: None

Adopted by the City Council of the City of Elysian this 14<sup>th</sup> day of August, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Kopischke presented a quote for a new desktop computer including installation from Pantheon Computers in the amount of \$1,448.00. This item is included in the budget for this year.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the purchase and installation of a new desktop computer from Pantheon Computers in the amount of \$1,448.00.

On motion by Houlihan, seconded by Schnoor, all voting in favor, to advertise for a permanent part-time public works employee at the rate of \$13.50 per hour for 25 hours per week.

On motion by Houlihan, seconded by McBroom, all voting in favor, to schedule a budget workshop meeting for Tuesday, August 29, 2017 at 6:00 pm.

Le Sueur County Board of Commissioners will hold a Public Hearing for the purpose of taking public comment on the proposed County of Le Sueur ATV, Golf Cart, Mini Truck Ordinance on Tuesday, August 22, 2017 at 10:00 am at the Le Sueur County Courthouse.

The Council expressed appreciation to the Chamber of Commerce, City Employees, and all the volunteers for a successful National Night Out Event.

Reminder of the Second Annual Lake Francis Bash to be held on Saturday, September 2, 2017 at Lake Francis Park starting at 9:00 am. Events will include a bean bag tournament, volleyball tournament, free kid's activities, vendor show, concessions and beer garden, and Gold Star Band will play in the evening.

Park Board member Nicole Lamont presented a picture of striping on the Lake Francis Park parking lot. The Park Board would like to see the parking lot striped again. Lamont asked the Council to approve the design of the striping and also the expenditure.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve striping of the Lake Francis Park parking lot with the same design as previously done and in an amount up to \$600.

Lamont reported that three or four of the companies who donated to the park are not included on the sponsor sign as there is no more room available. The Park Board has suggested purchasing a second sign to mount next to the current sign to include the remaining contributors and any who donate in the future. The cost would be approximately \$372 plus the post and concrete.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the purchase of a sponsor sign for the park similar to the current sign at an approximate cost of \$372.

On motion by Schnoor, seconded by McBroom, all voting in favor, bills, payroll, and transfers were approved in the amount of \$147,588.15.

Public Comment: None.

On motion by Houlihan, seconded by McBroom, all voting in favor, meeting adjourned to closed session to discuss possible land purchase at 7:08 pm.

On motion by Opsahl, seconded by McBroom, all voting in favor, to reopen the meeting at 7:19 pm.

On motion by Schnoor, seconded by Opsahl, all voting in favor, to contact the owner of property PID # 16.450.0170 to discuss hiring an appraiser to have the property appraised for consideration of purchase for installation of a storm water basin in conjunction with the proposed 2018 Street and Utility Project.

On motion by McBroom, seconded by Houlihan, all voting in favor, to adjourn the meeting at 7:20 pm.

Approved:

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Mary Opsahl, Mayor Pro Tem

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
BUDGET WORKSHOP MEETING  
AUGUST 29, 2017**

The Elysian City Council held a budget workshop meeting on Tuesday, August 29, 2017 at City Hall at 6:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan, Tom McBroom, Mary Opsahl, and Dennis Schnoor; City Administrator Lorri Kopischke. Absent: None.

Draft Expense figures for the 2017 budget payable in 2018 were discussed. Sealcoating in the amount of \$21,100 for the streets included in the 2016 Project was discussed. The final overlay on these streets was just installed in the spring of 2017. After careful consideration, there was Council consensus to schedule the sealcoating of the streets included in the 2016 Street and Utility Project for the Spring of 2019 with \$15,000 toward that sealcoating to remain in the 2017 budget payable 2018. The remaining \$6,000 will be split as follows: \$2,000 into 101-41400-560 toward ordinance codification and \$4,000 into 101-49200-496 for contingency.

Draft revenue figures for the 2017 budget payable 2018 were accepted as presented.

The preliminary budget will be presented to the Council at the September 11, 2017 meeting for adoption.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 6:45 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 11, 2017**

The Elysian City Council met in regular session on Monday, September 11, 2017, at City Hall at 6:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan, Tom McBroom, Mary Opsahl, and Dennis Schnoor; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald; and City Attorney Jason Moran. Absent: City Utility Clerk Nicole Lamont.

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

The purpose of the hearing is to allow public input from citizens in regard to the request of John H Carpenter, Ramona M Carpenter, and Barbara C Nelson, the property owners of a property located at 411 Sixth Street NW, Elysian, Le Sueur County, Minnesota, to close and vacate Lakeside Drive from Sixth Street NW to PID # 16.460.0100.

The property owners would like to combine the three adjacent parcels of land they own into one developable parcel and then place the parcel for sale. The City does not maintain the road. It has not been used for many years. There is access to the lots to the west via private drive also named Lakeside Drive.

Barbara C. Nelson, property owner 411 Sixth Street NW, stated this portion of Lakeside Drive has not been used as a street for years. It just shows up on the map. They would like to combine the three sections and sell as a whole unit. That way a new buyer could build a home 75 feet back from the lake.

Public Comment:

Dale Gandrud, owner of property located at 706 Lakeside Drive NW, stated he had no problem with what Ms. Nelson would like to do. His question was if the private drive that he lives on will be affected. City Attorney Moran stated the private drive would not be affected.

There was no further public comment. No written comments were received.

On motion by Stoen, seconded by Houlihan, all voting in favor, to close the Public Hearing at 6:07 pm and open the Regular Meeting.

Le Sueur County Chief Deputy Greenig stated the City has been quiet. He encouraged residents to contact the Sheriff's Department with any questions or comments.

Mayor Stoen congratulated Mack Evans on being named 2017 Le Sueur County Outstanding Senior Citizen and presented him a certificate of appreciation as follows: "In recognition of your Deep Commitment, Outstanding Devotion, and Committed Leadership to the City of Elysian including: Six Years as the Mayor of Elysian; Initiated a National Night Out Event for the Community; Current Elysian Economic Development Authority Commissioner; Active member of the Elysian Area Chamber of Commerce; Active with the American Legion Post #311, Legion Marching Unit and Honor Guard; Generous Volunteerism; and Constant Public Relations and Promotion of the City. Thank you. You have made a difference."

On motion by McBroom, seconded by Schnoor, all voting in favor, to approve the minutes of the August 14, 2017 Regular Meeting and August 29 Budget Workshop Meeting as presented.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the agenda of the September 11, 2017 Regular Meeting as presented. Stoen noted there are two variance requests and one rezoning issue on the agenda that are not public hearings. He invited public comment on those items to be made during the public comment time.

The Council considered Resolution #581/17. City Attorney Moran stated he had reviewed the Resolution and it meets all standards. Mayor Stoen introduced the resolution and was seconded by Councilmember Opsahl.

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 581/17

A RESOLUTION VACATING A PORTION OF STREET UPON PETITION OF A MAJORITY OF ABUTTING LANDOWNERS.

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

WHEREAS, a petition signed by the majority of property owners abutting Lakeside Drive a portion of street in the city of Elysian was received by the City Clerk on the 8<sup>th</sup> day of August, 2017; and

WHEREAS, the City Council for the City of Elysian called for a public hearing by notifying its interest in vacating a portion of a street pursuant to Minnesota Statute §412.851; and

WHEREAS, the portion of the street subject to vacation is a platted street lying west of Sixth Street NW and described as follows: that portion of a street platted and measuring approximately 368' x 66' lying north of Block Five (5), in the Townsite of Elysium, now known as the Village of Elysian, according to the plat on file in the Office of the Register of Deeds of Le Sueur County, Minnesota and lying directly south of Reserve Block Number One (1) in the Townsite of Elysium, according to the plat thereof, on file and of record in the office of the Register of deeds in and for said county, as is illustrated on the attached map; and

WHEREAS, a public hearing was set to consider the vacation of said portion of a street; and

WHEREAS, a public hearing to consider the vacation of said portion of street was held on September 11, 2017 before the City Council at City Hall located at 110 West Main Street, Elysian, Minnesota at approximately 6:00 pm. Further, all property owners adjacent to said portion of street and all affected persons were given notice of said Public Hearing, and all were given an opportunity to be heard and voice their concerns regarding the vacation of the subject portion of a street. Finally, said notice was published in the City's legally designated newspaper for the requisite time parameters called for in Minnesota Statutes §412.851; and

WHEREAS, the Council, in its discretion has determined that the vacation will benefit the public interest because the portion of street is not used by the City and vacation of the portion of street will provide an opportunity for the homeowner to further develop and enhance his property, which will further enhance the City's tax base, and it will additionally lessen the City's liability for the portion of said street and eliminate any maintenance obligation the City may have for the same; and

WHEREAS, four-fifths of all members of the Elysian City Council concur in this resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF ELYSIAN, LE SUEUR COUNTY, MINNESOTA, that portion of a street platted and measuring approximately 368' x 66' lying north of Block Five (5), in the Townsite of Elysium, now known as the

Village of Elysian, according to the plat on file in the Office of the Register of Deeds of Le Sueur County, Minnesota and lying directly south of Reserve Block Number One (1) in the Townsite of Elysium, according to the plat thereof, on file and of record in the office of the Register of deeds in and for said county, as is illustrated on the attached map shall be, and hereby is vacated.

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

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the Council this 11<sup>th</sup> day of September, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

The Council considered Resolution #582/17 adopting the 2018 proposed budget. It was noted that the Council had met in budget workshop on August 8 and August 29, 2017. Councilmember Schnoor introduced the resolution and was seconded by Councilmember McBroom.

RESOLUTION NO. 582/17  
RESOLUTION ADOPTING THE 2018 PROPOSED BUDGET  
FOR THE CITY OF ELYSIAN  
LESUEUR AND WASECA COUNTIES

WHEREAS, the City of Elysian has considered and discussed the budget for the year 2018;  
and

WHEREAS, the 2018 proposed budget is attached to this Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELYSIAN, MINNESOTA:

1. That the attached proposed budget for 2018 marked as "Exhibit A" is hereby adopted.

Upon vote being taken:

Councilmembers voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen

Councilmembers voting in the negative:

Whereupon said resolution was declared duly passed and adopted.

Dated this 11<sup>th</sup> day of September, 2017.

Approved:

\_\_\_\_\_  
Clinton Stoen, Mayor

Attested:

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

Public comment will be taken on the levy and budget at the December 11, 2017 meeting at 6:01 pm.

The Council considered Resolution #583/17 adopting preliminary 2017 Tax Levy, payable 2018. Mayor Stoen introduced the resolution and was seconded by Councilmember McBroom.

RESOLUTION NO. 583/17  
RESOLUTION ADOPTING PRELIMINARY 2017 TAX LEVY, PAYABLE 2018  
CITY OF ELYSIAN  
LE SUEUR AND WASECA COUNTIES

WHEREAS, the City of Elysian has adopted the proposed budget for the year 2018; and

WHEREAS, the City of Elysian has determined the tax levy for taxes payable in the year 2018 to be in the amount of \$561,002.00.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY ELYSIAN, MINNESOTA; that the following sums of money are levied for the current year, collectible in 2018, upon taxable property in the City of Elysian, for the following purposes:

General Fund	\$413,855
Fire Relief	\$ 14,651
Maintenance Replacement Eq.	\$ 10,000
Storm Sewer	\$ 5,000
Kaplan	\$ 15,000
City Hall Debt	\$ 26,000
2012 Local Improvement Levy	\$ 50,000
2016 Local Improvement Levy	\$ 6,000
2016 Fire Truck Debt	\$ 20,496

Total Preliminary Levy	\$561,002
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Councilmembers voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Councilmembers voting in the negative: None.

The City Administrator is hereby instructed to transmit a certified copy of this resolution to the County Auditor for Le Sueur County and Waseca County, Minnesota.

Adopted by the Elysian City Council on September 11, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Public comment will be taken on the levy and budget at the December 11, 2017 meeting at 6:01 pm.

The Council considered Resolution #586/17 accepting a donation from American Legion Post #311. Councilmember Schnoor introduced the resolution and was seconded by Councilmember McBroom.

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 586/17

RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN AMERICAN LEGION POST #311

WHEREAS, the City of Elysian has received a donation in the amount of \$100.00 from the Elysian American Legion Post #311, for tax relief to the Elysian Area Chamber of Commerce for the purpose of funding a portion of the National Night Out Celebration.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian acknowledges and accepts the donation from the Elysian American Legion Post #311 in the amount of \$100.00 for tax relief to the Elysian Area Chamber of Commerce for a portion of the expenses of the National Night Out Celebration.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 11<sup>th</sup> day of September, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

The Council considered Resolution #587/17 granted approval for one day off site gambling license. Councilmember Schnoor introduced the resolution and was seconded by Councilmember McBroom.

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 587/17

WHEREAS; The Elysian City Council was presented with a request from the American Legion Post #311 for one day off site lawful gambling,

WHEREAS; State Laws of Minnesota require approval be granted by the local governing body, thus the City of Elysian,

WHEREAS; the request was made at a regular meeting of the Elysian City Council,

NOW THEREFORE, BE IT RESOLVED; The Elysian City Council granted approval for a one day off site lawful gambling license to the Elysian American Legion Post #311 in conjunction with a fishing contest to be held on February 4, 2018.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Whereupon said resolution was declared duly passed and adopted.

Dated this 11<sup>th</sup> day of September, 2017.

Approved:

\_\_\_\_\_  
Clinton Stoen, Mayor

Attested:

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

Kopischke reported that the Le Sueur County Commissioners held a Public Hearing on August 22, 2017 and passed an Ordinance to allow golf carts, mini trucks and ATVs to be operated on county roads within city limits that have adopted an Ordinance permitting the use of such vehicles as allowed by Minnesota law. The City of Elysian does have such an Ordinance regulating golf carts, Ordinance #65/09 and that Ordinance will have to be updated to include operation on county roads and highways.

Councilmember Schnoor asked if the Ordinance could be amended to address the use of registered, insured, side by side utility vehicles operated by licensed drivers. City Attorney Moran will add that language to the amendment.

On motion by Stoen, seconded by Schnoor, all voting in favor, to set a Public Hearing for October 9, 2017 to consider Ordinance #65/09A – An Ordinance Amending Elysian Ordinance #65/09 relating to the Operation of Motorized Golf Carts on Public Streets and Roadways within the City of Elysian.

On motion by Stoen, seconded by McBroom, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:18 pm.

The purpose of the hearing is to allow public input from citizens in regard to Ordinance No. 86/17 – An Ordinance Pertaining to Driveways in the City of Elysian.

The issue of regulating driveways came up during the 2016 Street and Utility Improvement Project and also with new home construction. Staff brought the issue to the Council at the May meeting and Council referred it to Planning and Zoning for a recommendation. Planning and Zoning researched and discussed the issue at their June, July, and August meeting and have presented Ordinance No. 86/17 to the Council for consideration.

Councilmember Schnoor stated that he would like to have language added that states: “All currently existing driveways be grandfathered in.”

Public Comment:

Steve Ritchison, 101 Fourth Street NW, stated he currently has a 16 by 70 foot gravel driveway and can't afford to blacktop it if he wanted to and he has no intention to do so. He stated he cannot even believe the Council is considering the requirement that driveways be surfaced within one year of sale of property. He feels that this considerably lessens his house value. He asked that the Council show some common sense that that part of the Ordinance will just go away.

Dennis Jewison, owner of property located at 206 Main Street East, stated he agreed with the previous comments. The homes in question are not high-end homes. They may be owned by single mothers or low-income families. What we don't need to do is impose a big tax on them to buy these houses. It is a privilege for those who can afford it but not burden those people without as much. As far as improving the environment, he would question that. Rather it would be bad for the environment as it creates more impervious land. It would seem to be better to tear up the driveways and let the water pass through. So, he asked that the portion of the Ordinance relating to paving the driveways be removed.

There was no further public comment. No written comments were received.

On motion by Stoen, seconded by Houlihan, all voting in favor, to close the Public Hearing at 6:25 pm and open the Regular Meeting.

Public Comment:

Pat Nusbaum, 104 Park Avenue NE, stated she was speaking in regard to the possible rezoning of the properties on the north side of Main Street East from the fire hall to the corner. She would like to ask the Council to keep them zoned as commercial and here are the reasons why. The downtown commercial property is limited. The potential of commercial being located on the property being discussed tonight is a definite possibility. If it is changed to residential this eliminates that possibility. The houses that are on the north side of the street could someday become businesses. Potential for a developer to come in and purchase the entire area and develop it is a possibility. If the area is zoned residential it will unlikely ever go back to commercial. Fifteen years ago, when Elysian Auto was considering building a new building, we worked really hard with them to build within the City limits and to build in the downtown district. One of the questions at that time was whether the north side of the street would remain commercial since the Morschings wanted to be assured that they

would get no complaints regarding noise or traffic. They were assured that it would remain commercial. She would like the Council to consider her concerns or take a bit more time and consider amending the Ordinance to allow homes in that area to update or improve as this is a unique situation. She stated she had no problem to allow the homes to update as they may become businesses someday. She realizes it is a non-conforming use in a commercial district but she would like the Council to investigate as this would result in part of the block being residential and part of it being commercial.

Dennis Jewison, owner of property located at 206 Main Street East, stated this really is residential housing and should be zoned what it is. It never should have been changed. He questioned if it was even legal as it affects the values of those properties. If someone goes to buy the property and it is discovered it is zoned commercial they can't get a loan from the bank so it has created an undue hardship for these people. It has been zoned commercial for 37 years and he doesn't see a lot of businesses coming in there. If we do see commercial it would be good to have it here but let's put it up on Highway 60 where it belongs. If there is not room, then we need to annex in more property and put the commercial where it should be located.

There was no further public comment.

The Council considered Ordinance #86/17 pertaining to driveways in the City of Elysian.

Councilmember Schnoor stated that personally he did not believe that we need it. If a person wants a bigger driveway, so be it. We are small town.

Councilmember McBroom stated he believed it was needed for consistency. Without regulations, the entire front yard could be driveway and there would be no grass and people would be parking in the front yards.

Councilmember Houlihan stated he did not see a need to limit the size of the driveway. He noted there are some really long driveways in town and the purpose of paving the driveway is to keep the gravel out of the storm sewer. He proposed that the surfacing requirement only be for the first 20 feet of the driveway from the road. This would keep the gravel off the road but would not be as expensive for the homeowner.

Mayor Stoen stated he is on the Planning and Zoning Commission and they did research this issue and had a lot of discussion. A 24-foot curb cut which widens after a five-foot setback should provide plenty of room to get in and out. It does standardize driveways especially for a street project. He does support people being able to keep the driveways they have. He understands the 70-foot-long driveway issue but questioned if there were a lot of those driveways out there. He supported the Ordinance as written.

Councilmember Opsahl noted that some driveways are long and it seems that the whole road is part of the driveway.

After considerable discussion, on motion by Stoen, seconded by McBroom, all voting in favor, to approve Ordinance #86/17 with the following changes: Addition of: All current driveways as of the date of this ordinance are grandfathered in with regard to width, setbacks, and curb cuts. And change: #8 All driveways and required off-street parking spaces shall be surfaced with concrete, bituminous or pavers. All existing driveways that are not surfaced with concrete, bituminous, or pavers shall be upgraded to be surfaced "a minimum of 24 feet from the street" within one-year of sale of the property to a new owner.

The Ordinance was presented by Mayor Stoen and seconded by Councilmember McBroom:

ORDINANCE 86/17  
CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA

AN ORDINANCE PERTAINING TO DRIVEWAYS IN THE CITY OF ELYSIAN

The City Council for the City of Elysian, Le Sueur County, Minnesota, does hereby Ordain as follows:

1. A Driveway Permit is required and can be obtained at the office of the City Administrator. The permit shall identify the property owner, the property address, and provide a plan of the proposed driveway including dimensions of the proposed driveway.
2. Residential uses shall be limited to two curb cuts or driveway accesses per property. The two curb cuts or driveway accesses shall be set back at least ten (10) feet from each other.
3. Driveways are limited to a maximum width of twenty-four (24) feet at the curb.
4. Driveways may widen after a five (5) foot setback from the curb.
5. Driveways are limited to a maximum of thirty-six (36) feet in width.
6. Driveways shall meet the required side yard setback for the adjacent structure. For example, a driveway that serves an attached garage must meet the eight (8) foot side yard setback; a driveway that serves a detached garage must meet the three (3) foot side yard setback.
7. Driveway setback for corner lots shall not be less than 20-feet from adjacent right-of-way, (meeting Front Yard setback).
8. All driveways and required off-street parking spaces shall be surfaced with concrete, bituminous, or pavers. All existing driveways that are not surfaced with concrete, bituminous, or pavers shall be upgraded to be surfaced "a minimum of 24 feet from the street" within one-year of sale of the property to a new owner.
9. All current driveways as of the date of this Ordinance are grandfathered in with regard to width, setbacks, and curb cuts.

This Ordinance shall be in effect after its passage and publication.

The Ordinance was presented by Mayor Stoen, seconded by Councilmember McBroom with the following vote being taken:

Voting Yes: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Voting No: None

Passed this 11<sup>th</sup> day of September, 2017.

By: \_\_\_\_\_  
Clinton Stoen, Mayor

Attest:

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

The Council considered Resolution #584/17 – Approval of a Variance Application for Larry and Roberta Radke for property located at 405 Lake Avenue NW.

The Planning and Zoning Commission held a Public Hearing on September 5, 2017 to consider the request of Larry and Roberta Radke, owners of the property located at 405 Lake Avenue NW, for a variance to construct an addition of four feet onto the west side of their entryway which will encroach into the side yard setback to within five feet of the west property line. The Radkes are planning to make this their full-time home. Along with the addition, the Radkes plan to re-side the house and replace several windows. They state the addition needs to be on the entryway due to the location of the electric and gas meter and the roofline.

Kopischke reported there was one neighbor present at the Public Hearing. His issue was not related to the variance and other than that issue, he stated he was in favor of the variance request.

The Planning and Zoning Commission is recommending approval of the variance request based on the following findings of fact:

1. Reasonableness: The request to construct the addition onto the entryway is reasonable due to the restriction of the roofline. This is the only place on the home that an addition would be practical.
2. Uniqueness: There are unique circumstances on the property in that the gas and water meter are located on the south end of the home and based on the size of this addition it would not be in the best interest of the property owner to have those meters moved.
3. Essential Character: The addition will not alter the essential character of the area. It will be part of a remodel that will improve the look of the building and the encroachment into the setback will not be noticeable.

And with the following Condition:

1. That the entire building will be re-sided upon completion of the addition.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 584/17

RESOLUTION ADOPTING FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND APPROVAL OF A VARIANCE APPLICATION FOR LARRY AND  
ROBERTA RADKE FOR PROPERTY LOCATED AT 405 LAKE AVENUE NW,  
ELYSIAN, MINNESOTA

FACTS

1. Larry and Roberta Radke are the owners of a parcel of land located at 405 Lake Avenue NW, Elysian, Minnesota; and,
2. The subject property is legally described as follows: Lot Five (5) and the East Half (E1/2) of Lot Six (6) and the West Three (3) feet of Lot Four (4), all in Block Eight (8), in the Village of Elysian, formerly known as the Townsite of Elysium, according to the New Amended and Re-arranged Plat of said Townsite of Elysium, Le Sueur County, Minnesota; and,
3. Larry and Roberta Radke have applied to the City for a variance to construct an addition of four (4) feet by ten (10) feet onto the west side of their entryway which will encroach into the side yard setback to within five (5) feet of the west property line.

4. The proposal would vary from Section 6.0. R1 – General Residential Zone, Subd. E. R1 Standards, 2. Side yards – minimum of eight (8) feet in that it would encroach into the side yard setback to within five (5) feet of the west property line.
5. Following a public hearing on the application, the City of Elysian Planning and Zoning Commission has recommended approval of the variance on September 5, 2017.
6. The City Council of the City of Elysian reviewed the requested variance at its Meeting of September 11, 2017.
7. Approval was made with the following condition:
  - a. That the entire building will be re-sided upon completion of the addition.

#### APPLICABLE LAW

8. 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

9. Reasonableness: The request to construct the addition onto the entryway is reasonable due to the restriction of the roofline. This is the only place on the home that an addition would be practical.
10. Uniqueness: There are unique circumstances on the property in that the gas and water meters are located on the south end of the home and based on the size of this addition it would not be in the best interest of the property owner to have those meters moved.
11. Essential Character: The addition will not alter the essential character of the area. It will be part of a remodel that will improve the look of the building and the encroachment into the setback will not be noticeable.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elysian, Minnesota, that the application to issue a variance to allow Larry and Roberta Radke to construct an addition of four (4) feet onto the west side of their entryway which will encroach into the side yard setback to within five (5) feet of the west property line so as to deviate from Section 6.0. R1 – General Residential Zone, Subd. E. R1 Standards, 2. Side yards – minimum of eight (8) feet is hereby Approved.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of Elysian on this 11<sup>th</sup> day of September 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

The Council considered Resolution #585/17 – Approval of a Variance Application for Bryan and Tami Paulsen for property located at 121 Willow Point Drive.

The Planning and Zoning Commission held a Public Hearing on September 5, 2017 to consider the request of Bryan and Tami Paulsen, the property owners of a property located at 121 Willow Point Drive, for a variance for lot area of less than 20,000 square feet, setback to the OHWL of 39 feet, and lot coverage of 39.8%, to allow construction of a new home.

The Paulsens purchased the property at 121 Willow Point Drive and removed the two older trailer homes that were located on the lot. The lot has a total square footage of 13,962. The zoning shoreland ordinance requires a lot area of 20,000 square feet. The required setback from the OHWL is 75 feet. The trailer homes that were previously located on this lot were 25 feet from the shoreline. The proposed location of the new home is 39 feet from the OHWL on the north side and 46.6 feet on the south side. The property owner has stated that this location does line up with the location of the surrounding homes. All other required setbacks are met. The allowable lot coverage in the shoreland zone is 25%. The Paulsen's proposed building footprint is 3,322 square feet and the impervious coverage including driveway, etc. is estimated at 2,117 which results in a lot coverage of 39.8% which is 24.3% building and 15.5% impervious surface. The Paulsens have also proposed a 400-square foot bio-swale or rain garden on the south side of the house to manage the stormwater runoff from the driveway.

The Minnesota Department of Natural Resources was notified of the variance request. Their concerns have been addressed. The only other public comment received was from the neighbor at 123 Willow Point Drive in support of the project.

The Planning and Zoning Commission is recommending approval of the variance request based on the following findings of fact:

1. Reasonableness: The request is reasonable as the setback to the OHWL is conforming to the setbacks of the other surrounding homes and all other setback requirements have been met. The home is located further back from the OHWL than the trailer homes that were previously located on the property
2. Uniqueness: The uniqueness is that this is a substandard lot and the home has been designed to fit within the lot.
3. Essential Character: This home will not alter the essential character of the area. It will improve the neighborhood by replacing two old trailer homes that needed repair.
4. The Minnesota Department of Natural Resources is in support of the project and their stated concerns have been addressed.

And with the following conditions:

1. The lakeside patio be reduced to 500 square feet.
2. A filtration basin (rain garden) of approximately 400 square feet be installed on the south side of the property.
3. Screening be planted on the shoreline and to one side of the property.
4. That the driveway adheres to any ordinance requirements at the time of issuance of the building permit.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 585/17

RESOLUTION ADOPTING FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND APPROVAL OF A VARIANCE APPLICATION FOR BRYAN AND TAMI PAULSEN FOR  
PROPERTY LOCATED AT 121 WILLOW POINT DRIVE,  
ELYSIAN, MINNESOTA

FACTS

1. Bryan and Tami Paulsen are the owners of a parcel of land located at 121 Willow Point Drive, Elysian, Minnesota; and,
2. The subject property is legally described as found on Exhibit A; and,
3. Bryan and Tami Paulsen have applied to the City for a variance to construct a new home on a substandard lot that will encroach into the required OHWL setback and will exceed the allowed lot coverage in the Shoreland Ordinance.
4. The proposal would vary from Section 13.0. Shoreland Overlay Zone, Subd. G. Shoreland Standards - General., 1. Shoreland Standards – Residential (R-1 & R-2), a. Recreational Development Lakes (Elysian/Frances/Rays) – Sewered Areas, Single Family Water Frontage Required Lot Area 20,000 square feet in that it would be 13,962 square feet; Required Setback from OHWL of 75 feet in that the proposed setback would be 39 feet; and Required Lot Coverage of 25% in that the proposed lot coverage including the house and all impervious surface would be 39.8%.
5. Following a public hearing on the application, the Elysian Planning and Zoning Commission has recommended approval of the variance on September 5, 2017.
6. The City Council of the City of Elysian reviewed the requested variance at its Meeting of September 11, 2017.
7. Approval was made with the following conditions:
  - a. The lakeside patio be reduced to 500 square feet.
  - b. A filtration basin (rain garden) of approximately 400 square feet be installed on the south side of the property.
  - c. Screening be planted on the shoreline and to one side of the property.
  - d. That the driveway adheres to any ordinance requirements at the time of issuance of the building permit.

APPLICABLE LAW

8. 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

9. Reasonableness: The request is reasonable as the setback to the OHWL is conforming to the setbacks of the other surrounding homes and all other setback requirements have been met. The home is located further back from the OHWL than the trailer homes that were previously located on the property.
10. Uniqueness: The uniqueness is that this is a substandard lot and the home has been designed to fit within the lot.
11. Essential Character: This home will not alter the essential character of the area. It will improve the neighborhood by replacing two old trailer homes that needed repair.
12. The Minnesota Department of Natural Resources is in support of the project and their stated concerns have been addressed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elysian, Minnesota, that the application to issue a variance to allow Bryan and Tami Paulsen to construct a new home on a substandard lot that will encroach into the required OHWL setback and will exceed the allowed lot coverage in the Shoreland Ordinance so as to deviate from Section 13.0. Shoreland Overlay Zone, Subd. G. Shoreland Standards - General., 1. Shoreland Standards – Residential (R-1 & R-2), a. Recreational Development Lakes (Elysian/Frances/Rays) – Sewered Areas, Single Family Water Frontage Required Lot Area 20,000 square feet; Required Setback from OHWL of 75 feet; and Required Lot Coverage of 25% is hereby Approved.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of Elysian on this 11<sup>th</sup> day of September 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

The Council considered Ordinance #87/17 – Amending the Zoning Ordinances of the City of Elysian.

The Planning and Zoning Commission held a Public Hearing on September 5, 2017 to consider a change in zoning designation from C-1 Central Business Commercial District to R1 General Residential Zone for properties of 206, 208, 210, 212 and 213 East Main Street. The area was zoned commercial after the houses were located there. It was zoned commercial to retain an area of Main Street that could be used for commercial businesses when the commercial area expanded. The zoning has put restrictions on the residential homes located in this area as the residential use is non-conforming and the houses are not able to be expanded. There also is a vacant parcel in the middle of these houses and this parcel cannot be sold for residential use. It also creates a difficulty for a potential buyer to obtain a loan for residential use.

Four persons spoke at public comment time at the Planning and Zoning Meeting – two in favor of the rezoning and two against. Written comment was also received from the owners of Elysian Auto Service (against) and the Executive Vice President of the Elysian Bank (not a strong opinion either way but wanted to bring up some items for consideration). This information is recorded in the draft minutes of the Planning and Zoning Meeting and has been provided to the Council in their packets.

After a lengthy debate, the Planning and Zoning Commission is recommending to City Council that the properties on the north side of Main Street East - 206, 208, 210, and 212 East Main Street (PID # 16.440.0700, 16.440.0710, 16.440.0720, and 16.440.0730) would be rezoned to R1 General Residential Zone and that the property on the south side of Main Street - 213 East Main Street (16.440.0960) would remain C-1 Central Business Commercial District.

Mayor Stoen commented that Planning and Zoning did recommend approval of the rezone on the north side of East Main Street but to keep the commercial zoning designation on the south side of the street adjacent to Highway 60. That is the largest piece of property and seemed to fit in with the other commercial uses on that side of the street.

Stoen stated the residential use is already there and having this zoning does not allow the houses to expand or to be used to their potential.

Councilmember Houlihan stated it sounded like things could be done to them if you requested a variance. City Attorney Moran stated it was a grey area but it was possible.

Councilmember McBroom stated that 37 years ago, the leaders of the City had a vision. That vision was to make that area of Main Street into a very viable commercial area. But at some point, we need to refocus our vision. The reality is that we are better set keeping things to the south commercial and changing everything to the north to residential.

Houlihan stated he disagreed. He stated that even when Jewison purchased 206 East Main Street, the Fire Department was interested in purchasing it. There are commercial uses that have an interest and there might be for those other lots also if there were not a house there.

McBroom stated he understood what Houlihan was saying. He had talked with the Morschings this week and their concern is that there will be complaints regarding noise, etc. from residents. McBroom put that back on Jewison that when the property was sold, to inform those potential

buyers that there are commercial uses that are located there and if that bothers them, perhaps that is a piece of property they do not want to buy.

Jewison stated he agrees that is very important. He also commented that part of the problem is that the realtors are not required to disclose the zoning so that a buyer may not be aware that it is commercial.

Houlihan stated he would rather see it remain commercial and get a variance to do something on the lot than change it to residential and the City of Elysian never be able to expand in that direction.

Kopischke explained that one problem with granting variances was that the other lot requirements such as setbacks, follow the zoning as well. So, if you use the commercial zoning requirements, you will have a residential use being held to commercial requirements. It is rather complicated.

Councilmember Schnoor asked what would happen in the future if the Fire Hall needed to be expanded and the City wanted to acquire that property by eminent domain? City Attorney Moran stated that in that situation, the property can be acquired by eminent domain even if it is zoned residential.

Stoen stated that at the current time, he believes the residential zoning outweighs the benefit to the community of having it zoned commercial. By allowing the people to update their houses, they may remodel, and the values will go up. Realistically, it is a residential piece of property.

Houlihan stated that if it is zoned commercial, you should know what you are getting when you buy. Moran stated that they are not required to disclose that and a lot of these things are not discovered until after the fact.

On motion by Stoen, seconded by Opsahl, to approve Ordinance #87/17, an Ordinance Amending the Zoning Ordinances of the City of Elysian, Le Sueur County, MN thereby effectively Rezoning Property from Commercial to Single Family Residential on the North Side of East Main Street, and leaving the property on the South Side of East Main Street Zoned Commercial, and calling for a change in the Zoning Map Reflecting the Rezoning of said property.

Upon roll call vote: 3 ayes (McBroom, Opsahl, Stoen), 2 nays (Houlihan, Schnoor). Motion carried.

*Upon the vote of 3 in favor and 2 against the measure passes. City attorney Jason Moran initially advised the council that a supermajority was needed to rezone the property from commercial to residential however that was in error. Upon further review by him a rezone from commercial to residential only needs a majority vote pursuant to Minnesota Statute Sec. 462.357. In light of Minnesota Statute Sec. 462.357, and upon majority vote received, the measure passes and the subject properties are now rezoned residential with the following properties remaining commercial: 213 Main Street East. In addition, the zoning map shall be amended to reflect this.*

ORDINANCE 87/17  
CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA

AN ORDINANCE AMENDING THE ZONING ORDINANCES OF THE CITY OF ELYSIAN, LE SUEUR COUNTY, MN THEREBY EFFECTIVELY REZONING PROPERTY FROM COMMERCIAL TO SINGLE FAMILY RESIDENTIAL AND CALLING FOR A CHANGE IN THE ZONING MAP REFLECTING THE REZONING OF SAID PROPERTY.

The City Council for the City of Elysian, Le Sueur County, Minnesota, does hereby and herein Ordain as follows:

- (A) Purpose. The purpose of this Amended Ordinance is to ensure for the wellbeing and general welfare of the citizens of the City of Elysian. Elysian currently has zoning regulations in place and a zoning map exists whereby zoning and land use control designations are in place. The City of Elysian Planning and Zoning Commission met on September 5, 2017, held a public hearing pertaining to a change in the city's zoning designation and zoning map, and upon majority vote affirmatively recommended the following Amendment to the City's Zoning Designation concerning the following properties:

The properties on the north side of Main Street East - 206, 208, 210, and 212 East Main Street (PID # 16.440.0700, 16.440.0710, 16.440.0720, and 16.440.0730) would be rezoned to R1 General Residential Zone and that the property on the south side of Main Street - 213 East Main Street (16.440.0960) would remain C-1 Central Business Commercial District.

The Planning and Zoning Commission opined that these properties have been historically, and are currently entirely single family residential and would likely remain such for the foreseeable future and that it would be in the best interest of the city for them to be designated R1-Single Family Residential. In addition, keeping them commercial would unduly burden the district as it is entirely single family residential in its current form and the commercial designation mandates that variances be reviewed for any improvements to the properties. In addition, keeping it single family residential will certainly enhance the City's tax base, keep the neighborhood in harmony with the land use comprehensive plan and keeping it single family residential will be in the overall best interest and general welfare of the City of Elysian.

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF ELYSIAN,  
LE SUEUR COUNTY MINNESOTA,  
HEREBY AND HEREIN ORDAINS AS FOLLOWS:

1. The properties on the north side of Main Street East - 206, 208, 210, and 212 East Main Street (PID # 16.440.0700, 16.440.0710, 16.440.0720, and 16.440.0730) would be rezoned to R1 General Residential Zone and that the property on the south side of Main Street - 213 East Main Street (16.440.0960) would remain C-1 Central Business Commercial District.
2. The City's Zoning Map shall be changed to reflect this re-zone.

This Amended Ordinance shall take effect upon publication.

Passed this 11<sup>th</sup> day of September, 2017.

The Ordinance was presented by Mayor Stoen, seconded by Councilmember Opsahl with the following vote being taken:

Voting Yes: McBroom, Opsahl, Stoen.

Voting No: Houlihan, Schnoor.

By: \_\_\_\_\_  
Clinton Stoen, Mayor

ATTEST:

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

Chris Cavett, SEH Engineering, presented two soil boring proposals for the 2018 Street and Utility Project – American Engineering Testing, Inc, (AET) in the amount of \$5,900 and Braun Intertec in the amount of \$5,825. Cavett is recommending acceptance of the AET proposal as they did the soil boring work and testing for the 2016 project. They have been very responsive to our needs and are proposing to deliver the report sooner.

Cavett presented three sewer televising proposals for the 2018 Street and Utility Project – Hydro-Klean in the amount of \$4,874, Hydro Vac & Televising in the amount of \$7,500, and Empire Pipe Services in the amount of \$5,590. Cavett is recommending acceptance of the Hydro-Klean proposal.

On motion by Stoen, seconded by McBroom, all voting in favor, to accept the soil boring proposal from American Engineering Testing, Inc, in the amount of \$5,900 and to accept the sewer televising proposal from Hydro-Klean in the amount of \$4,874 – both for the 2018 Street and Utility Project.

Cavett reported the 2018 Street and Utility Improvement Project remains on schedule. There is a neighborhood meeting scheduled for September 25 from 6:30 to 8:00 pm. A report will be provided at the October Council Meeting and the Public Hearing will be called for the November Council Meeting.

Public Works Director Ron Greenwald reported that the water tower has been cleaned inside and outside. Several water test results have been received including lead and copper and they are all satisfactory. Copies are available upon request. The check valves on Lift Station A have been replaced.

Greenwald then reported that a large hackberry tree on G Street is split in half and needs to be removed. He provided two quotes for the removal of the tree and grinding of the stump – Suemnick's Final Cut Tree Service, L.L.C. in the amount of \$650 and Scheurer's Tree Service in the amount of \$1,200.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the bid of Suemnick's Final Cut Tree Service, L.L.C. in the amount of \$650 for the removal of a hackberry tree on G Street and grinding of the stump.

Greenwald presented two quotes for street repair on 1<sup>st</sup> Street South from Maple Street to G Avenue – WW Blacktopping, Inc. in the amount of \$9,000 and Crane Creek Asphalt in the amount of \$8,400. The quote is for an overlay and to address the drainage there as much as possible.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the bid of WW Blacktopping, Inc. in the amount of \$9,000 for street repair on 1<sup>st</sup> Street South.

Greenwald reported that the shut off from the main to the property owner's home 107 Willow Point Drive needs to be dug up and replaced as it is not working. Currently, if we need to shut his service off, we need to shut off the entire block. The shut off is in the middle of his driveway. Greenwald stated he has received an estimate for this work but he believes it is rather high. Greenwald asked the Council for authorization to hire an outfit to do the digging and the sawing of the pavement and the Public Works Department would fix the standpipe. He stated the shut off is still working but the standpipe is shot. Class 5 would be put back in and the blacktop would be replaced during the next street project. The Council agreed to this method of replacement of the curb stop for this property for this incident.

On motion by Schnoor, seconded by Stoen, all voting in favor, to set a Council Workshop Meeting with Representatives of MNDOT regarding State Highway 60 on September 26, 2017 at 6:00 pm.

The Fall City-wide Clean-Up will be held on October 21, 2017 from 8:30 to 11:00 am at the Lake Francis Park parking lot.

Reminder of the Le Sueur County Elected Officials Meeting on September 27, 2017 at 6:30 pm to be held at the New Prague Country Club.

Employee Evaluations will be completed this month. On motion by Stoen, seconded by McBroom, all voting in favor, to schedule the evaluation of City Administrator following the October 9, 2017 City Council Meeting.

The City Council expressed their appreciation to the Elysian Area Chamber of Commerce, City Employees, and all the volunteers for making the Second Annual Lake Francis Bash such a success. The weather was nice and the event was well attended.

City Attorney Moran reported that the property owner of property PID # 16.450.0170 has been contacted and asked to share in the cost of an appraisal for consideration of purchase of the property for installation of a storm water basin in conjunction with the proposed 2018 Street and Utility Project. The property owner is not interested in sharing in that cost.

On motion by Stoen, seconded by McBroom, all voting in favor, to order and pay for an appraisal of the property known as PID # 16.450.0170 for the purpose of considering purchase of the property for installation of a storm water basin in conjunction with the proposed 2018 Street and Utility Project.

On motion by Schnoor, seconded by McBroom, all voting in favor, bills, payroll, and transfers were approved in the amount of \$61,750.15.

Public Comment: None.

On motion by Stoen, seconded by Houlihan, all voting in favor, to adjourn the meeting at 7:24 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
WORKSHOP MEETING WITH MNDOT  
SEPTEMBER 26, 2017**

The Elysian City Council held a workshop meeting with representatives of MnDOT on Tuesday, September 26, 2017 at City Hall at 6:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan (arrived 6:20 pm), Tom McBroom, and Dennis Schnoor; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald.  
Absent: Councilmember Mary Opsahl.

Also Present: City Engineer Chris Cavett, SEH Engineering; Forrest Hasty, PE, Project Engineer, MnDOT District 7; and Shauna McIntire, Graduate Engineer, MnDOT District 7.

MnDOT representatives provided a map with the proposed changes, improvements and updates to MN State Highway 60 included in the 2020 highway improvement project. The changes include new right and left turn lanes and also improving existing turn lanes to current standards, closure of the access at Fourth Street SW, closure of an access on the north side of Highway 60 between First Street N and Second Street NE, and reducing the access at 205 Highway 60 East.

Councilmembers discussed the proposals and made suggestions. Their top two concerns are speed and pedestrian safety. The Council requested consideration of keeping the access at Fourth Street SW open, addition of crosswalks and blinking lights, striping lanes at 11 feet, and a possible roundabout. The City Engineer will add a sidewalk plan to the feasibility plan for the 2018 SUIP.

Hasty will present these requests to his supervisor and the plan will be revised per MnDOT approval. The Council will then meet with MnDOT again to view the revised map.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 7:20 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
OCTOBER 9, 2017**

The Elysian City Council met in regular session on Monday, October 9, 2017, at City Hall at 6:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan, Tom McBroom (left the meeting at 7:10 pm), Mary Opsahl, and Dennis Schnoor; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald; and City Attorney Jason Moran. Absent: City Utility Clerk Nicole Lamont.

On motion by Stoen, seconded by McBroom, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:00 pm.

The purpose of the hearing is to allow public input from citizens on Ordinance #65/09A – An Ordinance Amending Elysian Ordinance #65/09 relating to the Operation of Motorized Golf Carts on Public Streets and Roadways within the City of Elysian.

At their Board Meeting on August 22, 2017, Le Sueur County Commissioners approved an Ordinance to allow ATVs, Golf Carts, and Mini Trucks to operate on county roadways which are located within the jurisdictional boundaries of cities that have adopted an Ordinance permitting the use of such vehicles as allowed by Minnesota law. The City of Elysian does have such an ordinance, known as Ordinance #65/09. The proposed amendment would revise that Ordinance to mirror the County Ordinance. This amendment expands the City Ordinance to allow ATVs and Mini Trucks on county roadways but does not require the City to permit them.

Council discussed the requirement of Subdivision 2: (8) to require “golf or all-terrain vehicles or mini trucks to display a slow-moving vehicle emblem **AND** a 6-foot-long adult safety flag”. There was Council consensus that the slow-moving vehicle emblem would be sufficient, and the safety flag would not be required.

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

On motion by Stoen, seconded by Schnoor, all voting in favor, to close the Public Hearing at 6:05 pm and open the Regular Meeting.

On motion by Schnoor, seconded by McBroom, all voting in favor, to approve the minutes of the September 11, 2017 Regular Meeting and September 26, 2017 Workshop Meeting with MnDOT as presented.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve the agenda of the October 9, 2017 Regular Meeting with the following change and additions:

Under #5. Change “MN Department of Natural Resources” to “MnDOT”

Add: 1. Le Sueur County Deputy Richard Droog and 2. Le Sueur County Commissioner Steve Rohlfling.

Le Sueur County Deputy Richard Droog asked the Council if they had any concerns. He stated the speed on Highway 60 and County Road 11 has slowed down since they have been patrolling.

Le Sueur County Commissioner Rohlfling stated the preliminary County Levy has been set at an 8% increase. The County will be hosting an open house on October 18, 2017 from 6:30 to 9:00 pm, in the 4H Building at the Le Sueur County Fairgrounds, to showcase the new Justice Center. The County is working on Phase 1 of the Cannon River One Watershed, One Plan. Rohlfling reported that the County Administrator / Engineer position was being split into two positions. Darrell Pettis

has been appointed to the County Administrator position. Dave Tiegs has been appointed to the County Engineer position.

Public Comment: None.

Pat Nusbaum, Elysian Area Chamber of Commerce (EACC), was present to request that the portion of Main Street from Third Street NW to the Fire Hall be closed on October 31, 2017 from 5:30 to 7:30 pm to accommodate the Spooky Trick-or-Treating Trail. The Spooky Trail will be located on the Sakatah Trail from Second Street SE to Third Street SW and then up Third Street to Main Street West and down Main Street to the Fire Hall. The EACC hopes to involve the businesses and make the celebration more of a community event. Decorations will be hung from the lamp poles and set in the flower pots on Main Street. EACC needs volunteers to help decorate on Sunday, October 29, 2017 at 1:00 pm. Candy and monetary donations are also being accepted.

On motion by Stoen, seconded by McBroom, all voting in favor, to close Main Street from Third Street NW to the Fire Hall on October 31, 2017 from 5:30 to 7:30 pm to accommodate the Spooky Trick-or-Treating Trail.

The Council considered Ordinance #65/09A – An Ordinance Amending Chapter 65/09 of the Elysian Code of Ordinances to Administer and Regulate the Use of Golf Carts, All-Terrain Vehicles, and Mini-Trucks, and to provide for the Issuance and Regulation of the same.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve Ordinance #65/09A with the following change: In Subdivision 2: (8): remove the requirement to display a 6-foot-long adult safety flag.

ORDINANCE NO. 65/09A  
CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA

AN ORDINANCE AMENDING CHAPTER 65/09 OF THE ELYSIAN CODE OF ORDINANCES TO ADMINISTER AND REGULATE THE USE OF GOLF CARTS, ALL-TERRAIN VEHICLES, AND MINI-TRUCKS, AND TO PROVIDE FOR THE ISSUANCE AND REGULATION OF THE SAME.

THE CITY COUNCIL OF THE CITY OF ELYSIAN, LE SUEUR COUNTY, MINNESOTA, does hereby and herein ordain as follows:

That Chapter 75 of the City of Elysian Code of Ordinances titled “Special Vehicles” is here amended to read as follows:

Chapter 65: Special Vehicles

**Findings, Purpose and Intent.**

To provide for the operation of special vehicles and golf carts as provided for under recent passage by the Le Sueur County Board of Commissioners.

Accordingly, the City hereby amends Chapter 65 of this code relating to the administration and regulation of the use of special vehicles and golf carts and to provide for the issuance and regulation of the same.

**SUBDIVISION 1: DEFINITIONS**

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALL TERRAIN VEHICLES.** A motorized vehicle with: not less than three, but not more than six low pressure or non-pneumatic tires; a total dry weight of 2,000 pounds or less; and a total width from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicles includes a Class 1 all-terrain vehicle and a Class 2 all-terrain vehicle.

**ALL TERRAIN VEHICLE (CLASS 1).** An all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is 50 inches or less.

**ALL TERRAIN VEHICLE (CLASS 2).** An all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is greater than 50 inches but more than 65 inches.

**DRIVER.** The person driving and having physical control over the motorized golf cart, all-terrain vehicle, unregistered off highway motorcycle, off highway vehicle, off road vehicle, or recreational motor vehicle.

**MOTORIZED GOLF CART.** Any passenger conveyance being driven with three (3) or four (4) wheels with four low-pressure tires, designed and used primarily on golf courses, and that is propelled by either a gas or electric motor.

**MINI TRUCK.** Means a motor vehicle that has four wheels, is propelled by an electric motor with a rated power of 7500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less, has a total dry weight of 900 to 2200 pounds, contains an enclosed cabin and a seat for the vehicle operator, commonly resembles a pickup or van, including a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in the Code of Federal Regulations, Title 49, Sections 571.101 to 571.404, and successor requirements. A mini truck does not include: a neighborhood electric vehicle or a medium speed electric vehicle, or a motor vehicle that exceeds the regulations in the Code of Federal Regulations, Title 49, Section 571.500, and successor requirements.

## **SUBDIVISION 2: MOTORIZED GOLF CARTS, ALL TERRAIN VEHICLES AND MINI TRUCKS.**

(A) Permit Required. No person shall operate a motorized golf cart on any streets, alleys, sidewalks or other public property without first obtaining a permit from the Administrator-Clerk as provided herein.

(1) Every application for a permit shall be made on a form supplied by the City and shall contain all of the following information:

- a. The name and address of the applicant.
- b. The nature of the applicant's physical handicap, if any.
- c. Model name, make, and year and number of the motorized golf cart or utility task vehicle.
- d. Current driver's license or reason for not having a current license.
- e. Other information as the City may require.

(2) The annual permit fee shall be as set forth by resolution and made a part of the City's fee schedule, and amended from time to time.

(3) Permits shall be granted for a period of one year and may be renewed annually Jan. 1 to Dec. 31.

- (4) No permit shall be granted or renewed unless the following conditions are met:
- a. The applicant must demonstrate that he/she currently holds a valid driver's license.
  - b. The applicant may be required to submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart on the roadways designated.
  - c. The applicant must provide evidence of insurance in compliance with the provisions of Minnesota Statutes concerning insurance coverage for the golf cart. The driver must have proof of insurance in their possession during the operation of the golf cart or all-terrain vehicle or mini-truck.
  - d. The applicant has not had his/her driver's license revoked as the result of any criminal or civil proceedings.

(5) Motorized golf carts permitted to operate on City streets, and county roads or highways within the municipality, unless excluded from operation by the City Council. The council may, from time to time, change, amend, or otherwise update the streets upon which the same may be operated. The City shall cause to be prepared a map designating the streets upon which golf carts or all-terrain vehicles or mini-trucks may operate.

(6) All-terrain vehicles and mini-trucks may only be operated on those city streets which are also duly designated as county roadways. Any operation of all-terrain vehicles or mini-trucks on city streets which are not also duly designated county roadways is a violation of this ordinance punishable as set forth herein in §75.04.

(7) Motorized golf carts may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, taillights, and rear-facing brake lights. They should not be operated in inclement weather, except during emergency conditions as provided in the ordinance, or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient visibility to clearly see persons and vehicles on the roadway at a distance of 500 feet.

(8) Motorized golf or all-terrain vehicles or mini-trucks carts shall display the slow-moving vehicle emblem provided for in Minn. Stat. §169.045, as it may be amended from time to time, when operated on designated roadways.

(9) Motorized golf carts shall be equipped with a rear-view mirror to provide the driver with adequate vision from behind as required by Minn. Stat. §169.70.

(10) The operator of a motorized golf cart or all-terrain vehicle or mini-truck may cross any street or highway intersecting a designated roadway.

(11) Every person operating a motorized golf cart or all-terrain vehicle or mini-truck under permit on designated roadways has all rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stat. §169, as it may be amended from time to time, except when these provisions cannot reasonably be applied to motorized golf carts or all-terrain vehicles or mini-trucks and except as otherwise specifically provided in Minn. Stat. §169.045 (7), as it may be amended from time to time.

(12) The number of occupants on the golf cart or all-terrain vehicle or mini-truck cannot exceed the design occupant load. Each occupant must be seated in a seat designated for occupants.

(13) Assumption of Liability. Nothing in this ordinance shall be construed as an assumption of liability by the City for injuries to persons or property which may result from the operation of any special vehicle by a permit holder or the failure by the Chief of Police to revoke a permit.

### **SUBDIVISION 3: PERMIT EXCLUSION**

Authorized City Staff or its designees may operate golf carts or all-terrain vehicles or mini-trucks defined in Minn. Stat. §412.191, without obtaining a permit within the City on City streets, sidewalks, trails, rights-of-ways, and public property when conducting official City business.

### **SUBDIVISION 4: REVOCATION AND PENALTIES**

(A) Revocation. The Chief of Police may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this section or any portion of Minn. Stat. §169, as it may be amended from time to time, or if there is evidence that the permit holder cannot safely operate the golf cart or all-terrain vehicles or mini-trucks on the designated roadways.

(B) Penalties. Any person violating any provision of this ordinance shall be guilty of a petty misdemeanor, with a payable fine imposed pursuant to the City's fee schedule, with the fine amount being amended from time to time, by the City Council in the Council's discretion.

ADOPTED this 9<sup>th</sup> day of October, 2017, by the City Council of the City of Elysian.

The Ordinance was presented by Mayor Stoen, seconded by Councilmember Houlihan with the following vote being taken:

Voting Yes: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Voting No: None.

CITY OF ELYSIAN

By: \_\_\_\_\_

Mayor Clinton Stoen

ATTEST:

\_\_\_\_\_  
Lorri Kopischke, City Clerk/Administrator

At the August 14, 2017 City Council meeting, the Council considered an "after the fact" variance request for Larry and Sherri Knutson to install a 1,280-square foot patio within the 75-foot required OHWL setback at 6 Cedar Point Drive NW. At that meeting, the Council voted unanimously to deny the variance and to approve the following requirements: The patio must be reduced to its original

size or removed in its entirety by October 15, 2017. In addition, applicants have agreed to work with the City in replacing 8 trees at the lakeshore near the bank per Department of Natural Resources specifications by October 15, 2017. Said 8 trees shall be native trees.

At the time of the August 13, 2017 meeting, the exact size of the previous patio was unknown. Since that time, Mr. Knutson has provided documentation that the previous patio located in the setback was 630 square feet.

On September 20, 2017, staff met with Mr. Knutson and his landscaper Morgan Lloyd, Lawns R Us, at the property. Mr. Knutson showed staff the area where he would be planting the trees. He stated he would be planting birch trees.

On October 2, 2017, Mr. Knutson sent an email that he had planted eight evergreen trees. Staff went to the site to document the trees. Mr. Knutson has planted eight 14-inch evergreen (spruce) trees. The trees do not provide any screening of the property whatsoever. The trees are "seedlings". Public Works estimates it will be 10 years before they will provide any type of screening. When staff was there on September 20, 2017, Mr. Knutson was advised that he could leave the area between the two large trees open which allowed a full view of the house. He was asked to start the trees at the large tree at the edge and work over to screen the big open area. Mr. Knutson did not start the plantings next to that large tree as staff requested. The trees are 32 feet from where he was asked to start. Pictures of the trees were provided to the Council.

Also, at the meeting on September 20, 2017, the patio was discussed. Mr. Knutson has submitted two plans for consideration for the patio.

The first proposal is that Lawns R Us will install a berm between the patio and the lake. A diagram of the proposed berm has been provided to the Council. The berm will catch the water and will divert the water into a rain garden on the side of the property.

The second proposal is to remove approximately 281 square feet of pavers from the 1,280-square foot patio. Knutson will also remove a proposed sidewalk of approximately 275 square feet next to the house on the garage side. This sidewalk is not part of the 1,280-square foot patio. This sidewalk is in addition to the patio and was approved as part of the original variance. The sidewalk has not yet been installed and would not be installed as part of the plan. This sidewalk is on the side of the house and will not affect the water running into the lake. It would, however, reduce the amount of hard surface on the lot. A diagram of the proposed changes was provided to the Council.

Calculations are as follows: Current patio 1,280 square feet less the two sections of the patio 281 square feet = 999 square feet remaining patio.

If you include the removal of the proposed sidewalk on the side of the house 1,280 square feet less 281 square feet patio less 275 proposed sidewalk = 724 square feet.

Mayor Stoen stated this "after the fact" variance had been denied by unanimous vote by both the Planning and Zoning Commission and the City Council with the condition that the patio be returned to its original size of 630 square feet. He did not believe the Council should change that. And, he found it insulting that 14-inch pine trees had been planted. These trees were supposed to provide screening. This is not even close.

McBroom stated that the concern he had is the DNR has provided Knutson with information and direction on the type and number of trees to be planted. The Council has also given information and direction. Mr. Knutson has basically snubbed the Council and DNR by planting these small seedlings. Mr. Knutson has not taken any steps to rectify what DNR has recommended to him.

Houlihan stated that the small trees worried him because it could be even more than ten years before they provide any screening. He himself planted five of this type of trees six years ago and they are still tiny.

Schnoor stated this appears to be a one-sided ball game. The Council requested that trees be planted for screening and there are none. The Council asked that the patio be reduced to the original size and there is none.

McBroom acknowledged this is a beautiful home but there are things that have been suggested, directed to the property owner, that haven't been done. The owner always comes back with a different plan.

Mayor Stoen stated the Planning and Zoning and City Council had approved a 630-square foot patio. He asked if there was something he was missing.

Morgan Lloyd, Lawns R Us, representing Larry and Sherri Knutson, stated the proposal was to eliminate a concrete walkway on the side of the house and to leave approximately 930 square feet of patio on the lakeside. That walkway was approved on the original variance. He would use that square footage toward more square footage for the patio. Wouldn't it be okay for him to use that square footage there?

Houlihan replied that it was the front of the house toward the lake that was an issue, not the side of the house.

Thomas J. Kraus, Kraus Law Office, representing Larry and Sherri Knutson, stated that the Knutsons do want to be in compliance with the situation. He stated that this is a beautiful patio and something that will help avoid erosion and pollution to the lake. Typically, people will mow their lawn right up to the bank area and this will help avoid a lot of that. He stated the patio would be beneficial to the environment and good for Lake Francis and the others who live out in that area.

Kraus stated that Mr. Knutson was feeling pressured to meet the deadline regarding the trees. If he is required to replace those trees with something larger he is certainly willing to replace with 4 to 5-foot trees. This would not be a problem or concern. He stated that he has been out there, and that side area would not be a problem. Mr. Knutson was not aware that any size had been specified for the trees. He was more worried about being in compliance with the deadline.

Kraus stated that with regard to the patio itself, there are gutters all along the lakeside of the house so all the water will be carried over and placed in the leach field next to the house. None of the water will go into the lake. So then looking at the area of the patio, typically people are putting down fertilizer or weed killer on their lawn. This patio will prevent any of that from going into the lake. One option is to put a trough along that patio area and that would divert all the water off and into the leach field. This would probably be better than anything you have out there to avoid pollution and keep it looking aesthetically nice.

Kraus stated that he believed that going in there and hammering some of that patio out now is going to be counterproductive to what is going on. Mr. Knutson certainly wants to be respectful to Council decisions. Kraus asked the Council to be openminded and not do something to punish but something that makes sense and can be a win-win situation.

Kraus stated the current patio does not get any closer to the lake than what the previous patio had been. Therefore, it is not a concern as to the proximity to the lakefront. The concern is how wide the patio is and that is addressed with the gutter and the trough system to divert the water. He did not see how this patio would negatively affect any of the property owners around or near this area. If anything, it will increase property values.

Kraus stated that the Knutson's suggested solution is to install the trough system and if that is not satisfactory then there certainly are some areas that could be cut back while retaining the existing patio size on the lakefront side of the house.

Morgan Lloyd, Lawns R Us, stated there are two options: 1. Leave as is and install the trough system. 2 Not install the walkway on the side of the house, remove a portion of the patio and find a way to remove another 94 feet that it is still over the allowed amount. Lloyd stated that Mr. Knutson has always been respectful of the neighbors and the lake.

Mayor Stoen stated that in his opinion, the patio on the lakeside should be 630 square feet. The walkway on the side of the garage would still be allowed as it was included in the original variance. That was what was approved. The Council had recently considered another patio variance request and the property owner was restricted to 500 square feet.

Kraus stated he still did not see the logic. The walkway on the side was not yet installed. He did not see the harm of moving that area to the lakeside where it was already installed. To hammer that out turns into a lose, lose, lose.

Houlihan stated the trees are the bigger issue to him because when looking at the shoreline there is a big gap. Mr. Knutson stated he would plant 5-foot tall trees by October 16<sup>th</sup>.

Opsahl stated she was okay with moving the area from the side of the garage to be included in the patio on the lakeside.

Morgan Lloyd stated the lakeside patio would be 905 square feet and the walkway on the side of the house of 275 square feet will not be installed. He stated that either way, the 275 square feet will be inside the 75-foot bluff area. Lloyd stated that the DNR had made recommendations on the trees but they were not involved with the patio.

It was confirmed that on June 22, 2017, Todd Piepho, Area Hydrologist, MN Department of Natural Resource, had made the following recommendation in regard to the patio: "I would recommend that if they indeed want to leave the patio that it be reduced to what is proposed in the drawing, essentially a walk way around the back of the house with the addition a small patio area they would be able to have a grill, table etc."

On motion by Stoen, seconded by McBroom, all voting in favor, in regard to the request of Larry and Sherri Knutson, 6 Cedar Point Drive NW, that they install eight (8) 5-foot trees by October 16, 2017 and that the lakeside patio be reduced to 630 square feet.

The Council then considered Resolution #589/17. Councilmember Schnoor introduced the resolution and was seconded by Councilmember Houlihan.

CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA  
RESOLUTION 589/17

A RESOLUTION REVOKING THE DEFERRAL OF SPECIAL ASSESSMENT

WHEREAS, the City Council for the City of Elysian, Le Sueur County, Minnesota, met on the 28<sup>th</sup> day of December, 2016, and;

WHEREAS, at that time, Lorraine Thurber, a resident of the City of Elysian, had real estate located at 205 Fourth Street NW, Elysian, Le Sueur County, Minnesota, identified as parcel identification number 16.410.0560 and legally described as set forth in the Attached Exhibit A, and;

WHEREAS, Thurber's real estate set forth above was a part of the City's 2016 street and utility improvement project and Thurber's assessment is \$9,800 as set forth in greater detail in the City's Assessment Roll, and;

WHEREAS, at the December 28, 2016 City Council Meeting, the Council did approve the deferral of the collection of the special assessment associated with the City's 2016 road and improvement project based upon the City's Assessment Policy which grants a deferment of assessments to those aged 65 years and older until the occurrence of any one of the following triggering events:

- a. The sale, transfer, or subdivision of any or any part of the subject property, or
- b. The loss of homestead status of the property, or
- c. The death of the owner.

WHEREAS, Lorraine Thurber did pass away on December 29, 2016.

NOW THEREFORE, THE CITY COUNCIL FOR THE CITY OF ELYSIAN HEREIN RESOLVES AS FOLLOWS:

That the deferral of the special assessment in the amount of \$9,800 is hereby revoked as of December 29, 2016 because of the passing of Lorraine Thurber. The deferred assessment is now immediately due and payable and assessable to the City pursuant to this Resolution and the City of Elysian's Special Assessment Policy in effect at the time of the triggering event's occurrence. Le Sueur County's records shall reflect the revocation of the deferred assessment.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 9<sup>th</sup> day of October, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

#### Exhibit A

All that part of One Block in the Village of Elysian known and designated as "Walnut Square", as the same is platted in the rearranged and now plat of the Townsite of Elysian on file and of record in the Office of the Register of Deeds in and for Le Sueur County, Minnesota, described as follows: Beginning

at a point One Hundred Fifty Feet North of the Southwest Corner of said "Walnut Square" and running thence West and parallel to the South line of said Block a distance of One Hundred Sixty-five (165) feet; thence to the North at right angles a distance of Fifty feet; thence to the East at right angles a distance of One Hundred Sixty-Five (165) feet; thence South Fifty Feet to the plat of beginning, now known as Lot 7 & 8, Walnut Square as shown on the Plat of Elysian/Elysium Amended Plat in Le Sueur County, Minnesota.

Chris Cavett, SEH Engineering, presented the Draft Feasibility Report – 2018 Street and Utility Improvement Project. As part of the 2015 CIP, Project B has been identified as the second project to be improved and is now being referred to as the 2018 Street and Utility Improvement Project. The project includes the following streets:

- Frank Avenue NW from 4<sup>th</sup> Street NW to 1<sup>st</sup> Street N\*
- Park Avenue NW from 4<sup>th</sup> Street NW to 1<sup>st</sup> Street N
- 4<sup>th</sup> Street NW from MN TH 60
- 3<sup>rd</sup> Street NW from MN TH 60 to Frank Avenue NW
- 2<sup>nd</sup> Street NW from Lake Francis to Main Street E
- 2<sup>nd</sup> Street SE from Main Street E to south dead end
- 2<sup>nd</sup> Street NE from Main Street E to Park Avenue NE (added during the October 9, 2017 City Council Meeting).

A neighborhood meeting was held with residents adjacent to the proposed project on September 25, 2017. Existing utilities will be partially replaced as part of the project. The streets in the project area are proposed for full reconstruction, with a new pavement section including a thicker aggregate base and new bituminous surface. Concrete curb and gutter will be constructed along each side of the street to manage stormwater. The project as proposed will include some miscellaneous improvements within the adjacent park and will take into consideration the work proposed by MnDOT in 2020 on Trunk Highway 60. The total estimated project cost is \$2.2 million.

Cavett noted the following key items in the report:

4<sup>th</sup> Street SW: MnDOT is considering closing this access as part of the 2020 project. Recommend postponing this work to see what MnDOT decides to do with access.

Watermain crossing of TH60: There currently are three watermain crossing on Highway 60 – Blue Bay Lane, 3<sup>rd</sup> Street SW, and 2<sup>nd</sup> Street SE. Consider the possible elimination of one crossing.

Stormwater Drainage basin & subject property – The report assumes this in as a cost and that an assessment will not be collected.

(Councilmember McBroom left the meeting at 7:10 pm)

Assessment Rate: The recommended assessment rates are based on the 2016 assessment rates and the Consumer Price Index (CPI) change from April 2016 to September 2017 pending Council approval. The proposed change is 3.1%. Street Assessments: \$8,450 per residential unit, \$112.67 per front-foot for Commercial/Institutional /Multi-Family; and Water and Sewer Service Assessments: \$1,650 per unit water, \$1,190 per unit sewer.

Funding Review: Sanitary Sewer Utility – 1.9%, Water Utility – 17.5%, Environmental Utility – 14.8%, Assessments – 23.7%, and General Levy – 42%.

Alley Improvement (behind City Hall) – Considered in the scope and project costs. No assessments were assumed to the adjacent properties for the alley improvements.

Ron Greenwald, Public Works Director, suggested that Second Street NE between Main Street East and Park Avenue NE, be included in the project. Second Street south of this area is included in the project and having this stretch included would facilitate movement during later projects.

On motion by Stoen, seconded by Houlihan, all voting in favor, to include Second Street NE from Main Street E to Park Avenue NE in the 2018 Street and Utility Improvement Project (aka Project B).

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 590/17  
RECEIVING REPORT AND CALLING  
HEARING ON IMPROVEMENT  
2018 STREET AND UTILITY IMPROVEMENT PROJECT

WHEREAS, pursuant to resolution of the council adopted May 8, 2017, a report has been prepared by Short Elliott Hendrickson Inc. (SEH®) with reference to the 2018 Street and Utility Improvement Project, with reference to the improvement of following streets:

- Second Street NW, from Main Street to Frank Avenue NW
- Third Street SW/NW, from TH 60 to Frank Avenue NW
- Fourth Street SW, from TH 60 to Main Street
- Frank Avenue NW, from 4th Street NW to 1st Street
- Park Avenue NW, from 4th Street NW to 1st Street
- Second Street SE, from Main Street to dead end
- Second Street NE from Main Street E to Park Avenue NE; and

and this report was received by the council on October 9, 2017, and

WHEREAS, the report provides information regarding whether the proposed project is necessary, cost-effective, and feasible,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA:

1. The council will consider the improvement of such streets in accordance with the report and the assessment of abutting property and properties for which benefit can be attributed for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429, at an estimated total cost of the improvement of \$2,200,500.
2. A public hearing shall be held on such proposed improvement on the 13th day of November, 2017, in the Elysian City Hall at 6:00 p.m. and the City Administrator shall give mailed and published notice of such hearing and improvement as required by law.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 9th day of October, 2017.

Approved:

\_\_\_\_\_  
Clinton Stoen, Mayor

Attested:

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

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 588/17

RESOLUTION ACKNOWLEDGING A DONATION FROM  
CANNON VALLEY COMMUNICATIONS FOUNDATION

WHEREAS, the City of Elysian has received a donation in the amount of \$7,500.00 from Cannon Valley Communications Foundation toward the purchase of Grass Fire Rig Equipment;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian acknowledges and accepts a donation from Cannon Valley Communications Foundation in the amount of \$7,500.00 toward the purchase of Grass Fire Rig Equipment.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 9<sup>th</sup> day of October, 2017.

Approved:

\_\_\_\_\_  
Clinton Stoen, Mayor

Attested:

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

The Council discussed City of Elysian Ordinance #2 Amended, Section 8 regarding the responsibility for the curb stop. According to the Ordinance, the consumer or owner is responsible for all equipment from the main to the house. The City's Special Assessment Policy is also based on this premise. There was Council consensus that the intent of the Ordinance is that the consumer or owner is responsible for installation and maintenance of all equipment from the main to the house.

On motion by Houlihan, seconded by Stoen, all voting in favor, to set a Council Workshop Meeting with Representatives of MnDOT regarding State Highway 60 on October 16, 2017 at 6:00 pm.

Kopischke reported that all yearly employee evaluations are complete. All employees met or exceeded performance expectations for their position.

Kopischke reported the City only received one application for the permanent part-time public works worker position. The applicant is currently employed and would be available on an on-call basis. It was asked if since the City is not receiving much response for a part-time position, could an on-call position be advertised to develop a list of persons available for on call work.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to advertise for an on-call public works worker for up to 25 hours per week at \$13.50 per hour.

Thrifty White will hold a Flu Shot Clinic at the Tourism Center on Wednesday, October 18 from 3:00 to 7:00 pm

The Fall City-wide Clean-Up will be held on October 21, 2017 from 8:30 to 11:00 am at the Lake Francis Park parking lot.

Information was included in the packet explaining NRG Community Solar. Council was encouraged to look over the information to see if there was any interest in the program.

Kopischke reported the owner of the tax forfeited property 301 Sixth Street NW has called and requested an extension to the October 17, 2017 deadline to remove their personal property from the site. There was Council consensus to grant a three-week extension and that no trash, junk or waste be thrown on the lawn and no trash or personal property be left outside for more than 24 hours.

City Attorney Moran stated that at last month's meeting the Council addressed a rezone issue on Main Street East. The request was to rezone from commercial to residential. At the time of voting, City Attorney advised the Council that approval required a super majority vote. That is incorrect and Moran apologized for that. The rule is that when you go from residential to commercial it requires a super majority vote and when the zoning goes from commercial to residential it only requires a majority vote. The rezone did pass with a 3-2 vote in favor. If any Councilmember would like to change their vote they certainly can. No one expressed a desire to change their vote on this issue.

On motion by Stoen, seconded by Opsahl, all voting in favor, bills, payroll, and transfers were approved in the amount of \$113,925.62.

Public Comment: None.

On motion by Stoen, seconded by Houlihan, all voting in favor, meeting adjourned to closed session to perform employee evaluation of City Administrator at 7:43 pm.

On motion by Stoen, seconded by Houlihan, all voting in favor, to reopen the meeting at 8:00 pm.

Stoen stated that during the closed session the City Administrator Employee Evaluation was performed. Administrator met or exceeded all expectations of the position. This will be reported at the November 13, 2017 City Council Meeting.

On motion by Stoen, seconded by Opsahl, all voting in favor, to adjourn the meeting at 8:03 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
WORKSHOP MEETING WITH MNDOT  
OCTOBER 16, 2017**

The Elysian City Council held a workshop meeting with representatives of MnDOT on Monday, October 16, 2017 at City Hall at 6:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan and Dennis Schnoor; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald. Absent: Councilmembers Tom McBroom and Mary Opsahl.

Also Present: City Engineer Chris Cavett, SEH Engineering; Forrest Hasty, Senior Engineer – Project Manager, MnDOT District 7; Shauna McIntire, Graduate Engineer, MnDOT District 7; and Brett Paasch, Senior Engineer – Traffic Engineer, MnDOT District 7; Kathy and Scott Roemhildt, owners Pit Stop.

MnDOT representatives provided an updated map that incorporated all the accepted suggestions from the September 26, 2017 joint meeting with the City Council related to the 2020 MnDOT project on State Highway 60. Marked and signed crosswalks and a roundabout were not added to the proposal and the access to 205 Highway 60 East is still proposed to be reduced. The current proposal does retain the access at Fourth Street SW.

Brett Paasch, MnDOT, explained that a roundabout was not a good fit here and that they are typically not used for speed control. Marked crosswalks in a high-speed limit area such as this result in higher crash rates between pedestrians and vehicles. At the higher speed, drivers cannot be expected to be able to stop once they see the pedestrian and the blinking light and marked crosswalks provide the pedestrian with a false sense of security that the driver will see them and be able to stop. An underpass would be an option but could be very expensive and MnDOT would not fund the underpass. There may, however, be funds available for the approach and for some type of trail system.

With the current MnDOT proposal, speed control and safety issues on Highway 60 will be addressed with enhanced gate signing and 11-foot through lanes. Curb, gutter and the approach will be installed at the crosswalks on Third Street SW and Second Street SE.

The reduced access at Pit Stop – 205 Highway 60 East was discussed. Concern was expressed due to the change in grade and limiting the access for semi-trucks with deliveries and campers into the campground. MnDOT representatives will look into this further and will perform an extra level of analysis to confirm turn radiuses.

It was also noted that the City of Elysian 2018 SUIP includes two water main crossings across Highway 60. It may be possible to include these in the 2020 Highway 60 project to reduce costs. City Engineer Cavett will look into this option.

On motion by Stoen, seconded by Houlihan, all voting in favor, meeting adjourned at 7:26 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
NOVEMBER 13, 2017**

The Elysian City Council met in regular session on Monday November 13, 2017, at City Hall at 6:00 pm.

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

Le Sueur County Chief Deputy Nick Greenig reported all has been quiet in the City except for some minor thefts. He stated the bids for the new Justice Center came in 20% lower than expected resulting in a savings of \$1.1 million and dirt work on the project started last Thursday. A 2018 contract for police service has been submitted to the City for consideration by the Council at their December meeting.

On motion by Stoen, seconded by Schnoor, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:03 pm.

The purpose of the hearing is to hear public comment in regard to the making of an improvement described as "2018 Street and Utility Improvement Project", on the following streets:

- Second Street NW from Main Street to Frank Avenue NW
- Third Street SW/NW from TH 60 to Frank Avenue NW
- Fourth Street SW from TH 60 to Main Street
- Frank Avenue NW from 4th Street NW to First Street
- Park Avenue NW from 4th Street NW to First Street
- Second Street SE from Main Street south to dead end
- Second Street NE from Main Street to Park Avenue NE
- Alley (north of Main Street), from Second Street NW to First Street

Chris Cavett, SEH Engineering, presented an overview of the project.

This project will include spot repairs to the sanitary sewer; water main repair to include services, main replacement and looping – replace crossings under the highway; storm sewer management; a possible stormwater quality basin; sump pump drains; total reconstruction of the streets with most streets being widened to 28 feet; and, installation of sidewalks on Third Street SW and Second Street SE from Main Street to Highway 60.

This project will also include park improvements at the Lake Francis Park as follows: replacement of trails and a pedestrian friendly maintenance gate; grading outside the field; a fence around the lift station; new concession stand / restroom building; storm sewer pipe; and, parking.

The estimated total project cost is \$2,536,800. The cost is broken down as follows: Sanitary Sewer Improvements: \$43,900, Water Main Improvements: \$441,600, Storm Sewer Improvements: \$384,300, Street Improvements: \$1,505,300, and Park Improvements: \$161,700.

Estimated project financing is as follows: Sanitary Sewer Utility \$43,900 (1.7%), Water Utility \$373,950 (14.7%), Environmental Utility \$384,300 (15.1%), Assessments \$573,681 (22.6%), and General Levy \$1,160,969 (45.8%).

The proposed assessment rates are based on the 2016 assessment rates and the Consumer Price Index (CPI) change from April 2016 to September 2017. The proposed change in the assessment

rates from the 2016 project to the 2018 project represent a 3.1% increase. The recommended 2018 assessment rates are as follows: Street Assessments: \$8,450 per residential unit and \$112.67 per front-foot for commercial/industrial/multi-family; and Water Service Assessments: \$1,650 per unit. At this time there are no expected assessments for sanitary sewer services as they are not anticipated for replacement.

The proposed project schedule was presented with construction May to September of 2018 and a final completion date of Summer of 2019.

George Eilertson, Northland Securities, presented financial information regarding the project.

He stated the bonding process for this project will be similar to the process for the 2016 Street and Utility Improvement Process. A minimum 20% assessment funding of the project is required for this bonding. The bonds will be for a 15-year term and will result in a \$120,000 tax levy per year. The City has a AA- Bond Rating which is very strong. Interest rates at this time are very favorable, in the 2.5% range. Eilertson presented a proposed Debt Service Schedule and Tax Impact Information.

#### Public Comment:

Roland Wagner, 21527 Wagner Bay Lane, representing Bethlehem Lutheran Church, 200 Park Avenue NW, noted Second Street NE past the church is a very narrow street and has mountable curbs as opposed to a standard curb. He asked at what point the determination of the type of curb, etc., for that property would be made. He also questioned if the cost of the assessment per front foot had changed since the neighborhood meeting. He thought the figure presented tonight was higher than the amount presented at the neighborhood meeting.

Cavett stated that he did not believe the amount had changed since the neighborhood meeting. With regard to the curb, the engineer will want to meet with representatives of the church as this is a long expansive area that is gravel and it will be looked at to see if there are options that benefit both the church and the City. Cavett encouraged Wagner to look at the Elysian Methodist Church that was involved in the 2016 Street and Utility Improvement Project. The parking at that location was established but with the project it was reestablished as mountable and cross over curb.

Marlys Boyum, owner of the property located at 105 Second Street NE, asked why her property had been added to the project. Cavett stated the property was identified for improvement in Project C but has been moved to Project B due to the condition of the road, being that Park Avenue NE to the north of this property had been improved through this intersection and this would complete that area, and also for access. The 2012 assessment on this property has been taken into account and credit has been given for one-half unit.

Boyum asked if the alley next to her property was included in the project. Cavett stated it is not included in this project. Boyum questioned if the street in front of her property would be widened like that by the bank. Cavett stated it would not.

Pat Nusbaum, 104 Park Avenue NE, representing the Elysian Area Library located at 132 Main Street East, stated the intersection at Second Street SE and Highway 60 is a very busy intersection. She asked how much would be cut out of that intersection to accommodate the sidewalk. Cavett stated that to go any wider at that intersection would be to accommodate parking and he did not believe it would be wise to have parking in the area between the trail and Highway 60. The width is fine for two-way traffic. The street does widen north of the trail to accommodate parking.

Nusbaum asked how close the City is to the debt limit allowable for bonding? Eilertson stated the debt limit counts when the City issues bonds that are paid for solely by taxes. So, the bonding for the 2016 and the 2018 project is outside of the bond limit and does not count. The debt limit is 3%

of the overall market value for your City. Nusbaum stated she was concerned about the rest of the City and getting their streets done. Eilertson stated the City is taking a good measured approach on addressing the projects by looking at the tax impact, the overall debt, etc. Nusbaum commented that when 45% is paid by the general levy and those people who are also contributing don't get new streets for four or five years is that really fair? Some of those streets may have to go back to gravel.

Nusbaum acknowledged that the Elysian Library would have to pay an assessment but asked if since they are a non-taxable entity, would they also have to contribute to the general levy? Cavett stated no they would not be required to contribute to the general levy.

Nusbaum asked if it would be possible to start the project on Second Street NE/SE after the 4<sup>th</sup> of July celebration. Cavett stated the phasing of the project has not been discussed. It may make sense that any streets that access Highway 60 off Main Street are delayed until after the 4<sup>th</sup> of July celebration.

Nusbaum asked if the alley behind the businesses on Main Street could be included in the project. She noted it was not an official platted "alley" but it is used as an alley and is very busy.

No written comments were received.

On motion by Stoen, seconded by McBroom, all voting in favor, to close the Public Hearing at 6:49 pm and open the Regular Meeting.

On motion by McBroom, seconded by Stoen, all voting in favor, to approve the minutes of the October 9, 2017 Regular Meeting and October 16, 2017 Workshop Meeting with MnDOT as presented.

On motion by Houlihan, seconded by Stoen, all voting in favor, to approve the agenda of the November 13, 2017 Regular Meeting with the following addition:

Add: Update on The Wilderness Restaurant.

Public Comment: None.

John H Carpenter, Ramona M Carpenter, and Barbara C Nelson have submitted a request that the City of Elysian officially close and vacate the alley located on Block 005 Elysium Townsite, Amended Plat, City of Elysian, PID # R16.410.1000. This alley has never been physically opened. They are requesting it be vacated to allow them to combine the two parcels into one developable parcel.

On motion by Stoen, seconded by Opsahl, all voting in favor, to call a Public Hearing for December 11, 2017 at 6:15 pm to consider the request of John H Carpenter, Ramona M Carpenter, and Barbara C Nelson that the City of Elysian officially close and vacate the alley located on Block 005 Elysium Townsite, Amended Plat, City of Elysian, PID # R16.410.1000.

Chris Cavett, SEH Engineering, presented Resolution #594/17 which is an amendment to Resolution #590/17 approved at the October 9, 2017 Council Meeting. The amended Resolution reflects the correct total cost of the improvement based on the changes made during the October 9, 2017 Council Meeting.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 594/17  
RECEIVING REPORT AND CALLING

HEARING ON IMPROVEMENT  
2018 STREET AND UTILITY IMPROVEMENT PROJECT  
(AMENDED)

WHEREAS, pursuant to resolution of the council adopted May 8, 2017, a report has been prepared by Short Elliott Hendrickson Inc. (SEH®) with reference to the 2018 Street and Utility Improvement Project, with reference to the improvement of following streets:

- Second Street NW, from Main Street to Frank Avenue NW
- Third Street SW/NW, from TH 60 to Frank Avenue NW
- Fourth Street SW, from TH 60 to Main Street
- Frank Avenue NW, from 4th Street NW to 1st Street
- Park Avenue NW, from 4th Street NW to 1st Street
- Second Street SE, from Main Street to dead end
- Second Street NE from Main Street E to Park Avenue NE; and

and this report was received by the council on October 9, 2017, and

WHEREAS, the report provides information regarding whether the proposed project is necessary, cost-effective, and feasible,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA:

1. The council will consider the improvement of such streets in accordance with the report and the assessment of abutting property and properties for which benefit can be attributed for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429, at an estimated total cost of the improvement of \$2,536,800 based on revisions to the report approved by the City Council on October 9, 2017.
2. A public hearing shall be held on such proposed improvement on the 13th day of November, 2017, in the Elysian City Hall at 6:00 p.m. and the City Administrator shall give mailed and published notice of such hearing and improvement as required by law.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 13<sup>th</sup> day of November, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Cavett presented Resolution #596/17 – Ordering Improvement and Preparation of Plans 2018 Street and Utility Project. The report does assume construction of the stormwater pond by Lake Francis Park but nothing will be done on that until directed by the City Council. Also, the report includes one boring crossing across Highway 60 but that may change. Cavett explained that there are two watermain crossings across Highway 60. If the watermain is required to be installed by boring, then only one watermain is recommended to be installed. If the watermain installation can be done during the Highway 60 reconstruct in 2020 and installed via direct open cut, then the recommendation is to install both watermains with an overall lower cost to the City.

Mayor Stoen introduced the resolution and was seconded by Councilmember Houlihan.

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 596/17  
ORDERING IMPROVEMENT AND  
PREPARATION OF PLANS  
2018 STREET AND UTILITY IMPROVEMENT PROJECT

WHEREAS, a resolution of the city council adopted the 9th day of October, 2017, fixed a date for a council hearing on the proposed improvement of the 2018 Street and Utility Improvement Project,

AND WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 13th day of November, 2017, at which all persons desiring to be heard were given an opportunity to be heard thereon,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA:

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Such improvement is hereby ordered as proposed in the council resolution adopted the 9th day of October, 2017, and as amended at the public hearing.
3. Such improvement has no relationship to the comprehensive municipal plan.
4. Such improvement has been identified in the City of Elysian Capital Improvement Plan (CIP), dated August 10, 2015.
5. Short Elliott Hendrickson, Inc. (SEH®) is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.
6. The city council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of the tax-exempt bond.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 13th day of November, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Cavett presented a Professional Services Proposal / Agreement to the City of Elysian for SEH Engineering to provide engineering services for the remaining final design, bidding, assessments, (Phase 2) and construction engineering (Phase 3) of the project.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve and accept the Professional Services Proposal / Agreement for SEH Engineering to provide engineering services for the remaining final design, bidding, assessments, (Phase 2) and construction engineering (Phase 3) of the project.

Cavett presented a memorandum with preliminary discussion related to a potential for a Highway 60 underpass as part of the MnDOT 2020 reconstruction project. The report estimates the cost of the underpass to be in the range of \$500,000 to \$750,000. The only location which might be remotely feasible would be at the existing drainage culvert crossing located at the wetland to the east of Casey's (midway between First Street and Second Street SW). It would also require significant runout length (approximately 300 feet) to accommodate a 5% grade to meet American Disabilities Act (ADA) requirements.

The Council discussed the benefits and drawbacks of an underpass. The feasibility of striped crosswalks and crosswalks with lighted caution signs was discussed again. The Council expressed concern for the safety of pedestrians crossing Highway 60. Staff was directed to contact the MnDOT Project Manager of the 2020 Highway 60 reconstruction project and schedule another workshop with the Council to discuss the options again.

Ron Greenwald, Public Works Director, noted there are several dead trees and dangerous limbs in need of removal. He has obtained two quotes and will be having the trees removed based on the lower quote.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 591/17  
REQUEST FOR OFF SITE LAWFUL GAMBLING

WHEREAS: the Elysian City Council was presented with a request from the Elysian Fire Department Relief Association for one day off site lawful gambling, December 2, 2017.

WHEREAS: State Laws of Minnesota require approval be granted by the local governing body, thus the City of Elysian.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the Elysian City Council grants approval for a one day off site lawful gambling license to the Elysian Fire Department Relief Association.

Councilmember Schnoor introduced the resolution and was seconded by Councilmember McBroom, to approve one day off site lawful gambling for December 2, 2017.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 13<sup>th</sup> day of November, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 592/17  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN FIRE RELIEF ASSOCIATION

WHEREAS, the City of Elysian has received a donation in the amount of \$6,000.00 from the Elysian Fire Relief Association toward the purchase of a sliding unit for the grass rig;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian acknowledges and accepts a donation from the Elysian Fire Relief Association in the amount of \$6,000.00 toward the purchase of a sliding unit for the grass rig.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 13<sup>th</sup> day of November, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 593/17  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN CO-ED VOLLEYBALL LEAGUE

WHEREAS, the City of Elysian has received a donation in the amount of \$300.00 from Elysian Co-Ed Volleyball League for Lake Francis Park maintenance;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian acknowledges and accepts a donation from Elysian Co-Ed Volleyball League in the amount of \$300.00 for Lake Francis Park maintenance.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 13<sup>th</sup> day of November, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 595/17  
DESIGNATING POLLING PLACES  
FOR THE 2018 STATE PRIMARY  
AND GENERAL ELECTION

WHEREAS, Minnesota Statutes 204B.16, sub 1 requires the City Council, by ordinance or by resolution, to designate polling places for the upcoming year; and

WHEREAS, changes to the polling places locations may be made at least 90 days before the next election if one or more of the authorized polling places becomes unavailable for use; and

WHEREAS, changes to the polling locations may be made in the case of an emergency when it is necessary to ensure a safe and secure location for voting; and

WHEREAS, the state primary is August 14, 2018 and the general election is November 6, 2018.

NOW THEREFORE, BE IT RESOLVED:

That the Elysian City Council hereby designates the following polling place for elections conducted in the city in 2018:

PRECINCT: ELYSIAN 0020 - All Properties within the corporate limits of the City of Elysian, County of Waseca

Polling Place: Elysian: Mail Ballot, 307 N State Street, Waseca, MN 56093.

PRECINCT: ELYSIAN 0025 – All properties within the corporate limits of the City of Elysian, County of Le Sueur

Polling Place: Elysian City Hall, 110 W Main Street, Elysian, MN 56028.

AND BE IT FURTHER RESOLVED, that the Administrator-Clerk is hereby authorized to designate a replacement meeting the requirement for the Minnesota Election Law for any polling place designated in this Resolution that becomes unavailable for use by the City;

AND BE IT FURTHER RESOLVED, that the Administrator-Clerk is hereby authorized to designate an emergency replacement polling place meeting the requirement of the Minnesota Election Law for any polling place designated in this Resolution when necessary to ensure a safe and secure location for voting;

AND BE IT FURTHER RESOLVED, that the Administrator-Clerk is directed to send a copy of this resolution and any subsequent polling place designations to the Le Sueur County Elections Office and the Waseca County Elections Office.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 13<sup>th</sup> day of November, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by Stoen, seconded by McBroom, all voting in favor, to schedule a Budget / 2018 Utility Rate Workshop Meeting for Tuesday, November 28, 2017 at 6:00 pm.

On motion by Houlihan, seconded by Stoen, all voting in favor, to schedule the Truth in Taxation Hearing on the Final 2017 Tax Levy – Payable 2018 for Monday, December 11, 2017 at 6:01 pm.

On motion by McBroom, seconded by Houlihan, all voting in favor, to close City Hall office on Friday, November 24, 2017 with employees not working that day to use either vacation, floating holiday, or comp time.

Elysian's local Horizon's Group is sponsoring a meeting on Wednesday, November 15, 2017 at the Elysian Tourism Center at 7:00 pm to discuss consideration of the creation of a Community Legacy Foundation. Councilmembers are invited to attend.

An update on 6 Cedar Point Drive NW was provided. The homeowner did comply with the Council requests in regard to trees and did reduce the patio in the OHWM setback to less than 630 square feet.

The Council thanked all the volunteers, businesses, community members, and City staff that contributed to the 2017 Spook Trail. The new trail route worked well.

The Wilderness will be up for auction on Tuesday, November 14, 2017 at 11:00 am.

City Attorney Jason Moran reported that he is in the process of renegotiating the City's Franchise Agreements.

Moran stated he will also be revising the City's Right-of-Way Ordinance and addressing a Small Cell Tower / Antenna Ordinance. The current Right-of-Way Ordinance is archaic and vague. It needs to be updated to protect the City's right-of-way and to require fees and permits as allowed. Currently, the City rents space on the water tower for antennas. Technology is changing, and utility companies are employing much smaller antennas and placing them on light and electrical poles. The City should create and adopt an ordinance to address this.

Mayor Stoen reported that the City Administrator Employee Evaluation had been performed during closed session on October 9, 2017. The Administrator met or exceeded all expectations of the position.

On motion by Schnoor, seconded by Houlihan, all voting in favor, bills, payroll, and transfers were approved in the amount of \$59,798.67.

Public Comment:

Nicole Lamont, 400 Jason Drive, stated that she would like to speak to the sidewalk issue. She and her children try to cross Highway 60 and get to the trail, and it is usually quite an adventure. She stated it raises her blood pressure as it is very dangerous. Even if there are not striped crosswalks, the sidewalks will help them get to the trail safely and get them off the street. County Road 11 is always busy no matter what time it is, and they can either take the grass or the road and they always choose the road. She would really like to see the sidewalks because it would get them to the trail.

On motion by Stoen, seconded by Houlihan, all voting in favor, meeting adjourned to closed session to discuss Attorney Client Matter and Land Acquisition at 7:32 pm.

On motion by Stoen, seconded by Houlihan, all voting in favor, to reopen the meeting at 7:46 pm.

Mayor Stoen reported the Council will continue to consider options with regard to the acquisition of property and will consult legal counsel as the matter progresses.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 7:47 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
WORKSHOP MEETING  
NOVEMBER 28, 2017**

The Elysian City Council held a workshop meeting on Tuesday, November 28, 2017 at City Hall at 6:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan, Tom McBroom and Dennis Schnoor; City Administrator Lorri Kopischke; Absent: Councilmember Mary Opsahl.

The Council discussed the proposed 2018 Budget – Revenues and Expenditures. Staff stated there have been no substantial changes since the budget workshops. There was Council consensus to make NO changes to the proposed budget prior to considering as the final budget for approval.

The Council discussed the approved preliminary 2017 Levy payable 2018 in the amount of \$561,002. This is an increase of \$17,559 or 3% from the previous year. The greatest increase is in the general levy. The remaining increase of \$3,090 is the result of a proposed increase to the Fire Relief Annual Benefit. There was Council consensus to make NO changes to the preliminary Levy prior to presenting it for final approval.

The Council discussed utility rates. Staff distributed an email from Rick Almich, Senior Advisor, Minnesota Valley Council of Governments. Almich reviewed the City of Elysian water and sewer utility budgets. Almich stated that the water utility fund is in good financial condition. There is a sufficient amount of cash reserves and the fund is operating within budget which would suggest there will be sufficient cash reserves remaining at the end of 2018. With respect to the sewer utility fund, Almich noted the cash reserve account is at a lower level – approximately 50%. Almich stated that even though the sewer utility appears to be operating within budget, a rate increase of 5% would be warranted to increase that cash reserve fund for reasons related to issuing debt at reasonable interest rates and unforeseen major expenses. The Council will address the utility rates at the final meeting of the year. There was Council consensus to consider leaving the water rates as is and increasing the sewer usage charge by 50 cents per 1,000 gallons.

The Council then discussed the environmental utility fee. This is a \$4 monthly fee for residential and for commercial this fee is based on impervious surface. Funds generated with this fee are used to pay storm sewer costs. It was noted that the 2016 Street and Utility Improvement Project is drawing funding from that account. The 2018 Street and Utility Project will begin drawing from that account in 2019 as well. There was Council consensus to consider increasing the residential fee by \$1.00 per month and the commercial fee proportionately. The Council will address this rate at the final meeting of the year.

Staff reported that the property owner of 118 East Main Street would like to donate the property to the City of Elysian. The Building Inspector and the City Administrator toured the building on November 21, 2017 and the Building Inspector provided a site inspection report. Issues noted in the report include the roof, foundation wall and basement area. Staff was directed to obtain quotes to repair the building and also quotes to demolish the building.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 7:04 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
DECEMBER 11, 2017**

The Elysian City Council met in regular session on Monday, December 11, 2017, at City Hall at 6:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan, Tom McBroom (arrived at 6:10 pm), Mary Opsahl, and Dennis Schnoor; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald; City Utility Clerk Nicole Lamont; and City Attorney Jason Moran. Absent: None.

On motion by Stoen, seconded by Houlihan, all voting in favor, to close the Regular Meeting and open the Truth in Taxation Public Hearing at 6:01 pm.

The purpose of the hearing is to receive input on the final budget and tax levy for 2017 payable 2018.

The Council has held three budget workshops – August 8, August 29, and November 28, 2017, to discuss the budget and resulting levy for 2017 payable in 2018. The total levy to be certified is \$561,002 which is up \$17,559 or an increase of 3% from last year. The main increases are \$15,500 in the general fund and \$3,090 for Fire Relief. The increase in Fire Relief is due to an anticipated \$100 increase to the annual benefit amount. Other increases include a 2.5% salary increase to full-time employees, beginning the process to codify the City Ordinances, a new yearly fee to Le Sueur County for election equipment, and the anticipated purchase of a truck.

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

On motion by Stoen, seconded by Schnoor, all voting in favor, to close the Truth in Taxation Public Hearing at 6:04 pm and open the Regular Meeting.

Le Sueur County Chief Deputy Nick Greenig reported it has been fairly quiet in the City except for some area break ins. Headway has been made on those crimes and some property has been returned to the owners.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the minutes of the November 13, 2017 Regular Meeting and November 28, 2017 Workshop Meeting as presented.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the agenda of the December 11, 2017 Regular Meeting with the following addition:

Add: Update on the tax forfeiture property – 301 Sixth Street NW.

Public Comment: None.

Chris Cavett, SEH Engineering, reported the construction contract for the 2016 Street and Utility Improvement project is complete and ready for final payment. Most of the work was completed last season with the exception of final wear paving, saw and seal, pavement markings and some warrantee items. The City is currently holding 5% in retainage from the last pay estimate plus some additional minor work items. The final payment due to the contractor, RAW Construction, LLC, is \$69,471.02.

Cavett stated that all final documentation has been received and the project is recommended for acceptance with the release of the final payment. In accordance with Article SC-15.08 of the Supplementary Conditions, the correction period, (warranty period) for RAW Construction, LLC shall

extend two years after final payment. Thus, if final payment is approved tonight, the warranty period will extend until December 11, 2019.

Mayor Stoen introduced the resolution and was seconded by Councilmember Schnoor.

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION #602/17

ACCEPTING WORK  
2016 STREET AND UTILITY IMPROVEMENT PROJECT

WHEREAS, pursuant to the written contract signed with the City of Elysian on April 11, 2016, RAW Construction, LLC of Faribault, Minnesota, has satisfactorily completed the 2016 Street and Utility Improvement Project in accordance with such contract,

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF ELYSIAN, MINNESOTA, that the work completed under said contract, is hereby accepted and approved, and,

BE IT FURTHER RESOLVED: That the City Administrator and Mayor are hereby directed to issue a proper order for the final payment on such contract, in exchange for the contractor's receipt evidencing payment in full, and,

In accordance with Article SC-15.08 of the Supplementary Conditions, the correction period, (warranty period), shall extend two years and end on December 11, 2019.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 11<sup>th</sup> day of December, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

An updated Agreement for Law Enforcement Services from Le Sueur County was presented for review. The new document includes updated language regarding liability and indemnification as

requested by the League of Minnesota Cities. There is not a request for increase in the hourly rate but there may be a request for increase for the 2019 service year.

City Attorney Moran stated he had reviewed the agreement and approves of the language and content.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the updated Agreement for Law Enforcement Services from Le Sueur County effective January 1, 2018.

A Special Election will be held in Le Sueur County on Monday, February 12, 2018, for the purpose of filling the vacancy in House District 23B State of Minnesota. Elysian City Hall is a polling place for this election. The February Elysian City Council Meeting is scheduled for this date and will need to be changed.

On motion by Houlihan, seconded by Schnoor, all voting in favor, to change the February Elysian City Council meeting from February 12, 2018, to February 13, 2018 at 6:00 pm due to the special election being held for the purpose of filling the vacancy in House District 23B State of Minnesota.

Councilmember McBroom arrived at 6:10 pm.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 597/17

A RESOLUTION DIRECTING DELINQUENT UTILITY CHARGES BE PLACED  
ON THE PROPERTY TAXES PAYABLE IN 2018

WHEREAS, Elysian City Code provides for the City to place utility charges on the succeeding year property tax rolls for the specified properties; and

WHEREAS, the City Council has scheduled the consideration of the certification of such charges and has caused notice to be mailed to the affected property owners; and

WHEREAS, the City Council has considered such charges at its regular council meeting of December 11, 2017 and has made a determination that delinquent utility charges exist for the specified properties set forth in "Exhibit A" attached hereto and made a part hereof.

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

That the Le Sueur County Auditor-Treasurer's Office is hereby authorized to place the delinquent utility charges on the property taxes payable in 2018, against the specified properties as set forth in "Exhibit A".

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 11<sup>th</sup> day of December, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 598/17

A RESOLUTION DIRECTING DELINQUENT AUTO READ METER CHARGES  
BE PLACED ON THE PROPERTY TAXES PAYABLE IN 2018

WHEREAS, Elysian City Code provides that all property owners must purchase and be serviced by an auto read (remote) water meter; and

WHEREAS, property owners have been noticed of this requirement and said required auto read meters have been installed and property owners billed for meter; and

WHEREAS, the specified properties as set for in "Exhibit A" have been billed and received final notification that unpaid amounts will be assessed on the respective property tax rolls.

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

That the Le Sueur County Auditor-Treasurer's Office is hereby authorized to place the delinquent auto read meter charges on the property taxes payable in 2018, against the specified properties as set forth in "Exhibit A".

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen

Council Members voting in the negative: None

Adopted by the City Council of the City of Elysian this 11<sup>th</sup> day of December, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

On motion by McBroom, seconded by Stoen, all voting in favor, to approve the 2018 licenses as follows:

Fischer's Corner Bar Inc.	On Sale, Off Sale, Soft Drink, Sunday
Tom's Bar Inc.	
dba Thirsty Beaver Bar	On Sale, Off Sale, Soft Drink, Sunday
Zimbrich Properties	
dba Tuckers Tavern Inc.	On Sale, Off Sale, Soft Drink, Sunday
American Legion 311	Club, Soft Drink, Sunday
Trostem's Shady Shores	3.2 On Sale, Soft Drink
S&K Roemhildt LLC	
dba Pit Stop	3.2 Off Sale, Soft Drink, Off Sale
Casey's	3.2 Off Sale, Soft Drink
Elysian Chamber	Soft Drink
Alley Scoops LLC	Soft Drink
Ellie Gails Bakery & Deli	Soft Drink
Fire Department	Soft Drink

On motion by Stoen, seconded by McBroom, all voting in favor, to approve to NOT WAIVE the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04.

Councilmember Schnoor introduced the resolution and was seconded by Mayor Stoen.

RESOLUTION 599/17  
RESOLUTION ADOPTING FINAL 2017 TAX LEVY, PAYABLE 2018  
CITY OF ELYSIAN  
LE SUEUR AND WASECA COUNTIES

BE IT RESOLVED; the Elysian City Council of the City of Elysian, Le Sueur and Waseca Counties, Minnesota that the following sums of money are levied for the current year, collectible in 2018, upon taxable property in the City of Elysian, for the following purposes:

General Fund	\$413,855
Fire Relief	\$ 14,651
Maintenance Replacement Eq.	\$ 10,000
Storm Sewer	\$ 5,000
Kaplan	\$ 15,000
City Hall Debt	\$ 26,000
2012 Local Improvement Levy	\$ 50,000
2016 Local Improvement Levy	\$ 6,000
2016 Fire Truck Debt	\$ 20,496
Total Preliminary Levy	\$561,002

Voting in the Affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Voting in the negative: None.

The City Administrator is hereby instructed to transmit a certified copy of this resolution to the County Auditor for Le Sueur County and Waseca County, Minnesota.

Adopted by the Elysian City Council on December 11, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Mayor Stoen introduced the resolution and was seconded by Councilmember Houlihan.

RESOLUTION NO. 600/17  
RESOLUTION ADOPTING THE 2018 FINAL BUDGET  
FOR THE CITY OF ELYSIAN  
LESUEUR AND WASECA COUNTIES

WHEREAS, the City of Elysian has considered and discussed the budget for the year 2018;  
and,

WHEREAS, the 2018 FINAL budget is attached to this Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELYSIAN, MINNESOTA:

1. That the attached final budget for year 2018 marked as "Exhibit A" is hereby adopted.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Whereupon said resolution was declared duly passed and adopted.

Dated this 11<sup>th</sup> day of December, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by Stoen, seconded by McBroom, all voting in favor, to set the 2017 year end City Council meeting for Tuesday, December 26, 2017 at 6:00 pm.

The Council discussed holding a meeting with MnDOT Representatives regarding the Highway 60 2020 project. The proposed changes included in the project have been explained to Planning and Zoning and the EDA, and members of those boards would like to be involved in the next work session. It also was suggested that business owners along Highway 60 be specially invited to attend.

On motion by Schnoor, seconded by McBroom, all voting in favor, to set a meeting with MnDOT Representatives regarding the Highway 60 2020 project for Tuesday, January 16, 2018 at 6:00 pm.

On motion by Stoen, seconded by Houlihan, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:18 pm.

The purpose of the hearing is to receive public input on the request of John H Carpenter, Ramona M Carpenter, and Barbara C Nelson, the property owners of a property located at, and adjacent to, 411 Sixth Street NW, Elysian, Le Sueur County, Minnesota, to close and vacate the platted alley located on Block 005 Elysium Townsite, Amended Plat, City of Elysian, PID # R16.410.1000.

John H Carpenter, Ramona M Carpenter, and Barbara C Nelson have submitted a request that the City of Elysian officially close and vacate the alley located on Block 005 Elysium Townsite, Amended Plat, City of Elysian, PID # R16.410.1000. This alley has never been physically opened. They are requesting it be vacated to allow them to combine the two parcels into one developable parcel. The City does have a water main that crosses this property. There is wording included in the Resolution to retain any and all easements on the property.

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

On motion by Stoen, seconded by Houlihan, all voting in favor, to close the Public Hearing at 6:21 pm and open the Regular Meeting.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 601/17

A RESOLUTION VACATING A PORTION OF A PUBLIC ALLEY

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

WHEREAS, a petition signed by the majority of property owners abutting the platted alley located in Parcel ID# 16.410.1000 running east to the west between Sixth Street NW and PID #16.460.0100 was received by the City Clerk on the 6<sup>th</sup> day of November, 2017; and

WHEREAS, the City Council for the City of Elysian called for a public hearing by notifying its interest in vacating a portion of a public alley pursuant to Minnesota Statute §412.851; and

WHEREAS, the portion of the platted alley subject to vacation is a public alley lying west of Sixth Street NW and described as follows: that alley platted and measuring approximately 336' x 20' lying within Block Five (5), in the Townsite of Elysium, now known as the Village of Elysian, according to the plat on file in the Office of the Register of Deeds of Le Sueur County, Minnesota and between Sixth Street NW and PID # 16.460.0100 (Commencing at the Northwest Corner of Government Lot eight (8), Section Thirty-Five (35), Township One Hundred Nine (109) North of Range Twenty-Four (24) West: thence running South along the section line between Section Thirty-Four and Section Thirty-Five of said Township to a point directly West from the South line of the street known as Lake Street according to the present plat of the Village of Elysian: thence East parallel with the South line of said street to the West line of said plat of the Village of Elysian: thence North to the shore of Lake Francis: thence Westerly along the shore of said Lake Francis to the place of beginning, containing Eight (8) acres more or less; Except: The West Five Hundred Eighty (580) feet and the South Three Hundred (300) feet thereof), as is illustrated on the attached map; and

WHEREAS, a public hearing was set to consider the vacation of said portion of a public alley; and

WHEREAS, a public hearing to consider the vacation of said portion of public alley was held on December 11, 2017 before the City Council at City Hall located at 110 West Main Street, Elysian, Minnesota at approximately 6:00 pm. Further, all property owners adjacent to said portion of public alley and all affected persons were given notice of said Public Hearing, and all were given an opportunity to be heard and voice their concerns regarding the vacation of the subject portion of the public alley. Finally, said notice was published in the City's legally designated newspaper for the requisite time parameters called for in Minnesota Statutes §412.851; and

WHEREAS, the Council, in its discretion has determined that the vacation will benefit the public interest because the portion of public alley is not used by the City and vacation of the portion of public alley will provide an opportunity for the homeowner to further develop and enhance his property, which will further enhance the City's tax base, and it will additionally lessen the City's liability for the portion of said public alley and eliminate any maintenance obligation the City may have for the same; and

WHEREAS, four-fifths of all members of the Elysian City Council concur in this resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF ELYSIAN, LE SUEUR COUNTY, MINNESOTA, that portion of an alley platted and lying west of Sixth Street NW and measuring approximately 336' x 20' lying within Block Five (5), in the Townsite of Elysium, now known as the Village of Elysian, according to the plat on file in the Office of the Register of Deeds of Le Sueur County, Minnesota and between Sixth Street NW and PID # 16.460.0100 (Commencing at the Northwest Corner of Government Lot eight (8), Section Thirty-Five (35), Township One Hundred Nine (109) North of Range Twenty-Four (24) West: thence running South along the section line between Section Thirty-Four and Section Thirty-Five of said Township to a point directly West from the South line of the street known as Lake Street according to the present plat of the Village of Elysian: thence East parallel with the South line of said street to the West line of said plat of the Village of Elysian: thence North to the shore of Lake Francis: thence Westerly along the shore of said Lake Francis to the place of beginning, containing Eight (8) acres more or less; Except: The West Five Hundred Eighty (580) feet and the South Three Hundred (300) feet thereof), as is illustrated on the attached map shall be, and hereby is vacated.

BE IT FURTHER RESOLVED, any and all recorded easements of record remain in full force and effect and shall continue on in full force and effect notwithstanding the passage of this Resolution.

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

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the Council this 11<sup>th</sup> day of December, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

The property owners of 118 East Main Street have requested to donate the property and building located on the property to the City of Elysian. The Planning and Zoning Commission has discussed this, and consensus was that obtaining this property would comply with the comprehensive plan. The Commissioners suggested it might best be accomplished via the EDA and that the property could possibly be given or sold at a very low cost, to a prospective business owner who would be interested in repairing the building. The EDA discussed this at their December 7, 2017 meeting and voted unanimously to accept the donation. A special EDA meeting has been called for December 14, 2017 to consider a resolution accepting the donation and the property owners will have until December 31, 2017 to remove their personal belongings.

Information was provided on the True Transit public transportation program. The transit system has been developed by VINE Faith in Action and will serve Blue Earth, Nicollet, and Le Sueur Counties. A brochure will be included with this month's utility bill.

The Council thanked Lake Area Women for the trees in the pots on Main Street. They also expressed appreciation to Lake Area Women, the Fire Department, the Horizon Group, all the volunteers, businesses, and city staff that contributed to the Holiday celebration in Elysian on December 2, 2017.

The City has received the deed for the tax forfeit property at 301 Sixth Street NW. Public Works will move any items of value from the shed into the house and secure all doors and windows on the house.

On motion by McBroom, seconded by Stoen, all voting in favor, bills, payroll, and transfers were approved in the amount of \$163,221.71. The final payment to RAW Construction, LLC of Faribault, Minnesota, in the amount of \$69,471.02 is included in this total.

Public Comment – None.

On motion by Stoen, seconded by Houlihan, all voting in favor, meeting adjourned to closed session to discuss Attorney Client Matter and Land Acquisition at 6:30 pm.

On motion by Stoen, seconded by Houlihan, all voting in favor, to reopen the meeting at 6:50 pm.

Mayor Stoen reported that while in closed session the Council discussed various legal strategies. The City Attorney and City Administer will continue to work with the issues at hand.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 6:52 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
SPECIAL YEAR END MEETING  
DECEMBER 26, 2017**

The Elysian City Council met in special session on Tuesday, December 26, 2017, at City Hall at 6:00 pm.

Roll Call: Acting Mayor Tom McBroom (most senior Councilmember present at the meeting presided); Councilmembers Robert Houlihan and Dennis Schnoor; and City Administrator Lorri Kopischke. Absent: Mayor Clinton Stoen and Councilmember Mary Opsahl.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the agenda of the December 26, 2017 Special Year End Meeting as presented.

Based on recommendations by Richard Almich, Senior Advisor, Minnesota Valley Council of Governments, and as discussed by the City Council at the November 28, 2017 Workshop Meeting, the sewer utility rates user charge will be increased by 50 cents per 1,000 gallons of usage.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 603/17**

**RESOLUTION SETTING WATER AND SEWER  
UTILITY RATES FOR 2018**

**WHEREAS**, the City is required to establish utility rates such that revenues generated are sufficient to offset the cost of operations and make provision for debt repayment, and

**WHEREAS**, the City has undertaken water and sewer utility projects that require additional water and sewer system debt repayment.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELYSIAN:** that the water and sewer utility rates for 2018 are set as follows:

Water Utility Rates

Service Base Charge:	\$17.50 per month
User Charge:	\$ 4.00 per 1,000 gallons

Sewer Utility Rates

Service Base Charge:	\$20.50 per month
User Charge:	\$ 7.00 per 1,000 gallons

**NOW THEREFORE BE IT FURTHER RESOLVED:** that these rates will become effective on January 1, 2018.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 26<sup>th</sup> day of December, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 604/17**

**RESOLUTION SETTING ENVIRONMENTAL  
UTILITY FUND RATES FOR 2018**

**WHEREAS**, the City is required to establish utility rates such that revenues generated are sufficient to offset the cost of improvements and make provision for debt repayment, and

**WHEREAS**, the City has undertaken storm sewer utility projects that require additional storm sewer system debt repayment.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELYSIAN:** that the environmental utility rates for 2018 are set as follows:

Residential	\$5 per month
Rate	\$15 per month
Commercial	(Fee = REF x Acreage x Rate)

**NOW THEREFORE BE IT FURTHER RESOLVED:** that these rates will become effective on January 1, 2018.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 26<sup>th</sup> day of December, 2017.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by Houlihan, seconded by McBroom, to approve the 2018 Fee Schedule as presented. Schnoor stated he did not like the Driveway Permit Fee. Voting on the motion – Aye: Houlihan, McBroom. Naye: Schnoor. Motion passed 2-1.

Staff reported that there are a number of uncollectible account balances still included in the Banyon software program dating back as far as 2003. The City Auditor is recommending that the accounts be adjusted out of the system to clean things up. On motion by Houlihan, seconded by Schnoor, all voting in favor, to authorize staff to adjust off the uncollectible account balances as per the instruction of the City Auditor.

The year-end bills and transfers were discussed. Check #023753 in the amount of \$61.58 to West Central Sanitation is for delivery of the dumpster at 301 Sixth Street NW. Council removed this payment from the bills for consideration and staff was directed to contact West Central Sanitation and request that these fees be waived.

On motion by Houlihan, seconded by McBroom, all voting in favor, to approve year-end bills in the amount of \$51,047.04 and year-end transfers in the amount of \$6,000.

Scott Roemhildt was recommended for hire for the on-call public works worker position. On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the hiring of Scott Roemhildt for the on-call public works worker position.

There was no further business to be considered.

On motion by McBroom, seconded by Houlihan, all voting in favor, to adjourn the meeting at 6:12 pm.

Approved:

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Tom McBroom, Acting Mayor

Attested:

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Lorri Kopischke, City Administrator