

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
JANUARY 14, 2019**

The Elysian City Council met in regular session on Monday, January 14, 2019 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 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 December 10, 2018 Regular Meeting and December 27, 2018 Special Year-End Meeting as presented.

On motion by Schnoor, seconded by McBroom, all voting in favor, bills, payroll, and transfers were approved in the amount of \$44,232.63.

Councilmember McBroom presented Mayor Stoen with a certificate of appreciation from the City Council and City staff for his service to the Elysian community as a City Councilmember and Mayor since 2009, and an engraved gavel commemorating his time of service as Mayor. McBroom thanked Stoen for his years of service and stated that he will be missed.

City Clerk/Administrator Kopischke administered the oath of office with Mayor Tom McBroom and Council Persons Dennis Schnoor and Bryan Suemnick answering.

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

On motion by Schnoor, seconded by Opsahl, all voting in favor, to approve the agenda of the January 14, 2019 Regular Meeting as presented.

Public Comment: None.

As McBroom was elected to the position of Mayor at the November 6, 2018 election while he was serving as a councilmember for a term that expires in January 2021, there now exists a vacancy on the Council. Resolution No, 654/19 declares that vacancy and states that the Council will fill the vacancy by appointment at the February 11, 2019 Council Meeting. The appointment is for a two (2) year term and will expire January 2021.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 654/19  
A RESOLUTION DECLARING A VACANCY**

WHEREAS, a General Election was held on November 6, 2018 for the seats of Mayor and Councilmember in the City of Elysian;

WHEREAS, Thomas McBroom was duly elected to the position of Mayor of the City of Elysian by a majority vote all the while he was in the process of completing a term of Councilmember;

WHEREAS, Thomas McBroom will accept the position of Mayor on January 14, 2019 which will leave his current seat as Councilmember vacant;

WHEREAS, Thomas McBroom's current seat on the City Council expires in January, 2021.

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

1. That the City Council hereby accepts the results of the November 6, 2018 General Election; and
2. That Thomas McBroom has been elected to serve as the Mayor of the City of Elysian and the City Council herein declares that a vacancy now exists on the Elysian City Council for his vacated council seat with an effective date of January 14, 2019; and
3. That the vacancy created herein shall be filled by appointment by the City Council pursuant to Minnesota State Statute §412.02 Subd. 2a. The City Council shall vote to make the appointment at the February 11, 2019 City Council Meeting. The appointed person shall fill the vacancy until the special election held on November 3, 2020 with seating for the same occurring at the first council meeting in January 2021.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14<sup>th</sup> of January, 2019.

Approved:

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Thomas McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

- Regular Council meeting date and time: Second Monday of each month at 6:00 pm unless otherwise designated.
- 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 Opsahl, seconded by Schnoor, all voting in favor, the following designations were approved:

- Planning and Zoning
  - Member from Council – Mayor Tom McBroom – 1 year term
  - Member from Public – Jeremy Henninger – 2 year term
  - Member from Public – Dan Engebretson – 3 year term
  - Member from Public – Rick Galewski – 3 year term
- Economic Development Authority
  - Member from Council – Mary Opsahl – 1 year term
  - Member from Public – Mack Evans – 6 year term
  - Administrator – Lorri Kopischke – 1 year term
- Park Committee
  - Member from Council – Dennis Schnoor – 1 year term
  - Member from Staff – Ron Greenwald – 1 year term
  - Member from Staff – Nicole Lamont – 1 year term

The Council then considered the remaining appointments. Opsahl asked why Jim Tatge, the current Emergency Management Director, was not being appointed to that position. McBroom stated he was looking for fresh blood, fresh faces, and new ideas.

Schnoor noted all the resources Director Tatge had provided during the September 2018 storm event. He recruited generators to keep the water tower running and crews from Mankato to run the chippers. The City couldn't ask for a better Emergency Management Director. He has done a great job with the required paperwork. This makes no sense. McBroom stated these are all good points.

Opsahl stated the 2018 Emergency Management Director did a good job. Westby has a lot of knowledge and would go a good job but there is a benefit in keeping appointments steady.

On motion by Opsahl, seconded by Suemnick, all voting in favor, the following designations were approved:

- WEM Community Education Advisory Board – Tom McBroom – 1 year term
- Representative to the MVCOG General Assembly – Tom McBroom – 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 – Tom McBroom – 1 year term

The Council then discussed the Emergency Management Director appointment again. City Attorney Moran noted that this is a Mayoral appointment per State Statute.

On motion by McBroom, seconded by Opsahl, all voting in favor, to table the appointment of the Emergency Management Director to the February 11, 2019 City Council Meeting to give time for the Mayor to meet with Tatge and discuss the appointment.

On motion by Opsahl, seconded by Suemnick, all voting in favor, the Fire Department Chief Appointments were approved as follows:

- Chief – Jason James

- First Assistant Chief – Richard Droog
- Second Assistant Chief – Eric Muellerleile

Josh Lynch, Gambling Manager, Waseca Hockey Association, stated he was present at the request of Tucker's Tavern. He stated the Association represents and serves the Waseca area. There are over 30 children from the Waterville Elysian Morristown (WEM) area who are supported through the donations of the Association. The Association donates \$1,250 per child which pays for all ice time, and some tournaments and coaching, etc. This is over \$30,000 that is being spent for the WEM area to keep the kid's fees super low. The Association also supports children from Janesville Waldorf Pemberton and New Richland Heartland Geneva for which they have zero gambling sites in those communities. They also support other non-profits and one of the 2018 scholarship winners was a WEM senior. When Tucker's Tavern approached the Association for an opportunity in Elysian, they were ecstatic about the idea as they had talked of branching out into this area.

City Attorney Moran asked if the Association had any sites in Le Sueur County. Lynch stated they do in Lexington and in Kilkenny. The Association does not have an agreement for a percentage to give back with Lexington, and with Kilkenny the agreement is to give back 10%. Moran inquired as to the arrangement with the City of Waseca. Lynch stated they are not required to give an amount back but 70% of the profits are required to stay within the City.

Moran asked if the Elysian Fire Relief held the current gambling license at Tucker's Tavern and if notice had been given to them. Lynch replied that the Fire Relief did hold the license and he did not know if notice had been given.

Schnoor asked Lynch exactly what gambling activities the Waseca Hockey Association was interested in operating at Tucker's Tavern. Lynch stated he had only come here to request bingo, but the Association would be interested in whatever would be available. They will schedule the bingo around other activities in the City as not to interfere with other organizations. He noted there could be more than one gambling license at a premise and suggested this might work at Tucker's Tavern.

On motion by McBroom, seconded by Suemnick, all voting in favor, to table the consideration of a request from the Waseca Hockey Association for a Lawful Charitable Gambling License to operate at Tucker's Tavern to the February 11, 2019 City Council meeting. The City Attorney will follow up with Lynch and more information will be provided to the Council for consideration.

Le Sueur County Chief Deputy Nick Greenig reported it has been quiet in the City this past month. He has received inquiries on the County no-wake ordinance. There will be a workshop meeting on this item on January 16, 2019 and he will let the public know when the public hearing will be held. Greenig stated the Justice Center is progressing and they will begin training staff there the end of June 2019.

Bob Chicos, Crysteel Truck Equipment, was present to answer questions on the State of Minnesota Cooperative Purchase Contract for the new truck. The truck as quoted is a Ford 550 with an 11 foot dump box. It will include a hoist with a hydraulic package. It will have strobe lights for added safety and running boards. It will have a harder floor and the sides fold down to haul larger items. It will have a 10 foot steel Vee plow. The truck as currently quoted is \$36,428.27 and they are offering a trade in value for the current F-550 truck of \$10,500.

Councilmember Suemnick, Public Works Director Greenwald, and a Crysteel Truck Equipment representative will meet prior to the February 11, 2019 City Council Meeting to discuss and develop a final quote for the truck.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 655/19

RESOLUTION ACKNOWLEDGING A PARK MEMORIAL DONATION  
FROM THE DONNA AND JERRY REMIGER FAMILY

WHEREAS, the City of Elysian has received a donation to the Park Donation and Memorial Program in the amount of \$750.00 from the Donna and Jerry Remiger Family to be used for a bench to be placed at the park in memory of Donna and Jerry Remiger;

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 to the Park Donation and Memorial Program in the amount of \$750.00 from the Donna and Jerry Remiger Family to be used for a bench to be placed at the park in memory of Donna and Jerry Remiger.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14<sup>th</sup> day of January, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

The Council considered Resolution No. 656/19 acknowledging a donation from the Elysian Fire Relief Association. The donation is for Fire Hall building improvements which are to redo the meeting room and the floors, and changing to commercial appliances.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 656/19

RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN FIRE RELIEF ASSOCIATION

WHEREAS, the City of Elysian has received a donation in the amount of \$7,000.00 from the Elysian Fire Relief Association to be used toward Fire Hall Building Improvements;

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 \$7,000.00 to be used toward Fire Hall Building Improvements.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14<sup>th</sup> day of January, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by Schnoor, seconded by Opsahl, all voting in favor, to acknowledge and accept the resignation of Garrett Schmahl from the Elysian Fire Department effective January 1, 2019. The Council expressed appreciation for Schmahl's 29 years of service to the Elysian Community.

The City of Elysian participated in the Minnesota Investment Fund Revolving Loan Fund One-Time Exception in 2018. By returning \$10,000 of restricted EDA funds to the State of Minnesota, the EDA was allowed to release \$40,000 of restricted funds to the general fund for use for any lawful government expenditure. The financial reporting is now due, and it will be reported that the funds were utilized toward the clean up and removal of the nuisance / hazard property and renovation of the shed for public use at 301 Sixth Street NW.

Reminder of Le Sueur County Elected Official Meeting, Wednesday, January 23, 2019 at 6:30 pm at the American Legion in Le Center.

The Ice Fishing Contest on Lake Francis will be held Sunday, February 3, 2019 from noon to 3 pm. It will have a slightly different format and has been named "Conquer the Lake". It is being held in conjunction with the Mad Bobber Ice Fishing Contest on Madison Lake held February 2, 2019 and is being hosted by the American Legion #311. More information is available at:

<https://www.madbobber.com/>

Public Comment:

Derek Westby, 117 Shoreview Drive, stated he wanted to speak to the request from Waseca Hockey Association for a gambling license at Tucker's Tavern. He asked that the Council consider what the Elysian Fire Relief Association gives back to the community. They sponsor many community events including the children's fishing contest and the Shopping with Mrs. Claus breakfast. They donate tax relief money toward equipment and trucks. This past year they started a program to give Christmas to two families in need within the community. He asked the Council to strongly consider how much the Fire Relief does for the City. It did not sound to him like the Waseca Hockey Association will be

giving much back to the City. Westby noted that the location being discussed is the highest earning location for gambling for the Fire Relief Association. If the Waseca group wants to do bingo only, just make sure there is a water tight contract in place for that. Thank you.

On motion by McBroom, seconded by Schnoor, all voting in favor, to adjourn the meeting at 6:51 pm.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
FEBRUARY 11, 2019**

The Elysian City Council met in regular session on Monday, February 11, 2019 at City Hall at 6:00 pm.

Roll Call: Mayor Tom McBroom; Councilmembers Bobby Houlihan (6:05 pm) and Mary Opsahl; City Administrator Lorri Kopischke; Public Works Worker Don Doehling; City Attorney Jason Moran. Absent: Councilmembers Dennis Schnoor and Bryan Suemnick; Public Works Director Ron Greenwald.

On motion by Opsahl, seconded by McBroom, all voting in favor, to approve the minutes of the January 14, 2019 Regular Meeting as presented.

On motion by McBroom, seconded by Opsahl, all voting in favor, to approve the agenda of the February 11, 2019 Regular Meeting as presented.

Le Sueur County Chief Deputy Nick Greenig reported it has been quiet in the City this past month with the exception of weather related incidents. McBroom asked if the Council could have a tour of the new Justice Center. Greenig replied this can be arranged the end of March or beginning of April.

Public Comment: None.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 657/19

A RESOLUTION TO APPOINT A COUNCILMEMBER  
TO FILL A VACANCY

WHEREAS, the Elysian City Council did declare a vacancy on the City Council at their regular meeting on January 14, 2019;

WHEREAS, the vacancy created therein shall be filled by appointment by the City Council pursuant to Minnesota State Statute §412.02 Subd. 2a;

WHEREAS, the City Council shall vote to make the appointment at the February 11, 2019 City Council Meeting;

WHEREAS, the appointed person shall fill the vacancy until the special election held on November 3, 2020 with seating for the same occurring at the first council meeting in January 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELYSIAN, MINNESOTA, to appoint Bobby Houlihan as Councilmember to the Elysian City Council to fill the said vacancy until the special election held on November 3, 2020 with seating for the same occurring at the first council meeting in January 2021.

Upon vote being taken:

Council Members voting in the affirmative: McBroom, Opsahl.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 11<sup>th</sup> of February, 2019.



Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

City Clerk/Administrator Kopischke administered the oath of office with Councilmember Bobby Houlihan answering.

June Rezac, Branch Supervisor, Elysian Area Library, presented the "Leaders are Readers Challenge" and invited Councilmembers and the Mayor to participate.

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

- EDA – Member from Council – Bobby Houlihan – 1 year term
- Park Committee – Member from Council – Bobby Houlihan – 1 year term
- Emergency Management: Director – Jim Tatge; Assistant Director – Derek Westby

Jeremy Henninger, owner of the parcel of land located at 182 Ridge Road NE, Elysian, Minnesota has requested a variance to build a 60 x 80 foot outbuilding with a 30 x 40 foot entertaining room on the front. The lot is 9.22 acres and the applicant is currently building a house on the lot.

The City of Elysian Zoning Ordinance allows an accessory building to be a maximum height of seventeen feet (17'), a maximum side wall height shall not exceed ten feet (10'), and total building area of 1,800 square feet per lot. The proposed Henninger outbuilding will be twenty-six (26') high with a side wall height of sixteen feet (16') and a total building area of 6,000 square feet.

The Elysian Planning and Zoning Commission held a public hearing on December 4, 2018 and on January 15, 2019. There were several neighboring property owners in attendance at the December 2018 public hearing who objected to the size, appearance and location of the outbuilding. They were concerned that the building would have a commercial use. The issue was tabled to the January 2019 public hearing with the request that Henninger consider the objections and come back with some possible compromise.

At the January 15, 2019 Planning and Zoning Meeting Henninger proposed to move the shed to the south east corner of the lot. The size and exterior of the shed will remain the same. The Planning and Zoning Commission voted unanimously to recommend approval of the variance request for the shed as presented with it being located in the southeast corner of the lot.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
LE SUEUR COUNTY, MINNESOTA  
RESOLUTION NO. 658/19

A RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS  
FOR APPROVAL FOR VARIANCE APPLICATION OF  
JEREMY HENNINGER, 182 RIDGE ROAD NE

FACTS

1. Jeremy Henninger is the owner of a parcel of land located at 182 Ridge Road NE, Elysian, Minnesota; and,
2. The subject property is legally described as found on Exhibit A; and,
3. Jeremy Henninger has applied to the City for a variance to build a 60 x 80 foot outbuilding with a 30 x 40 foot entertaining room on the front, and
4. The proposal would vary from the City of Elysian Zoning Ordinance Subd. Q. Accessory Structure Standards, 4. 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');
  - b. Total number of detached accessory buildings per lot:
  - c. Accessory structure(s) total building area allowed per lot: 1,800 square feet.

In that it would be twenty-six feet (26') high with a side wall height of 16 feet (16') and the total building area would be 6,000 square feet.

5. Following a public hearing on the application, the Elysian Planning Commission has recommended approval of the variance on January 15, 2019.
6. The City Council of the City of Elysian reviewed the requested variance at its Meeting of February 11, 2019.

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 property is 9.2 acres, and in a rural type setting with low density housing abutting up to it. A building that size is less than 3% of the property and would be considered reasonable.
9. There are unique circumstances to the property not created by the landowner because the property is unique in size and setting. Even though it sits in the City, it is in a rural type setting with seasonal cabins abutting up to it and with wildlife running through it. By building one simple outbuilding instead of multiple high density 2 or 4 plex's, he is unique in leaving some of the rural tranquil setting within the City limits.

10. The variance will maintain the essential character of the locality because the shed will match the home. The land currently has a wilderness look and being 9.2 acres the essential character it will still be kind of a wilderness look. He is tucking the shed into the berm and using the topography of the land. He has moved the shed so it will be obscured and will not obstruct the neighboring property owners view of the sunsets. You are keeping more of a rural look with having only two buildings on the lot than having the townhomes.

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Elysian, Minnesota, that the application to issue a variance for Jeremy Henninger for the property located at 182 Ridge Road NE, legally described as: "Exhibit A", Le Sueur County, Minnesota, shall be, and is hereby approved to allow a variance to build a 60 x 80 foot outbuilding with a 30 x 40 foot entertaining room on the front as to deviate from the City of Elysian Zoning Ordinance Subd. Q. Accessory Structure Standards, 4. Dimensional Limits.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Whereupon said resolution was declared duly passed and adopted.

Dated this 11<sup>th</sup> day of February, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

"Exhibit A"

DESCRIPTION

That part of the Government Lots 5 & 6 in Section 35, Township 109 North Range 24 West, LeSueur County, Minnesota, described as:

Beginning at the most westerly corner of Common Interest Community Number 026, Lakeview Manor Town Homes, according to the plat thereof on file and of record with the LeSueur County Recorder, said point being on the center line of County Highway No. 11; thence North 41 degrees 21 minutes 12 seconds East, (assumed bearing), along the northerly line of said Common Interest Community Number 026, a distance of 298.91 feet; thence North 89 degrees 16 minutes 35 seconds East, along said northerly line, 93.01 feet; thence North 82 degrees 36 minutes 00 seconds East, along said northerly line, 266.07 feet to the point of intersection with the southwesterly line of the plat of Franklin Subdivision, on file and of record with the LeSueur County Recorder; thence North 30 degrees 37 minutes 11 seconds West, along said southwesterly line, 59.06 feet; thence North 45 degrees 37 minutes 11 seconds West, along said southwesterly line, 644.23 feet; thence North 82 degrees 37 minutes 11 seconds West, along said southwesterly line, 600.12 feet; thence South 32 degrees 22 minutes 45 seconds East, 992.51 feet to the point of beginning.

Said parcel contains 9.22 acres, subject to an easement for County Road No. 11 purposes over and across the southwesterly boundary. ALSO subject to any other easements of record.

Public Works Worker Don Doehling reported he, Councilmember Suemnick, Public Works Director Ron Greenwald, and Crysteel Truck Representative Josh Miller had met and gone over the options for the quote of the equipment on the new plow truck.

On motion by Opsahl, seconded by Houlihan, all voting in favor, to accept the quote from Crysteel Truck Equipment for Cooperative Purchase of Equipment from State of Minnesota Bid (11' Tipper Box and Hoist Package, PTO Hydraulics, Trailer Hitch, Tool Box, Boss 10' DXT Snow Plow) in the amount of \$37,302.93 with a trade in value of used 2006 One Ton Chassis with Equipment in the amount of \$10,500.00 for a total after trade allowance in the amount of \$26,802.93.

McBroom opened the bids received for the lease of approximately 12 acres of tillable land (Parcel ID# 16.999.0310, ID# 16.999.0300, and ID# 16.999.0490) for a term of three years ending December 31, 2021.

Bid #1: Roger Lamont, 2016 - \$138 per acre, 2017 - \$138 per acre, and 2018 - \$138 per acre.

Bid #2: Richard Fischer, \$190 per acre.

On motion by Houlihan, seconded by McBroom, all voting in favor, to award the bid for land lease of approximately 12 acres of tillable land (Parcel ID #16.999.0310, ID# 16.999.0300, ID#16.999.0490) for the term of January 1, 2019 through December 31, 2021 to the high bidder of Richard Fischer, PO Box 417, Elysian, MN 56028 in the amount of \$190 per acre.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 659/19  
RESOLUTION ALLOWING WIRE/AUTOMATED  
BANK TRANSFERS / PAYMENTS

WHEREAS, the City Council of the City of Elysian, Le Sueur County, Minnesota, acknowledges the need for wire and automated bank payments for such things as payroll withholdings, sales tax, bank transfers, and other required payments.

NOW, THEREFORE, BE IT RESOLVED that the City Council shall allow the Clerk/Administrator to make such payments/transfers by wire/automation instead of paper statements/checks. These payments will be approved at the appropriate council meeting.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Whereupon said resolution was declared duly passed and adopted.

Dated this 11<sup>th</sup> day of February, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by Houlihan, seconded by McBroom, all voting in favor, to schedule the 2019 City-wide Clean Up for Saturday, May 18, 2019.

Reminder of Le Sueur County Elected Official Meeting, Wednesday, February 27, 2019 at 6:30 pm at the Praha Village in New Prague.

City Attorney Jason Moran reported he had discussed the request from the Waseca Hockey Association for a Lawful Charitable Gambling License to operate at Tucker's Tavern with Josh Lynch, Gambling Manager. Lynch is working on a plan that will blend with the other charitable gambling in Elysian and he will be contacting Moran when he has something to present to the City Council.

Moran presented Resolution No. 660/19 – Approving State of Minnesota Joint Powers Agreements with the City of Elysian on Behalf of its City Attorney and Sheriff's Office. This resolution authorizes a Joint Powers Agreement that will allow the use of e-charging with the DPS Database.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 660/19  
A RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS  
AGREEMENTS WITH THE CITY OF ELYSIAN ON BEHALF OF ITS  
CITY ATTORNEY AND SHERIFF'S OFFICE

WHEREAS, the City of Elysian on behalf of its Prosecuting Attorney and Sheriff's Office desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the City is eligible. The Joint Powers Agreements further provide the City with the ability to add, modify or delete connectivity, systems and tools over the five year life of the agreement and obligates the City to pay the costs for the network connection.

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

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the City of Elysian on behalf of its Prosecuting Attorney and Sheriff's Office, are hereby approved.
2. That the Sheriff, Brett Mason, or his/her successor, is designated the Authorized Representative for the Sheriff's Office. The Authorized Representative is also to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, Chief Deputy Nick Greenig is appointed as the Authorized Representative's designee.

3. That the City Attorney, Jason L. Moran, or his/her successor, is designated the Authorized Representative for the Prosecuting Attorney. The Authorized Representative is also to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, Elysian City Administrator is appointed as the Authorized Representative's designee.

4. That Tom McBroom, Sr., the Mayor of the City of Elysian, and Lorri Kopischke, the City Clerk, are authorized to sign the State of Minnesota Joint Power Agreements.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 11<sup>th</sup> of February, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

Moran noted there has been an interest expressed by members of the Elysian City Council to consider a Tobacco 21 Ordinance for the City of Elysian. A Tobacco 21 Ordinance would increase the minimum age to purchase tobacco products within City limits to 21 years of age. Moran will prepare a draft ordinance for the March meeting and the Council can call a public hearing on the Ordinance for their April 2019 meeting.

On motion by Houlihan, seconded by Opsahl, all voting in favor, bills, payroll, and transfers were approved in the amount of \$346,476.91.

Public Comment: None.

On motion by McBroom, seconded by Houlihan, all voting in favor, to adjourn the meeting at 6:28 pm.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
MARCH 11, 2019**

The Elysian City Council met in regular session on Monday, March 11, 2019 at City Hall at 6:00 pm.

Roll Call: Mayor Pro Tem Mary Opsahl; Councilmembers Bobby Houlihan, Dennis Schnoor, Bryan Suemnick; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald. Absent: Mayor Tom McBroom and City Attorney Jason Moran.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the minutes of the February 11, 2019 Regular Meeting as presented.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the agenda of the March 11, 2019 Regular Meeting with the following change:

1. Remove: Agenda Item 8. Waseca Area Hockey Association request for Charitable Gambling at Tuckers Tavern. (Gambling Manager Lynch requested to be removed from agenda)

Le Sueur County Sheriff Brett Mason reported construction of the new Justice Center is on time and under budget with the Certificate of Occupancy expected by the end of June and plans for the building to be open in September. Special efforts are being made to make the switch to the new building without any interruption in phone calls / dispatch especially 911. Sheriff Mason was asked to address when the signs marking the area where the truck fell through on Lake Francis will be removed, the speed limit on County Road 14 going east out of Elysian and having more patrol on State Highway 60 during peak times of 7:00 to 8:00 am and 4:30 to 5:30 pm. Mason was also asked to schedule the speed trailer for placement on State Highway 60. Mason stated there are new faces at the Sheriff's Department including dispatch, jailers, and new Deputy Ryan Frederick.

Public Comment: None.

Craig Beckman, 4C Supervisor - Division of Park and Trails, and Kent Skaar, State Trail Development, both of the Minnesota Department of Natural Resources (MN DNR), thanked the Council for allowing the MN DNR participation with the 2018 Street and Utility Project resulting in trail realignment. Skaar also confirmed that the trail reconstruction through Elysian will be finalized this year.

Beckman provided an Elysian Wayside Building Fact Sheet that reported the annual cost to operate the building is \$11,209. He explained that the wayside rest building located on Main Street and Third Street SW is unique and has a low priority for MN DNR funding. The majority of state trailheads include a picnic table, signage, and porta toilets.

Skaar stated the MN DNR looks across the state at all the buildings and reviews every structure. They really don't operate any fully flush facilities – most are stand alone porta toilets. So, the question is how the City and the MN DNR will move forward with this wayside rest building.

Beckman reported the building is in good condition. Items needing attention would be the insulation and cosmetic fixes such as upgrades to the countertops, toilets, and stall dividers. The building appears to be structurally sound. The City may want to have their building inspector look at the structure to see what updates will be necessary in the short, mid and long term. It was noted that



discussion or any agreement made in regard to the wayside rest building would be separate from the trailhead and the parking lot.

The Council expressed interest in keeping the wayside rest building operational. More discussion will be held at a work session meeting.

Kent Skaar then discussed the MN DNR trail right-of-way between Main Street East and State Highway 60 that is currently being utilized as a City alley and contains encroachment of several private owners. That property has now been surveyed and the MN DNR may be amicable to discussions of transferring that property to the City. If the Council is interested in acquiring the property, the first step would be to draft a letter to Beckman from the Council expressing interest in the City acquiring the alleyway (the property that includes the alley and the property to the north). Skaar did not know what the associated costs of that acquisition may be.

Public Works Director Greenwald presented the quote from Midway Ford Commercial for the 2019 F-550 4x4 Truck cab and chassis in the amount of \$57,473.01.

On motion by Schnoor, seconded by Suemnick, all voting in favor, to approve the quote from Midway Ford for the 2019 F-550 4x4 Truck cab and chassis in the amount of \$57,473.01.

Greenwald reported the city drinking water is still being chlorinated. The Minnesota Department of Health tested again today.

Greenwald reported the pond levels look good. Also, most of the storm sewer intakes were chopped out today. Kopischke reported that Fire Chief James had emailed today and asked that the Public Works Department be thanked for their great work of keeping the fire hydrants cleared out from the snow.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 661/19  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN AMERICAN LEGION POST #311

WHEREAS, the City of Elysian has received a donation in the amount of \$4,000.00 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 \$4,000.00 for Parade and Fireworks.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 11<sup>th</sup> day of March, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

Applications have been received, and successful interviews and physical skill tests conducted for Pam Glende, Brian Rutt, and Chad Sorenson. The background checks have all been clear as well. The interview committee is recommending approval of probationary hire for all three applicants.

On motion by Schnoor, seconded by Suemnick, all voting in favor, to approve Pam Glende, Brian Rutt, and Chad Sorensen for the position of fire fighter.

Councilmember Schnoor asked if a more specific contract could be obtained from Mosquito Control of Iowa. Staff will request a more detailed contract and submit for consideration at the April 2019 Council Meeting.

On motion by Houlihan, seconded by Suemnick, all voting in favor, to set the 2018 Burkhardt & Burkhardt Audit Report for April 8, 2019 at 5:30 pm.

Reminder of Le Sueur County Elected Official Meeting Wednesday, March 27, 2019 at 6:30 pm in Waterville (location to be determined).

Severe weather awareness week is April 8 – 12, 2019. State-wide tornado drills will be April 11, 2019.

Board of Review and Equalization Open Book Meeting for 2018 – Le Sueur County: Tuesday, April 16, 2019 from 10:00 am to 6:00 pm, Le Sueur County Courthouse and Waseca County: Monday, April 15, 2019 from 9:00 am to noon, Waseca County Assessor's Office.

Reminder that the City-wide Spring Clean Up is Saturday, May 18, 2019 from 8:30 to 11:00 am.

Council reviewed and discussed draft Ordinance #91-19 – An Ordinance relating to tobacco, electronic delivery devices, and nicotine or lobelia delivery products and the like. This ordinance would prohibit the sale of tobacco-related products to persons under twenty-one (21) years of age, require licensing of those establishments selling tobacco-related products and provide for penalties for violation of such ordinance.

Councilmembers stated this issue is currently being discussed by the State Legislature and may soon be regulated by the State of MN. Also, it may be harmful to local business owners if the sale was not allowed in the City of Elysian, but patrons were able to drive less than ten (10) miles in each direction to make such purchases and any other purchases that would be made at the same time, gas, groceries, etc.

On motion by Schnoor, seconded by Suemnick, all voting in favor, to not take under consideration draft Ordinance #91-19 - An Ordinance relating to tobacco, electronic delivery devices, and nicotine or lobelia delivery products and the like.

On motion by Houlihan, seconded by Suemnick, all voting in favor, bills, payroll, and transfers were approved in the amount of \$73,185.20.

Public Comment: None.

On motion by Schnoor, seconded by Suemnick, all voting in favor, to adjourn the meeting at 7:08 pm.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
APRIL 8, 2019**

The Elysian City Council met in regular session on Monday, April 8, 2019 at City Hall at 6:00 pm.

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

On motion by Opsahl, seconded by Houlihan, all voting in favor, to approve the minutes of the March 11, 2019 Regular Meeting as presented.

On motion by McBroom, seconded by Opsahl, all voting in favor, to approve the agenda of the April 8, 2019 Regular Meeting as presented.

Le Sueur County Chief Deputy Nick Greenig reported the County Engineer is working on the speed limit inquiry on County Road 14. There are two options to get a reduced speed posted. One is to meet with the regional traffic engineer and order a speed study. The other is if it can be deemed a segment in an urban area, the City would have the jurisdiction to post a speed limit. Updates will be provided as available.

Public Comment: None.

Louise Hager, American Legion Unit 311 Poppy Chairman, requested that the month of May be declared "Poppy Month". She explained the symbolism of the Shepperd's Poppy. The Poppy is worn to remember and honor those who have served and continue to serve. It is not commercially made, not sold, but is distributed and all the donations stay here to help veterans and their families in the community. Poppies are available at the American Legion, Elysian businesses and will also be available in Waterville.

Mayor McBroom then presented the following Proclamation:

*The City of Elysian, Minnesota*  
**PROCLAMATION**

That the Month of May 2019 be declared "Poppy Month"

WHEREAS, the poppy, as a memorial flower for the American war dead, is a tradition which began in the years following the First World War, and

WHEREAS, Veterans returning to their homes in this Country after World War 1 remembered the wild poppies which lined the devastated battlefields of France and Flanders Field; and

WHEREAS, the poppy is a symbol of hope for all veterans who served in this great country through military service; and

WHEREAS; the American Legion Auxiliary adopted the poppy as its memorial flower to pay tribute to the war dead and aid the living veteran and their family; and

THEREFORE, I, Tom McBroom, Mayor of the City of Elysian, Minnesota, do hereby proclaim the month of May 2019, as

**Poppy Month**

and urge all citizens to pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy during this month.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of Elysian, Minnesota this 8<sup>th</sup> day of April 2019.

ATTEST:

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Lorri Kopischke, City Administrator

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Tom McBroom, Mayor

The Council then considered Resolution No. 663/19 approving an Interim Use Permit for Kristine L Miller, 205 Main Street East, to allow the property to be used for a General Residential R-1 permitted use (residence) while located in the Central Business Commercial C-1 District.

Kris Miller owns the property at 205 Main Street East. The Fitness Center and the house where she resides are located side by side on this property. Miller has had the entire property for sale for quite some time now and she has been unable to sell it. Miller is no longer interested in operating the Fitness Center and is at the point that she is going to close the Center and rent the property for another use. The community would like to see the Center stay open. It is an asset to the City of Elysian.

Brandi Rossow, rents space in the Fitness Center building and operates a Therapeutic Massage and Wellness business from the site. Rossow is interested in buying the Fitness Center building and keeping her business and the Fitness Center portion open. Miller and Rossow have been looking for a way to make this happen.

The property at 205 Main Street East is one parcel with two buildings on it. In order to sell the Fitness Center, separate from the house, there would have to be a parcel split. The parcel is zoned commercial. In order for the house to be allowed to continue to be used as a residence once it is split from the business, an interim permit would need to be issued.

The Planning and Zoning Commission met on April 2, 2019 and considered the application for an interim permit. They are recommending approval of the interim permit based on the following conditions:

1. The lots be split and recordable deeds with updated legal descriptions be filed with Le Sueur County; and
2. A shared water agreement be recorded with Le Sueur County and that both parties agree to hook up to water correctly on Main Street East at such time as Main Street is reconstructed. Said shared water agreement shall be prepared and presented to the City within the next sixty (60) days for pre-approval before the same is recorded; and
3. An easement shall be recorded on the Fitness Center property for the sewer main that runs on the west side of the property. Said easement shall be presented to the City within the next sixty (60) days for pre-approval before the same is recorded; and

4. That the Fitness Center hook up their own individual line to the sewer main within the next ninety (90) days. Said connection shall be built and installed pursuant to City standards and with City approval; and
5. That the interim permit being approved for 205 Main Street East to be used as a residence in a Central Business Commercial C-1 District shall terminate at such time as the current owner, Kris Miller, sells the property.

The Elysian Economic Development Authority also sees the Fitness Center as an asset to the community. They approved a request from Rossow at their April 4, 2019 meeting for assistance with the water / sewer costs and also a revolving loan for gap funding and upgrades to existing equipment and purchase of additional equipment.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 663/19  
APPROVING INTERIM USE PERMIT  
FOR KRISTINE L MILLER, 205 MAIN STREET EAST

WHEREAS, the City of Elysian has received an application from Kristine L Miller for an interim use permit to allow the property known as 205 Main Street East, Elysian, Minnesota, to be used for a General Residential R-1 permitted use (residence) while located in the Central Business Commercial C-1 District; and

WHEREAS, the subject property is known as Le Sueur County Parcel Identification R16.440.0970, and legally described as “to be inserted once survey is complete and new legal descriptions created”, according to the Plat thereof on file and of record in the Office of the County Recorder, in and for Le Sueur County, and State of Minnesota; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission on April 2, 2019 to receive public comment on the interim use permit; and

WHEREAS, the use proposed by the applicant is a permitted use that conforms to the City of Elysian zoning regulations; and

WHEREAS, the proposal would vary from the City of Elysian’s Zoning Ordinance Section 8.0 Central Business Commercial District C-1 in that the property will be used as a residence which is not allowed in the C-1 District; and

WHEREAS, following the public hearing, the Planning and Zoning Commission recommended approval of the interim use permit, subject to conditions, as the proposed use is within the spirit of the City’s Zoning ordinance; and

WHEREAS, the City Council for the City of Elysian met, discussed the recommendations of the Planning and Zoning Commission, reviewed the application for the Interim Use Permit; and

WHEREAS, considering all of the above:

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Elysian, Minnesota hereby finds that the proposed interim use is within the spirit of the City’s Zoning ordinance, and therefore the City Council for the City of Elysian herein and hereby approves the interim use permit in accordance with, and subject to, the following conditions:

1. The lots be split and recordable deeds with updated legal descriptions be filed with Le Sueur County; and
2. A shared water agreement be recorded with Le Sueur County and that both parties agree to hook up to water correctly on Main Street East at such time as Main Street is reconstructed. Said shared water agreement shall be prepared and presented to the City within the next sixty (60) days for pre-approval before the same is recorded; and
3. An easement shall be recorded on the Fitness Center property for the sewer main that runs on the west side of the property. Said easement shall be presented to the City within the next sixty (60) days for pre-approval before the same is recorded; and
4. That the Fitness Center hook up their own individual line to the sewer main within the next ninety (90) days. Said connection shall be built and installed pursuant to City standards and with City approval; and
5. That the interim permit being approved for 205 Main Street East to be used as a residence in a Central Business Commercial C-1 District shall terminate at such time as the current owner, Kris Miller, sells the property.

These conditions are a requirement of the interim use permit. Should applicant fail to honor any of these conditions then the interim use permit shall be invalidated and revoked with the interim use permit therein becoming null and void. Applicant then must immediately cease any interim use permitted hereunder and shall then and there immediately comply with all zoning ordinances, a violation of which is a misdemeanor offense punishable by a fine of up to \$1,000 and or imposition of a ninety (90) day jail sentence.

Upon vote being taken:

Council members voting in favor: Houlihan, McBroom, Opsahl, Suemnick

Opposed or abstained: None.

Adopted by the City Council of the City of Elysian this 8<sup>th</sup> day of April, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

City Attorney Moran reported that Henninger Construction LLC has proposed to purchase two parcels of property the City owns, PID numbers 16.419.0030 and 16.419.0040, and build twin-homes on those parcels. The closing on the property is scheduled for April 10, 2019.

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

CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA  
RESOLUTION NO. 662/19

WHEREAS, the City Council for the City of Elysian met on the 8th day of April, 2019, for a scheduled City Council meeting;

WHEREAS, at the aforementioned meeting, a discussion was held regarding two parcels of property the City of Elysian owns, specifically, that real estate legally identified as PID number of 16.419.0030 and 16.419.0040;

WHEREAS, Henninger Construction LLC has proposed to purchase the aforementioned real estate for \$25,000 and build twin-homes on those parcels;

WHEREAS, the City Council met and discussed this proposed sale to Henninger Construction LLC. The City Council understands that this is a good economic opportunity for the City of Elysian. The expansion will help create construction jobs in Elysian. In addition, due to the sale, the property will generate more tax revenue than it is currently generating. In sum, this sale will help to enhance the City's overall tax base and the council met and agreed that it is in the best interest and general welfare of City of Elysian for this sale to occur.

NOW THEREFORE, the City Council for the City of Elysian met this day, discussed this issue, and upon vote taken authorized that parcel numbers 16.419.0030 and 16.419.0040 be sold and deeded to Henninger Construction LLC. The City Administrator and City Attorney are empowered to sign any and all documents necessary to effectuate this transfer. Said motion was made, duly seconded, and passed unanimously.

Dated: \_\_\_\_\_, 2019

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

ATTEST:

Dated: \_\_\_\_\_, 2019

\_\_\_\_\_  
Lorri Kopischke  
City Clerk/Administrator

Public Works Director Greenwald explained the water lines are still being chlorinated to clear up any bacteria residue. The Minnesota Department of Health will be testing the water again and if the water tests clear the chlorination will be discontinued. In the meantime, the Minnesota Department of Health is also requesting that the City resume the fluoridation of the drinking water. Greenwald stated he would like to purchase two new pumps at an approximate cost of \$600 to \$700 each. A quote will be presented at the May Council Meeting.



The Council considered "Elysian Reserve Firefighter Policy". This policy would allow retired firefighters who have retired from the Elysian Area Fire Department and collected their pension to return and respond to calls.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the Elysian Reserve Firefighter Policy. The Policy reads as follows:

**ELYSIAN RESERVE FIREFIGHTER POLICY**

*Reserve Firefighter Members*

- A. Definition:** *Reserve Firefighters are defined as individuals who have previously served as and have been trained as full-time or volunteer firefighters and are no longer employed or working for another fire department.*
- B. Requirements:**
  - 1. *Must have been previously employed for a Fire Department*
  - 2. *Must possess a high school diploma or GED, and be at least 18 years of age*
- B. Duties/Responsibilities**
  - 1. *Reserve Firefighters have the ability to drive and operate all apparatus, once approved by the Fire Board and Training Officer*
  - 2. *Operate equipment in an efficient and safe manner*
  - 3. *Perform all on scene tasks that are within training*
  - 4. *Will not perform any Interior Attack or have any hands on with Hazardous Materials*
  - 5. *Will only perform any medical or first-aid procedures as currently certified.*
  - 6. *Maintain equipment and station*
  - 7. *Be responsible for all property issued to him/her and any equipment utilized in the performance of his/her duties*
  - 8. *Be cognizant of, and adhere to department policies and operating procedures*
  - 9. *Performs other related functions as assigned or apparent.*
- C. Training**
  - 1. *Must complete initial in-house training of all Rescue, Fire Equipment, SCBA, and Apparatus pertaining to Job Description*
  - 2. *Qualified as a Driver Operator by the Elysian Fire Board and Training Officer*
  - 3. *Attend at least two Elysian training annually, including apparatus & pump training*
- D. Benefits**
  - 1. *Dictated by Elysian*
- E. Performance**
  - 1. *Reserve Firefighters may be dismissed for any reason involving performance or attitude at the discretion of the Fire Board*

*If at any time the Reserve Firefighters does not want to respond to emergency calls under this job description, they are under no obligation from the City of Elysian or the Fire Department to continue.*

On motion by Opsahl, seconded by Houlihan, all voting in favor, to approve Blake Atherton and Patrick Ely as Emergency Management / Civil Defense employees.

On motion by Houlihan, seconded by Suemnick, all voting in favor, to approve the City administration of the Watercraft Inspection Program at the Lake Francis public access and to approve Randy Tuma as the 2019 Watercraft Inspector.

On motion by Opsahl, seconded by Suemnick, all voting in favor, to advertise for part-time summer public works position at \$10.50 per hour.

On motion by Opsahl, seconded by McBroom, all voting in favor, to approve the 2019 Mosquito Control of Iowa contract in the amount of \$3,250. Information regarding the process including license, insurance and MSDS sheets can be found on their website at <http://mosquitocontrolofiowa.net/>

Reminder of Le Sueur County Elected Official Meeting, Wednesday, April 24, 2019 at 6:30 pm, Montgomery (location to be announced).

Reminder of Severe Weather Awareness Week – April 8 – 12, 2019. State-wide Tornado Drills April 11, 2019 at 1:45 pm and 6:45 pm.

Reminder of Board of Review and Equalization Open Book Meeting for 2018 – Le Sueur County: Tuesday, April 16, 2019 from 10:00 am to 6:00 pm, Le Sueur County Courthouse and Waseca County: Monday, April 15, 2019 from 9:00 am to noon, Waseca County Assessor's Office.

City-wide Garage Sales will be held May 10<sup>th</sup> and 11<sup>th</sup> with City-wide Clean Up scheduled for May 18<sup>th</sup> 2019 at Lake Francis Park.

On motion by Houlihan, seconded by Suemnick, all voting in favor, to appoint Becky Kelley, Kris Miller, and Roger Quiram to the Elysian Park Board for a one-year term.

Staff presented two checks to be included with the bills for consideration: check #24647 payable to VISA in the amount of \$355.28 for Active 911 Subscription and check #24648 in the amount of \$8.00 for parking Ron Greenwald Water and Waste Water Technical Conference. This would result in an amended amount of bills, payroll and transfers of \$75,136.40.

On motion by McBroom, seconded by Houlihan, all voting in favor, bills, payroll, and transfers were approved in the amount of \$75,136.40.

Public Comment: None.

On motion by McBroom, seconded by Opsahl, all voting in favor, to adjourn the meeting at 6:38 pm.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
SPECIAL MEETING  
AUDITOR REPORT  
APRIL 8, 2019**

The Elysian City Council met in special session on Monday, April 8, 2019 at City Hall at 5:30 pm.

Roll Call: Mayor Tom McBroom; Councilmembers Robert Houlihan, Mary Opsahl, and Bryan Suemnick; City Administrator Lorri Kopischke. Absent: Councilmember Dennis Schnoor.

Greg Burkhardt, Auditor, Burkhardt & Burkhardt, presented the 2018 Audit Report. He reported that the City Financial Statements are in order and the results of the audit are positive. On motion by Opsahl, seconded by McBroom, all voting in favor, to accept the 2018 Audit Report as presented.

On motion by Houlihan, seconded by McBroom, all voting in favor, to adjourn the meeting at 6:00 pm.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
MAY 13, 2019**

The Elysian City Council met in regular session on Monday, May 13, 2019 at City Hall at 6:00 pm.

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

On motion by McBroom, seconded by Schnoor, all voting in favor, to approve the minutes of the April 8, 2019 Special Meeting and the April 8, 2019 Regular Meeting as presented.

On motion by Opsahl, seconded by McBroom, all voting in favor, to approve the agenda of the May 13, 2019 Regular Meeting with the following additions:

1. Update on Watercraft Inspector
2. Cable and Telephone Company

Le Sueur County Chief Deputy Nick Greenig reported the County Engineer has not heard back from the MnDOT Regional Engineer regarding the speed limit on County Road 14. Greenig stated that work continues to establish a legitimate lake high water level to require a no wake posting on the county lakes. He will keep the Council updated on progress.

Public Comment: None.

Kayla Bronk, Abby Crosby, and Illyana Kelley, representing Fifth Grade Girl Scout Troop #44869, presented their Movie in the Park Event Proposal. The goal is to earn their Bronze Award by hosting a community building event. They hope to have the event around the 4<sup>th</sup> of July at the Elysian Baseball Field and show the movie "How to Train Your Dragon: The Hidden World". The event would be free to attend, and they would sell concessions such as bottled water and soda, candy and chips. They will also ask Alley Scoops to come and sell ice cream. The cost for hosting the event is \$677 – Movie Licensing Fee \$435, 300-inch outdoor projector screen \$178, and PVC pipe frame for projector screen \$64. The troop will be contacting local organizations and businesses to request donations. They asked the City Council to contribute toward the projector screen and the PVC pipe frame. It was noted that if the City co-sponsors the event, it will be covered under the City's liability insurance.

In response to Council questions, the girls stated the money raised selling concessions will be used to cover any costs not covered by donations and for their big trip to Georgia next summer. They will use flyers to advertise the event and in the case of inclement weather they will reschedule the event to a different date.

On motion by Opsahl, seconded by Suemnick, all voting in favor, to co-sponsor the Troop #44860 Movie in the Park Event and to provide \$350 in funding (\$178 toward the projector screen, \$64 toward the PVC pipe frame for the screen and \$108 toward the movie licensing fee).

Sharon Brandt, President, American Legion #311 Auxiliary, was present on behalf of the American Legion and the Auxiliary. She provided a diagram of a Veteran's Memorial which has been proposed to the City of Elysian Park Board to be erected at the Sunset Park. The Memorial would be 20 feet wide by 25 feet long. Vetter Stone drew the diagram and the Legion is hopeful they will

be providing some type of discount. The Memorial will contain benches and the American flag, the family flags of the American Legion, and the five military as well as the POW flag. It will start out modest with the bottom being filled with smaller river rock and pebbles. The Legion will sell pavers that can be bought in honor of loved ones and it is anticipated that it will fill quickly. There will be solar lighting with the anticipation of permanent lighting in the future as the park develops.

Brandt stated they would like to place this on the natural berm at the center point of Sunset Park. This location would provide an easy grade for the elderly. A crushed rock path would be installed with the anticipation of a paved pathway in the future. The Legion will be raising money and soliciting donations from Legion members and will also be looking and asking that the City look for grants to pay for the project.

With that, Brandt stated they would like to have the Memorial completed by Memorial Day 2020 and asked the Council for the permission to go ahead with the project.

Councilmember Schnoor reported that the Park Board would discourage the proposed location. The park is still in the design stage and if placed on the berm the Veteran's Memorial would be the main attraction of the park. The proposed location is a long distance for a handicapped or elderly person. The Park Board would prefer to place it off to the side and closer to the road.

Brandt stated the Legion and Auxiliary would like to see it on the berm as it would be more visible from the DNR trail. There is more potential for vandalism if it is closer to the road and the berm would then obliterate the view. If you go to other areas, the Veterans Memorials are the center attraction of the parks. Brandt asked if the trees would still be moved this year and if the City would be expending funds to improve Sunset Park in the near future.

Greenwald stated the trees would be moved into the park this year. Schnoor stated the City has a certain amount of dollars to spend each year and it is divided between all three parks as recommended by the Park Board and approved by the City Council.

There was Council consensus to have a Joint Meeting with the Park Board at Sunset Park on May 21, 2019 at 7:00 pm.

A survey of the DNR property between State Hwy 60 and the businesses on Main Street was discussed. The area is currently used as an alleyway. Several of the businesses are encroaching on the property. At the March Council meeting, representatives of the MN DNR asked the City's interest in acquiring that property. The first step in that process is for the City to send an inquiry to the DNR expressing interest in the property.

On motion by McBroom, seconded by Opsahl, all voting in favor, to authorize the City Administrator to send a letter to the MN DNR expressing the City's interest in acquiring the property located between State Hwy 60 and the businesses on Main Street.

Chris Cavett, SEH Engineering, discussed the storm sewer at the DNR culvert crossing located under State Hwy 60 east of Second Street SE. The water runs through a buried pipe, through a DNR historical limestone culvert and into a MnDOT culvert and discharges on the other side of State Hwy 60. This is a problem as there is no straight (flow) line. Two options were looked at in 2016: Plan A: Extend the pipe, bypass the limestone culvert and connect to the MnDOT culvert. The City would have to remove or bury the limestone culvert., or Plan B: Develop a small pond system in the low area of the back of the two properties. The benefit of Plan B is the installation of a smaller pipe to regulate and slow the flow of the water.

Cavett noted that with the MN DNR reconstruction of the trail and the upcoming MnDOT State Hwy 60 project, this is the time for the City to work with those entities to make an improvement. Resolution of this issue would provide a long-term benefit to the City and would benefit the water flowing into Lake Elysian. Cavett requested authorization to work with the involved entities to determine a mutually beneficial solution and come back to the Council with a scope of work. He anticipated this would be 10-20 hours of his services.

On motion by McBroom, seconded by Suemnick, all voting in favor, to authorize Chris Cavett, SEH Engineering, up to 20 hours to discuss with MnDOT and the MN DNR and to develop the best resolution for the storm water flow under State Hwy 60 east of Second Street SE.

Cavett reported the contractor is working on the punch list items of the 2018 Street and Utility Improvement Project. The paving is scheduled for the end of May – first of June. Completion of the project is scheduled for the end of June. Cavett stated he did not anticipate any issues.

Schnoor stated he was displeased with the saw and seal in the curbs. He also stated that he was concerned that with the raised iron there was no tack used on the edges.

Public Works Director Greenwald reported that the large pavilion at the Lake Francis Park needs painting. The small pavilion is not as bad, but the dugouts need some attention as well. He asked if a volunteer group could be asked to do the painting and also if the Council would like to change colors possibly to match the new concession stand. There was Council consensus to refer this item to the Park Board.

Greenwald presented a quote from Hawkins for a chemical pump in the amount of \$574.97. He requested approval for the purchase of two of these pumps so he can resume the fluoride treatment. Hawkins will install the pumps at no charge. There may be a small cost for connection to the main.

On motion by McBroom, seconded by Opsahl, all voting in favor, to approve the purchase of two (2) Stenner 10 gpd pumps in the amount of \$574.97 each from Hawkins.

Greenwald reported the MN DNR is requiring a specific seed mix to reseed the area disturbed due to the 2018 watermain break between Roots Beach and Shoreview Drive. He provided a quote from Shooting Star Native Seeds in the amount of \$135 per pound. Greenwald stated he will also have to add some blue grass seed for a cost of \$150.

The Council then considered quotes for sealcoating the streets included in the 2016 Street and Utility Improvement Project. Pearson Bros., Inc. provided a quote for traditional type seal coating in the amount of \$25,277.03. Barga Incorporated provided a quote for a different type of seal coating called RePlay Procedure in the amount of #1: Rate .020 for \$29,500 and #2: Rate .025 for \$31,995.

Cavett explained the RePlay Procedure is a soy-based product that penetrates one (1) inch into the surface and fills the voids. Several cities are using this product and reporting success. One complaint is that when it is completely hardened you cannot see it on the surface. The street looks the same. There are no rocks used so it is a nice application. Cavett stated that initially he thought this was going to be a lot less expensive than the traditional seal coating, but it is not. Cavett felt more research needed to be done and as the cost was the same or even more than traditional seal coating, he would recommend the Council approve the quote from Pearson Bros., Inc. for the traditional seal coating.

Greenwald reported that the City of Elysian had been one of the first cities to test the RePlay. It was used in 2013 in the Sakatah Addition at the .020 rate. There are very few cracks and that has not been seal coated. It was also used on the bike trail there which is a very thin layer of bituminous and that has held up very well.

On motion by McBroom, seconded by Opsahl, all voting in favor, to approve the specifications and estimate for seal coating the streets included in the 2016 Street and Utility Improvement Project in the amount of \$25,277.03 to Pearson Bros., Inc.

Greenwald presented a list of streets that need immediate repair or repair within the next one to two years. Most of these streets are included in the next phase of street improvements but a timeline has not been determined for a future street project. The proposals to mill and overlay the streets included on the list were as follows: WW Blacktopping \$60,198 and Crane Creek Asphalt \$55,800. Crane Creek would do the mill and overlay when they were in town installing the second layer of asphalt for the 2018 Street and Utility Improvement Project.

The Council discussed the funds available and asked which streets were in the worst condition. Greenwald stated that G Avenue, Third Street SW, and Second Street NE needed immediate repair. From the quotes provided it appeared those three (3) streets would cost approximately \$27,306.

On motion by Schnoor, seconded by McBroom, all voting in favor, to accept the proposal from Crane Creek to provide an overlay to G Avenue, Second Street NE, and Third St SW and to discuss in work session how to proceed with the remaining streets on the list in need of repair.

On motion by Opsahl, seconded by McBroom, all voting in favor, to approve Allison Rients for hire as the 2019 temporary summer employee.

Reminder of Wine & Beer Tasting Event at the Thirsty Beaver Bar on May 16<sup>th</sup> from 6:00 to 8:00 pm. This is a fundraiser for the Elysian Area Chamber of Commerce and proceeds will go toward the 4<sup>th</sup> of July Celebration / Fireworks.

City-wide Clean Up is May 18<sup>th</sup> from 8:30 to 11:00 am at Lake Francis Park.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 664/19  
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 on July 5, 2019,

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 on July 5, 2019 in conjunction with the July 4<sup>th</sup> Celebration.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 13<sup>th</sup> day of May, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 665/19  
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 2019 4<sup>th</sup> 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 2019 4<sup>th</sup> of July Community Celebration.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 13<sup>th</sup> day of May 2019.

Approved:



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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 666/19  
ELYSIAN AREA CHAMBER OF COMMERCE  
REQUEST FOR TEMPORARY 6-DAY LIQUOR LICENSE

WHEREAS, the Elysian City Council was presented with a request from Elysian Area Chamber of Commerce for a temporary 6-day Liquor License, in conjunction with the 2019 4<sup>th</sup> 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 temporary 6-day Liquor License in conjunction with the 2019 4<sup>th</sup> of July Community Celebration.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 13<sup>th</sup> day of May 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by Opsahl, seconded by McBroom, all voting in favor, to close streets for the 4<sup>th</sup> of July Celebration as per list and to approve the vendor policy.

July 1<sup>st</sup> – July 8<sup>th</sup>

Second Street NE from Main Street to the alley between Main and Park Ave NE (location of tent).

Wednesday July 3<sup>rd</sup>

Second Street SW (in front of bank) from alley to Main Street – 3:00 pm to after dance (Police park vehicles in this area).

Main Street from County Road 11 to Fire Hall from 6:00 pm to end of the Firefighters dance.

Thursday July 4<sup>th</sup>

Second Street SW – in front of bank from alley to Main Street – from 6:00 am until 6:00 pm.

From Third Street NE and Main Street E, west on Main Street to State Hwy #60 until after the parade – From County Road 11 west to State Hwy #60 will be open at approximately 4:00 pm.

Detour signs will be placed on County Road 11 at Lake Ave NE for incoming traffic from the north to Frank Ave NE to Third Street NE to Lake Tustin Road. (This is due to Le Sueur County Sheriff Department wanting County Road 11 at the intersection of Main Street and First Street to be closed during the parade.)

After parade – Main Street from County Road 11 to past Fire Hall.

Friday July 5<sup>th</sup>

No streets will be blocked off.

Saturday July 6<sup>th</sup>

Second Street SW – in front of bank from alley to Main Street – from 12:00 noon until after Johnny Holm Dance.

Main Street from County Road 11 to just past Fire Hall from 7:00 pm to after Johnny Holm Dance.

Sunday July 7<sup>th</sup>

Main Street closed from County Road 11 to just past the Clubhouse and Main Street from County Road 11 west to Second Street NW from 6:00 am to after car show.

Main Street closed from County Road 11 east to just past Clubhouse, and west from County Road 11 to Second Street NW from 6:00 am to 3:00 pm (car show).

*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 4<sup>th</sup> of July Committee.*

Council noted that the previously approved Watercraft Inspector will no longer be available for the position. On motion by Opsahl, seconded by Suemnick, all voting in favor, to approve Heather Hering as part-time 2019 Watercraft Inspector.

On motion by Opsahl, seconded by Suemnick, all voting in favor, to approve the estimate from St. Croix Recreation in the amount of \$707.64 for a memorial bench with plaque – Remiger.

The Council discussed the possibility of an additional cable provider in the City. Staff will follow up with options.

On motion by McBroom, seconded by Schnoor, all voting in favor, bills, payroll, and transfers were approved in the amount of \$147,553.37.

Public Comment: None.

On motion by McBroom, seconded by Opsahl, all voting in favor, to adjourn the meeting at 7:47 pm.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
SPECIAL JOINT MEETING  
WITH ELYSIAN PARK BOARD  
MAY 21, 2019**

The Elysian City Council met in special joint session with the Elysian Park Board on Tuesday, May 21, 2019 at City Hall at 7:00 pm.

Roll Call: Mayor Tom McBroom; Councilmembers Bobby Houlihan, Dennis Schnoor, Bryan Suemnick; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald.

Absent: Councilmember Mary Opsahl.

Elysian Park Board Members present included President Dennis Schnoor; Vice President Robert Houlihan; Secretary Nicole Lamont; Kris Miller, Roger Quiram, Ron Greenwald.

Sharon Brandt, President, American Legion #311 Auxiliary, and Tom Neidick, Commander, American Legion Post #311, presented a proposal for a 20' by 25' Veterans Memorial to be built on the berm in the center of Sunset Park in Elysian. The Memorial would be the focal point of the park and would be up high enough that the flags would be visible from the school, the bike path and the neighborhood to the north. The base would be built with Vetter Stone and the center would start as pea rock. The Legion plans to sell pavers in memory of loved ones to replace the pea rock. The American Flag would be positioned at the northern most point. The Memorial would be lit with solar LED lighting with conduit installed in anticipation of electricity to the park in the future. The City is planning to move some native trees to the park this summer and the Legion anticipates some trees to be planted around the Memorial. The lighting and trees will help deter vandalism.

McBroom suggested that even with the Memorial being the focal point, this will still be Sunset Park. This will not be a Veterans Memorial Park. The Memorial will be one thing in the Park and the other suggested items can be built around it. Perhaps there can even be events held there on July 4<sup>th</sup> or Veteran's Day to honor those who serve. McBroom asked if the Memorial would be funded via donations.

Brandt stated the Memorial is expected to cost \$15,000 to \$20,000 and the Legion is planning to fund it through donations and possibly some grants.

Mack Evans, American Legion #311 member, asked everyone to find support for this proposal. He noted the memorials in Morristown, Medford, and the Rochester Soldier Field Memorial which was built with no taxpayer dollars. He stated that Elysian has guys that work with trees, cement and they are all willing to volunteer. They all really believe in this project. Evans spoke of his family's service and his own service in combat situations in Vietnam. These experiences will live with the veteran forever. He asked that there be support for this proposal. There will be no expense to the taxpayer.

McBroom stated this would be a good start for the City Park – not the end. It would draw attention to the park and more people would start to visit. McBroom acknowledged the two concept drawings of Sunset Park and that he would like to progress with those ideas once there was more backing and more funds available.

Houlihan stated that the park needs to start somewhere, and this seems to be a good way to start.

Schnoor spoke as President of the Park Board. He stated no one was against the Veterans Memorial. The Park Board had met with the Legion at the site and they just felt there may be a

better location for the Memorial. The Park Board doesn't know how the park will be developed yet. They do not want the Memorial in the center of the park and to be a focal point of the park.

Neidick stated the natural place for this Memorial is on the berm. There is lots of space left in the park.

Lamont asked if the Legion was going to help with a path to the Memorial. This location is quite a distance from the parking lot.

Brandt stated the Legion would install a crushed rock path to begin with. The berm is in the center, but the Memorial would be built on the north side of the berm. They had walked it and it is not a steep walk.

Quiram noted that the berm is large. The Memorial can still be the focal point if it is located off to the side.

Houlihan stated he did not mind the Memorial being the focal point of the park. This is still a fluid park. The ideas for the park might be built sometime in the future, but this Memorial could be built this year. This is such a good thing and the people will come to enjoy it.

Greenwald stated he had not been at the Park Board meeting where this was discussed but if he would have been there, he would have voted in favor of the location requested by the Legion. This will not change the use of the park. It will be difficult to bring the Memorial closer to the parking area as there is a drop off and extensive dirt work would be required. He suggested that if the requested location is an issue, the memorial could be slid just a hair to the east. He likes the idea of the flags up on the berm. The amphitheater is a great idea, but he is a realist and just not so sure that is going to happen. The Veterans Memorial is going to happen. This will get the park started and he feels the berm is a great location.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the Veterans Memorial proposal from the American Legion Post #311 at the requested location at Sunset Park and to move forward with the process.

On motion by McBroom, seconded by Suemnick, all voting in favor, to adjourn the meeting at 7:25 pm.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
JUNE 10, 2019**

The Elysian City Council met in regular session on Monday, June 10, 2019 at City Hall at 6:00 pm.

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

On motion by Houlihan, seconded by Schnoor, all voting in favor, to approve the minutes of the May 13, 2019 Regular Meeting and the May 21, 2019 Special Meeting as presented.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the agenda of the June 10, 2019 Regular Meeting as presented.

Le Sueur County Chief Deputy Nick Greenig reported his office is working with the Elysian Chamber of Commerce to prepare for the 4<sup>th</sup> of July celebration. Greenig stated crime has been fairly quiet in the City.

Public Comment: None.

The Council considered Resolution No. 667/19 – Adopting Findings of Fact and Reasons for Approval of variance application of Marjorie Slingsby, 411 Sixth Street NW, to allow them to build the patio / deck of their new home ten (10) feet into the 75-foot OHW setback of Lake Francis. The Slingsbys have recently purchased the 3.7 acre property. The new home will meet all setback requirements and allowed lot coverage. The only encroachment will be the deck / patio.

There currently is a non-conforming cabin located on the property that is entirely within the 75 foot OHW setback. If approved, a condition of the variance is that the non-conforming cabin must be removed (town down) before occupancy of the new home is allowed.

Todd Piepho, Area Hydrologist, MN Department of Natural Resource, commented as follows: “It appears the site is going to become more compliant, no comments from me.”

The Planning and Zoning Commission considered the request at their meeting on June 4, 2019 and recommended approval based on the following:

1. The property owner does propose to use the property in a reasonable manner because the proposal will remove a completely non-compliant cabin which is located in the 75-foot OHW setback of Lake Francis. This will make the entire site more compliant.
2. There are unique circumstances to the property not created by the landowner because of the elevation and slope of this hillside. If the house were to be pulled back away from the lake it would change the slope which will affect the run-off to the lake itself as well as the run-off to the waterway located on the east side of the lot.
3. The variance will improve the essential character of the locality because the new home will be more modern, and the proposal will remove a non-conforming structure.
4. And with the following condition:

- a. The existing cabin must be removed (torn down) before occupancy of the new home is allowed.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
LE SUEUR COUNTY, MINNESOTA  
RESOLUTION NO. 667/19  
A RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS  
FOR APPROVAL FOR VARIANCE APPLICATION OF  
MARJORIE SLINGSBY, 411 SIXTH STREET NW

**FACTS**

1. Marjorie Slingsby is the owner of a parcel of land located at 411 Sixth Street NW, Elysian, Minnesota; and,
2. The subject property is legally described as found on Exhibit A; and,
3. Marjorie Slingsby has applied to the City for a variance to build the patio / deck on their new house ten (10) feet into the 75-foot OHW setback of Lake Francis as found on Exhibit B and C.
4. The proposal would vary from the City of Elysian Zoning Ordinance Section 13.0 Shoreland Overlay Zone Subd. G1. as the patio / deck would encroach into the required 75-foot OHW setback.
5. Following a public hearing on the application, the Elysian Planning and Zoning Commission has recommended approval of the variance on June 4, 2019.
6. The City Council of the City of Elysian reviewed the requested variance at its Meeting of June 10, 2019.

**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 proposal will remove a completely non-compliant cabin which is located in the 75-foot OHW setback of Lake Francis. This will make the entire site more compliant.
9. There are unique circumstances to the property not created by the landowner because of the elevation and slope of this hillside. If the house were to be pulled back away from the lake it

would change the slope which will affect the run-off to the lake itself as well as the run-off to the waterway located on the east side of the lot.

10. The variance will improve the essential character of the locality because the new home will be more modern, and the proposal will remove a non-conforming structure.

11. And with the following condition:

- a. The existing cabin must be removed (torn down) before occupancy of the new home is allowed.

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

The application to issue a variance to allow Marjorie Slingsby, 411 Sixth Street NW, to build the patio / deck on their new house ten (10) feet into the 75-foot OHW setback of Lake Francis so as to deviate from the City of Elysian Zoning Ordinance Section 13.0 Shoreland Overlay Zone Subd. G1. is hereby approved.

Passed by the City Council of Elysian, Minnesota this 10th day of June, 2019.

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Mayor

Attested:

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City Clerk / Administrator

Exhibit A, B and C are attached at the end of these minutes.

The Council considered Resolution No. 668/19 – Adopting Findings of Fact and Reasons for approval for variance application of Robert Anhorn, 405 First Street North, to allow them to remove the existing house which is non-conforming and build a new slightly larger house in the same location. The request also includes the addition of three (3) decks on the house and a deck on the shed, all of which are located within the required 75 foot OHW setback.

Mr. Anhorn has recently constructed what he has labeled as Phase 1 to the south of his existing house. This is a 24 x 30 foot garage with living quarters above. Phase 1 was slightly into the 75 foot OHW setback and was allowed as it was an addition to the existing house and met all the setback requirements. The Building Inspector and City staff understood that Phase 2 was only an addition to square off that building, but the applicant is proposing to remove the existing and build new.

The proposal including the decks is within the allowed 25% lot coverage. The building will be less than the allowed 30 foot height restriction.

There is a 10-foot sanitary sewer easement across the south of the lot that precludes the structures from being located further south on the lot.

Todd Piepho, Area Hydrologist, MN Department of Natural Resource, commented as follows: “As always the Department would not support adding additional non-conformities by issuing a variance.



Any new encroachment towards Lake Francis would not be supported, specifically in this case the deck being proposed ~6' from the water's edge. MN Rule 6120 prohibits placement of anything within 10' of the OHWL. I understand this is a tough site, but there are options to permit the building without creating additional encroachment towards the lake. Removing the deck on the north side of the house and planting a screening of trees could be a condition of the variance if approved to allow the building. This would limit encroachment towards the lake and screen the new structure that is being proposed within the 75' setback."

Larry Hohnstadt, owner of property located on County Road 11 and Frank Avenue NW, attended the Planning and Zoning Commission meeting and spoke against the issuance of the variance.

The Planning and Zoning Commission considered the request at their meeting on June 4, 2019 and recommended approval to allow them to remove the existing home and build a home in the same location which includes squaring off the foundation to the east and increasing the footprint by approximately 100 square feet based on the following:

1. The property owner does propose to use the property in a reasonable manner because it is reasonable to square the foundation off because if not, the addition will result in some very irregular shapes and will conform with Phase 1 building.
2. There are unique circumstances to the property not created by the landowner because the buildable area between the shoreline and the sewer easement on the south side is very shallow and this placement does the best to fit between those two limitations.
3. The variance will maintain the essential character of the locality because it will be an improvement over the existing house structure and pulls together with the existing Phase 1 structure.
4. And with the following condition:
  - a. The homeowner will work with the Minnesota Department of Natural Resources to provide some type of screening on the north side of the proposed structure.

AND:

The Planning and Zoning Commission recommends denial of the four proposed decks on the property based on the following:

1. The property owner does not propose to use the property in a reasonable manner because the north decks would actually move the property closer to the lake, the west deck is located within the required setback, and the east deck is within the 75-foot OHW setback.
2. There are not unique circumstances to the property not created by the landowner because the property is already grandfathered in as non-compliant and the additional decks would further increase the amount of non-compliance.
3. The variance will not maintain the essential character of the locality because there are no other decks built that close to the lake in this area.
4. The DNR has cited MN rule 6120 which prohibits placement of anything within 10-feet of the OHWL.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
LE SUEUR COUNTY, MINNESOTA  
RESOLUTION NO. 668/19  
A RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS  
FOR APPROVAL FOR VARIANCE APPLICATION OF  
ROBERT ANHORN, 405 FIRST STREET NORTH

**FACTS**

1. Robert Anhorn is the owner of a parcel of land located at 405 First Street North; and,
2. The subject property is legally described as found on Exhibit A; and,
3. Robert Anhorn has applied to the City for a variance to remove the existing house which is non-conforming and build a new slightly larger house in the same location and three decks on the house and one deck on the shed all within the 75-foot OHW setback from Lake Francis as described on Exhibit B.
4. The proposal would vary from the City of Elysian Zoning Ordinance Section 14.0 Subd. A3. in that it would expand a non-conforming structure by approximately 100 square feet and Section 13.0 Shoreland Overlay Zone Subd. G1. as the proposed decks would encroach into the required 75-foot OHW setback
5. Following a public hearing on the application, the Elysian Planning and Zoning Commission has recommended approval of the variance to allow the removal of the existing house which is non-conforming and to build a slightly larger house in the same location which includes squaring off the foundation to the east and increasing the footprint by approximately 100 square feet on June 4, 2019. The Elysian Planning and Zoning Commission recommended denial of the four proposed decks on the property.
6. The City Council of the City of Elysian reviewed the requested variance at its Meeting of June 10, 2019.

**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 – HOUSE REMOVAL AND REBUILD**

8. The property owner does propose to use the property in a reasonable manner because it is reasonable to square the foundation off because if not, the addition will result in some very irregular shapes and will conform with Phase 1 building.
9. There are unique circumstances to the property not created by the landowner because the buildable area between the shoreline and the sewer easement on the south side is very shallow and this placement does the best to fit between those two limitations.
10. The variance will maintain the essential character of the locality because it will be an improvement over the existing house structure and pulls together with the existing Phase 1 structure.
11. And with the following condition:
  - a. The homeowner will work with the Minnesota Department of Natural Resources to provide some type of screening on the north side of the proposed structure.

#### **CONCLUSIONS OF LAW – PROPOSED DECKS**

12. The property owner does not propose to use the property in a reasonable manner because the north decks would actually move the property closer to the lake, the west deck is located within the required setback, and the east deck is within the 75-foot OHW setback.
13. There are not unique circumstances to the property not created by the landowner because the property is already grandfathered in as non-compliant and the additional decks would further increase the amount of non-compliance.
14. The variance will not maintain the essential character of the locality because there are no other decks built that close to the lake in this area.
15. The DNR has cited MN rule 6120 which prohibits placement of anything within 10-feet of the OHWL.

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

The first portion of the application to issue a variance to allow Robert Anhorn to allow removal of the existing house which is non-conforming and to build a slightly larger house in the same location which includes squaring off the foundation to the east and increasing the footprint by approximately 100 square feet so as to deviate from City of Elysian Zoning Ordinance Section 14.0 Subd. A3 is hereby approved. The second portion of the application to issue a variance to allow Robert Anhorn to build three decks on the new house and one deck on the existing shed so as to deviate from City of Elysian Zoning Ordinance Section 13.0 Shoreland Overlay Zone Subd. G1. is hereby denied.

Passed by the City Council of Elysian, Minnesota this 10<sup>th</sup> day of June, 2019.

Attested:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk / Administrator

Exhibit A and Exhibit B are attached at the end of these minutes

Bill Stangler, Chairman and Lois Mack, board member, Le Sueur County Historical Society updated the Council on the status of the buildings and the organization. Mack reported the Elysian Museum is intact. The work that was being done on the three floors is only partially complete. The building needs a big cleaning. There is a dehumidifier and one air conditioner working in the museum. The basement has black mold and rust. The main and upstairs floors are stable. The art room is full of what is left from the Cleveland museum.

Mack stated the Genealogy Building looks fine. The technology needs to be updated. There is a dehumidifier and an air conditioner working in the basement. The work being done in the basement is not complete. There is art stacked on the floor that is covered.

The Le Sueur Historical Society is still under the authority of the receiver. There is a meeting on June 13 at 10 am with the judge for an update. There is a membership and board meeting June 12 at 7 pm in Le Center.

Mack stated the goal is to have the Genealogy Building open for viewing during the 4<sup>th</sup> of July celebration.

Stangler reported the goal of this Board is transparency. They are learning much as they go with \$200,000 needed to complete the work at the Ottawa Church, the Le Sueur School building being sold and all items needing to be removed by July 1, and a house in Waterville that the Board is attempting to divest themselves of.

Stangler invited the Council and the public to call him or any board member with any questions of concerns.

Residents of the Kaplan / Cedar Point area were present to discuss the garbage service. The bituminous on their private road is not real thick and the road is narrow. They would prefer to stop the big garbage trucks driving on that road. They are looking for a company who would service them with a small truck or pick up but have not found one. They asked if the City would allow them to have a dumpster with a lock located centrally in the City that they could bring their garbage to until such time as a permanent solution is determined. There are fifteen properties with fourteen being charged for garbage service. Of the fourteen, four use a 95 gallon cart, two use a 65 gallon cart, and the remaining eight use the drive by (tag) service.

West Central has been contacted and they will bring in a dumpster with a lock to the City Shop. The charge to the individual resident would remain the same as they are currently paying. The resident at 1 Cedar Point Drive NW could roll his cart to County Road 16 for pick up.

On motion by McBroom, seconded by Schnoor, all voting in favor, to allow West Central to place a temporary garbage and recycling dumpster on City property next to the City shop for use by residents of Kaplan / Cedar Point until a permanent plan is in place for collection of their garbage.

Brad Zimbrich, Tuckers Tavern, asked the Council to approve the closing of Main Street from 2<sup>nd</sup> Street NE to 2<sup>nd</sup> Street NW on July 27, 2019. He is working with Kari Voss, Event Planner, to organize a fundraiser event - "# Fight Like Hell for Veterans". Zimbrich asked that the streets be closed, and this be made into a community event. He expects at least 500 motorcycles in town. There will be two bands – one in the day and one at night. The Army is providing a rock climbing wall and the Marine Corp is bringing a pull up bar. Eight fire departments have committed to a barrel

war. There will be bouncy houses, a car show, a bike show, and a car and bike poker run. The MN Pork Producers are donating and cooking 800 pork chops. The American Legion Auxiliaries from several communities are bringing salads and desserts. Zimbrich plans to have the parking lot enclosed and sell wristbands.

Moran stated the City would require proof of insurance, security and alcohol licensing before any approval could be considered. Zimbrich and Voss will work to get those items to the City.

Public Works Director Greenwald reported that on May 24, 2019, someone hit the welcome sign on the east end of town. The planter around the bottom of the sign is damaged. In looking at different options, the cheapest will be to rebuild the planter with 6x6s. It will be approximately \$600 for materials. The Sheriff has made a report and insurance has been notified.

Greenwald noted that the City has a new F550 pick up truck on order. A number of people have approached him about the possibility of purchasing the old F550. Greenwald asked if it would be possible to take bids on the truck rather than trading it in to the dealer.

On motion by McBroom, seconded by Houlihan, all voting in favor, to advertise the F550 for sale via sealed bids to be opened at the August 12, 2019 City Council Meeting with the vehicle being available after the new truck has been received.

Councilmember Schnoor stated he would like to see the “no parking” on the south side of G Avenue lifted or moved. Trostem’s has a fifth wheel coming the 4<sup>th</sup> of July weekend and he parks there. Schnoor did not see why it needed to be no parking on both sides of the street. Staff noted there had been complaints of sight problems when coming down that hill and when turning to go up the hill. Also, there were issues when only one lane of traffic remained open due to parking on both sides of G Avenue.

On motion by McBroom, seconded by Suemnick, all voting in favor, to remove the no parking zone on the south side of G Avenue SE, to paint the curb in that area yellow for 10 feet from the intersection and to keep the no parking on the north side of G Avenue.

Commissioner Steve Rohlfing reported the Justice Center is 75% complete. The County will be doing crack filling and cleaning ditches. 48 miles of county roads will be seal coated. County road striping is almost complete. The County Commissioners approved an ordinance to regulate short term rentals that will go into effect on August 1, 2019. There will be a public hearing in July to consider the fee schedule for the ordinance. The Commissioners are still working on the broadband issue with 78% of the county being covered. The biggest concern is cost, and the commissioners are visiting with the townships to see if they are willing to contribute. The Historical Society will meet with the County Board next Tuesday. Ray’s Lake Park will be receiving some non-invasive enhanced walking paths. And, County budget work will begin in August.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 669/19  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN AMERICAN LEGION POST #311

WHEREAS, the Representatives of the Elysian American Legion Post #311 and Auxiliary have met with the Elysian Park Board and the Elysian City Council and presented a proposal for a Veterans Memorial to be built at the Sunset Park in the City of Elysian, and;

WHEREAS, the Elysian City Council has agreed to the location of the Veterans Memorial within the Sunset Park; and

WHEREAS, the Veterans Memorial as proposed will be built and located within the Sunset Park at no cost to the City of Elysian or to the taxpayers.

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 of a Veterans Memorial to be built and located in Sunset Park in Elysian from the Elysian American Legion Post #311 and Auxiliary.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 10<sup>th</sup> day of June, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 670/19  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN FIRE RELIEF ASSOCIATION

WHEREAS, the City of Elysian has received a donation in the amount of \$10,600.00 from the Elysian Fire Relief Association to be used as follows: \$10,000.00 toward Fire Hall Building Improvements, and \$600.00 toward the July 4<sup>th</sup> Celebration / Fireworks;

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 \$10,600.00 to be used as follows: : \$10,000.00 toward Fire Hall Building Improvements, and \$600.00 toward the July 4<sup>th</sup> Celebration / Fireworks.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 10<sup>th</sup> day of June, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

The Lake Francis Lake Association has been unable to recruit an employee to serve as the 2019 Watercraft Inspector at the Lake Francis public access. The Association has proposed that the City of Elysian enter into a Watercraft Inspection Services Agreement with Waterfront Restoration, LLC to contract for inspection services for the 2019 season. The City would execute the agreement and pay the invoices. Lake Francis Lake Association will then reimburse the City for the bills paid. This is an advantage for the City as the contractor will carry all insurance.

On motion by Houlihan, seconded by Suemnick, all voting in favor, to execute the agreement with Waterfront Restoration, LLC, to provide contract service for the Watercraft Inspection on the east Lake Francis public access for the 2019 season.

Each Councilmember received a copy of the Codified City Ordinances as prepared by American Legal Publishing. The Council was asked to review them and recommend any changes / additions at the August 12, 2019 Council meeting.

The Council considered various Christmas lights for the poles on Main Street. The lights are currently 25% off. On motion by McBroom, seconded by Suemnick, all voting in favor, to purchase the bell with bow, holly cluster and leaping deer in the amount of \$1,587.75 plus shipping from Temple Display. This amount will be paid from the Cable Franchise account.

Schnoor stated it is very difficult to hear the public speak. Staff will obtain quotes for a wireless microphone.

On motion by Houlihan, seconded by McBroom, all voting in favor, to schedule a workshop meeting for Monday, August 24, 2019 at 6:00 pm.

On motion by Houlihan, seconded by Schnoor, all voting in favor, bills, payroll, and transfers were approved in the amount of \$92,099.58.

Public Comment: None.

On motion by McBroom, seconded by Houlihan, all voting in favor, to adjourn the meeting at 7:38 pm.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator



**ELYSIAN CITY COUNCIL  
WORKSHOP MEETING  
JUNE 24, 2019**

The Elysian City Council held a workshop meeting on Monday, June 24, 2019 at City Hall at 6:00 pm.

Roll Call: Mayor Tom McBroom; Councilmembers Bobby Houlihan, Mary Opsahl, Dennis Schnoor; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald. Absent: Councilmember Bryan Suemnick.

Paul Madsen, All Traffic Solutions, presented two radar signs and explained the available features. The radar units measure speed and can display speed, lettering, can blink or strobe and can include a camera. If subscribing to the cloud-based software, the units can collect data, can be programmed remotely, and can send alerts. Madsen noted that MnDOT may have specific parameters for signs on State Highway 60. Council preferred the larger sign on a trailer. Staff will contact MnDOT and request the parameters and then contact Madsen for price quotes for allowed signs.

At the March City Council Meeting, Craig Beckman, Minnesota Department of Natural Resources (DNR) had presented the possibility of the City acquiring the bathroom building located at the Wayside Rest on State Highway 60. The Council discussed the benefits to the community and the possible costs associated with maintaining the building including the ADA accessibility issues. Staff was directed to contact Beckman at the DNR and let him know the City is interested but does not have funds available to maintain the building in this year's budget. Also, Beckman had mentioned the possibility of the DNR gifting the City the amount that it would cost to tear the building down. Staff should ask if that is still a possibility and what that amount would be.

Council discussed the necessity of a rental agreement for use of the new Park Concession Stand. Several examples were considered. Staff will present a draft for consideration at the next Council meeting. Items to include are deposit, cleaning, no glass, 21 years or older.

Greenwald presented a potential cost to review the City's water system and pressure issues at the north end of Roemhildts Addition. SEH has provided a potential cost estimate in the amount of \$7,500 for the North Side Water System Analysis and \$250K to \$500K for a booster station if needed. The Council has allocated some funds in the budget for this project the last two years. There was Council consensus to continue to budget for this item and do the study once the adequate funds have been set aside.

Greenwald presented the list of streets that need work. Third Street South, G Avenue, and Second Street NE have received an overlay. There are still a few streets that are in real bad shape. The Council expressed an interest in the cost of an overlay to those streets yet this year. Greenwald will provide a quote at the July Council Meeting.

Greenwald also mentioned that Main Street east of the Elysian Bank is getting bad. There may be County participation in repair of that street. Greenwald will check with Cavett and provide an update.

The Council discussed items they would like to see addressed in the next year budget to include Fire Relief Pension, update of streets, parks, electric.

On motion by McBroom, seconded by Schnoor, all voting in favor, to adjourn the meeting at 7:28 pm.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
JULY 8, 2019**

The Elysian City Council met in regular session on Monday, July 8, 2019 at City Hall at 6:00 pm.

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

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the minutes of the June 10, 2019 Regular Meeting and the June 24, 2019 Special Meeting as presented.

On motion by Houlihan, seconded by Schnoor, all voting in favor, to approve the agenda of the July 8, 2019 Regular Meeting with the following addition:

1. Quote Speed Alert Radar Sign – All Traffic Solutions

Le Sueur County Chief Deputy Nick Greenig reported the no-wake restriction was placed on the area lakes due to the lakes being above or at the 2018 lake levels. The lake levels are monitored and compared to the 2016 and 2018 high levels. The County is still working on a no-wake ordinance, but these levels will be used until the ordinance is drafted and approved.

Greenig stated the 4<sup>th</sup> of July celebration went well. There were minimal issues.

Public Comment: None.

Public Works Director Greenwald presented a quote from Kibble Equipment for a 2018 John Deere Gator in the amount of \$7,895.00. The unit was used at the Mankato Air Show. It has 53 hours on it, but it is new with "full factory warranty". It is two-wheel drive with differential locking. The box is coated. It has a 1,000-pound payload. The unit would need a blinker package to conform to the City Ordinance. It would be useful for running to the park, reading lift stations, 4<sup>th</sup> of July celebration, and many other short trips.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the purchase of the 2018 John Deere Gator TX in the amount of \$7,895.00 with the addition of the full blinker package.

The location of the handicapped parking spot next to the Elysian Area Library and Heritage Center was discussed. Council agreed that the spot be moved from the corner of Main Street East and Second Street NE to the north where a ramp was added during the 2018 Street Project.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 671/19  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ANITA WILLHITE

WHEREAS, the City of Elysian has received a donation in the amount of \$25.00 from Anita Willhite to the Elysian Fire Department;

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 \$25.00 from Anita Willhite to the Elysian Fire Department.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 8<sup>th</sup> day of July, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

The Council considered a draft Park Concession Stand Agreement. The Council agreed that "f." should be changed to: "Glass: There is no glass allowed on the premises."

On motion by Houlihan, seconded by McBroom, all voting in favor, to approve the Park Concession Stand Agreement with "f." changed to: "Glass: There is no glass allowed on the premises." and to begin utilizing the Agreement immediately.

There was no update on the wireless microphone for City Hall.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to schedule a Budget Workshop for July 29, 2019 at 6:00 pm.

Reminder of Le Sueur County Elected Officials Meeting on Wednesday, July 24, 2019 at 6:00 pm. This will be a tour of the new Justice Center in Le Center.

Reminder of National Night Out at Lake Francis Park on Tuesday, August 6, 2019 from 5:30 to 7:30 pm.

Thank you to the Chamber of Commerce, City Employees, Fire Department and all the volunteers for an amazing Fourth of July Celebration.

The Council considered a quote in the amount of \$8,595.00 from All Traffic Solutions, Inc. for a SpeedAlert Radar Message Sign with Trailer. This quote is for the larger display sign and would include all equipment as allowed by MnDOT. It will include a one-year subscription to the cloud-based software which enables Bluetooth, traffic data, GPS, and camera. The trailer includes the battery kit and the solar panel. It was noted that MnDOT does not allow the strobe option on State Highway 60.

On motion by Schnoor, seconded by McBroom, all voting in favor, to approve the quote from All Traffic Solutions, Inc. in the amount of \$8,595.00 for the SpeedAlert Radar Message Sign with Trailer.

Park Board Member Lamont presented a quote from VackerSign in the amount of \$1,439.00 for a 41" by 95" identifying sign for Sunset Park. The panel is double-sided HDPE dark woods green and tan in color. It will be mounted on wooden posts. The Park Committee is also requesting that a planter be built around the sign similar to the planters at the other signs in the City. The planter is a cedar tone and would be 6' x 10' and 2' high. The approximate cost of the planter is \$662.90. Houlihan and McBroom stated they had some perennials in their home gardens that could be split and planted in the planter to get it started.

On motion by Schnoor, seconded by McBroom, all voting in favor, to approve the quote from VackerSign in the amount of \$1,439.00 for a 41" by 95" identifying sign for Sunset Park and the purchase of necessary supplies and construction of a 6' x 10' planter around the sign.

The Park Board is recommending replacement of the pillars around the edge of the Lake Francis parking lot. The approximate cost is \$1,800. MnDOT will loan the City the equipment to pound the pillars into the ground. Dennis Schnoor, MnDOT employee, will donate his time to operate the MnDOT equipment.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the replacement of the pillars around the edge of the Lake Francis parking lot.

On motion by Houlihan, seconded by McBroom, all voting in favor, bills, payroll, and transfers were approved in the amount of \$260,534.95.

Public Comment: None.

On motion by McBroom, seconded by Houlihan, all voting in favor, to adjourn the meeting at 6:24 pm.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
BUDGET WORKSHOP MEETING  
JULY 29, 2019**

The Elysian City Council held a budget workshop meeting on Monday, July 29, 2019 at City Hall at 6:00 pm.

Roll Call: Mayor Tom McBroom; Councilmembers Bobby Houlihan, Dennis Schnoor, Bryan Suemninck; City Administrator Lorri Kopischke. Absent: Councilmember Mary Opsahl.

Draft expense figures for the 2019 budget payable in 2020 were submitted for consideration. The budget includes a 3% COLA for all full-time employees. Some of the additional increases presented were health insurance, city attorney, generator and laptop for city hall, increase in fire relief, bobcat, and improvements to Sunset and Tustin Park.

Draft revenue figures for the 2019 budget payable in 2020 were also submitted for consideration. Local Government Aid will see a small increase but the PERA assistance has been discontinued.

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

On motion by McBroom, seconded by Schnoor, all voting in favor, to adjourn the meeting at 7:57 pm.

Approved:

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

Attested:

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

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
AUGUST 12, 2019**

The Elysian City Council met in regular session on Monday, August 12, 2019 at City Hall at 6:00 pm.

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

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the minutes of the July 8, 2019 Regular Meeting and the July 29, 2019 Budget Workshop as presented.

On motion by Houlihan, seconded by McBroom, all voting in favor, to approve the agenda of the August 12, 2019 Regular Meeting as presented.

Public Comment:

Tess Koster, 113 Shoreview Drive, "I see you are talking about short term rentals today. I have retired from the family business car lot so my new income to take me to retirement age is vacation rentals. I have (5) in Fort Myers Beach, Florida (full-time) and (1) here in Elysian (very part-time). I feel like this is a tourist town and we want tourists to have a place to sleep, have a place to stay. And, being as this is my income. I mean if you went uptown and said as of January 1<sup>st</sup> we are not going to have any restaurants open anymore well then all those people are out a job, I am out of a job and now you have tourists that have no where to eat and no where to sleep. So, I just really think you should consider maybe regulating the vacation rentals maybe instead of saying no we are not going to have that anymore."

Mayor McBroom noted that this will be discussed later on the agenda. The City does not want to stop VRBOs. They simply would like an ordinance in place that is beneficial to all involved parties.

Le Sueur County Chief Deputy Nick Greenig reported there have not been many issues within the City. The Justice Center Open House went well with over 700 in attendance. The Justice Center will be open for business September 3<sup>rd</sup>.

Greenig then discussed a proposal for the Le Sueur County Sheriff's Office to construct a firearms range to be located on the property of the City of Elysian's Wastewater Treatment Ponds Facility. The Le Sueur County Sheriff's Office Firearms Instructor and Greenig test fired multiple rounds at the proposed site and were unable to hear any muzzle blast at the nearest residential area of Osprey Way.

Houlihan stated he would like the noise to be checked again under various weather conditions.

Schnoor stated there should not be any shooting going on while the brush pile is open.

Greenig explained the firearms range would be used 8-12 times per year mainly during business hours. It would also be used approximately 2 times a year for night fire most likely in the winter from approximately 5:00 to 9:00 pm. The approximate dimensions of the range would be 40 yards in width and 100 yards in length. It would be 10-12 feet in height and eventually would be a "U" shape which would help suppress the noise as well. The County would provide fill saved from ditch projects to build the berm.

The Council was open to the request but would like Greenig to work with the City Attorney and staff to address issues such as insurance, noise, and effect on future development.

McBroom acknowledged the two bids received for the 2007 4-wheel drive Ford 550 truck. Bids were opened and the results are as follows:

Received August 8, 2019 10:00 am Ozzie Zrucky - \$11,550.55

Received August 9, 2019 3:30 pm Three Sixty Auto, Inc. - \$7,105.27

On motion by McBroom, seconded by Suemnick, all voting in favor, to award the bid for the 2007 4-wheel drive Ford 550 truck to Ozzie Zrucky in the amount of \$11,550.55.

The Council then considered Resolution #675/19 – Approving a Conditional Use Permit for Pete Johanson to construct a 5,904 square foot carpentry shop at 150 BlueBay Lane (PID 16.035.8000).

Johanson has purchased the property located on State Highway 60 between the Knotty Bar & Grill and BlueBay Lane. The property is zoned Highway Commercial C-2. This use would be allowed in the district as a conditional use.

Johanson provided a site plan, land survey, stormwater management plan, land use map, main floor plan, and shed elevations. All required setbacks are met. The City Engineer has reviewed the plans and approved the utility service connections, drainage / storm water management, and grading and erosion control. Mike Schultz, Le Sueur County Soil and Water Conservation District, has reviewed and approved the storm water management plan.

The Planning and Zoning Commission considered the request at their meeting on June 4, 2019 and questioned items such as number of employees, enclosure of the dumpster, number of parking spots, and blacktopping of the parking lot.

The Planning and Zoning Commission is recommending approval with the following conditions:

1. The parking lot will be paved bituminous within one year from date of approval of the conditional use permit.
2. That a minimum of (5) five mature evergreen trees be added to the maples screening the north and east of the property. The evergreens will be alternated with the maple trees with a minimum of (2) on the east side and (3) on the north side.
3. The handicap parking spot be built to American Disabilities Act requirements.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 675/19  
APPROVING CONDITIONAL USE PERMIT  
FOR PETE JOHANSON

WHEREAS, the City of Elysian has received an application from Pete Johanson for a conditional use permit to build a 5,904 square foot Carpentry Shop which is a conditional use in the City of Elysian Zoning Ordinance Section 9.0 Highway Commercial District Subd. D. (6); and

WHEREAS, the subject property is known as 150 BlueBay Lane, Elysian, MN 56028, Le Sueur County Parcel Identification R16.035.8000, and legally described as shown on the attached Exhibit A; and



WHEREAS, a public hearing was held by the Planning and Zoning Commission on August 6, 2019 to receive public comment on the conditional use permit; and

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

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

WHEREAS, the City Council for the City of Elysian met, discussed the recommendations of the Planning and Zoning Commission, reviewed the application for the Conditional Use Plan, questioned Johanson regarding their proposed use, reviewed building plans, and reviewed a survey; and

WHEREAS, considering all of the above:

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Elysian, Minnesota hereby finds that the proposed use is within the spirit of the City's Zoning ordinance, it is beneficial to the City's tax base, the use makes good use of the land in issue, the proposed use does comply with the City's existing Zoning Ordinances, the proposed use has the ability to create employment opportunities for the City of Elysian, and is in the best interest and general welfare of the City of Elysian, and therefore the City Council for the City of Elysian herein and hereby approves the conditional use permit in accordance with and subject to the following conditions:

- 1) The parking lot will be paved bituminous within one year from date of approval of the conditional use permit.
- 2) That a minimum of (5) five mature evergreen trees be added to the maple trees screening the north and east of the property. The evergreens will be alternated with the maple trees with a minimum of (2) two on the east side and (3) three on the north side.
- 3) The handicap parking spot be built to American Disabilities Act requirements.

Upon vote being taken:

Council members voting in favor: Houlihan, McBroom, Opsahl, Schnoor, Suemnick

Opposed or abstained: None

Adopted by the City Council of the City of Elysian this 12<sup>th</sup> day of August, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

(Exhibit A)

*Part of the Southwest Quarter of the Southwest Quarter of Section 35, Township 109, Range 24, Le Sueur County, Minnesota, described as follows: Commencing at the northwest corner of said Southwest Quarter of Section 35; thence on an assumed bearing of South 00 degrees 00 minutes 00 seconds West along the West line of said Southwest Quarter 1241.39 feet to the point of beginning of the tract to be described; thence continuing South 00 degrees 00 minutes 00 seconds West along said West line 325.00 feet to the northerly right of way line of the now existing State Trail; thence South 85 degrees 04 minutes 00 seconds East along said northerly right of way line 215.54 feet; thence North 00 degrees 00 minutes 00 seconds East 325.00 feet; thence North 85 degrees 04 minutes 00 seconds West 215.54 feet to the point of beginning. This tract contains 1.60 acres of land and is subject to any and all easements of record.*

The Planning and Zoning Commission has been discussing and monitoring short-term rentals (VRBOs) in the City for over a year. No steps had been taken as the Commission was waiting for Le Sueur County to finalize their ordinance regulating these properties and there had not been many complaints regarding the properties located in the City. The County has now adopted their ordinance and the number of VRBOs and complaints regarding VRBOs within City limits has increased dramatically over the past three months.

The Planning and Zoning Commission is recommending that a moratorium be placed on short-term rentals within City limits effective January 1, 2020 and that a working group be formed to include VRBO owners, concerned residents and Planning and Zoning representation, to discuss and investigate the issue and develop a fair and enforceable City ordinance to address this use.

On motion by McBroom, seconded by Houlihan, all voting in favor, to schedule a public hearing for September 9, 2019, to consider an ordinance to place a moratorium of up to one-year on short-term rentals including VRBOs within City limits. Council also approved a working group to discuss and investigate the issue and develop a fair and enforceable ordinance for this type of use within City limits.

The Planning and Zoning Commission is recommending a moratorium be placed on solar gardens for up to one-year to allow the Council to develop an ordinance to regulate their construction within City limits.

On motion by Houlihan, seconded by McBroom, all voting in favor, to schedule a public hearing for September 9, 2019, to consider an ordinance to place a moratorium of up to one-year on construction of solar gardens within City limits.

Wayne Murra, 14 Cedar Point Lane, stated the homeowners at Kaplan / Cedar Pont have not been able to locate a garbage company that is willing to bring a small pick up truck into their development to collect their garbage and recycle. The larger trucks are damaging their private drive. The City has allowed West Central to place a dumpster at the City Shop on a temporary basis for collection of the garbage, but the Public Works Department would like that removed before winter.

The Council discussed several options with Murra including a dumpster at the "t" in their development and a concrete pad at the intersection of Cedar Point Drive NW and County Road 16. Public Works Director Greenwald noted that the large heavy garbage trucks are damaging other streets in the City as well.

There was Council consensus to continue to collect the garbage at the City Shop on a temporary basis and to request that West Central provide smaller dumpsters to allow more room for snow

storage at the Shop as winter arrives. The Kaplan / Cedar Point Association will be meeting over Labor Day weekend to discuss options.

Public Works Director Greenwald presented two bids for an overlay to the severely damaged portions of Frank Avenue NE, Lake Avenue NE, Park Avenue NE, and First Street S. Seven streets had been named at the May 13, 2019 Council meeting and Council approved an overlay to three of those streets at that time. The named four streets remain in need of repair. Council directed Greenwald to obtain two more quotes and a special meeting will be called prior to the next Budget Workshop to discuss how to proceed.

Greenwald reported the Fire Department is selling a 14-foot Lund boat with a 35 hp engine and trailer for \$1,200. A boat is needed to put the buoys in and out of Lake Francis at the swimming beach. Staff is currently using the pontoon that is used in the wastewater treatment ponds. It is a lot of extra work to scrub that boat down and haul it over to the beach. Greenwald requested the Council consider purchasing the Fire Department boat.

On motion by Schnoor, seconded by McBroom, all voting in favor, to purchase the 14-foot Lund boat with 35 hp engine and trailer from the Fire Department in the amount of \$1,200.

Greenwald reported that since the construction in 2018, the water south of State Highway 60 has not passed the State of MN testing. The City has been chlorinating the water off and on since that time in an effort to get a consistent clear test. Greenwald recommended that the entire City drinking water be chlorinated at a low level permanently. The water at the source (well) is perfect. Every so often a foreign material can get in a line of the water system and chlorination will eliminate any worries of that.

Houlihan asked why not just do more flushing or change the location of the samples?

Greenwald stated that Elysian flushes their hydrants more than any other city in the State of Minnesota. Every hydrant is flushed once per month weather permitting. And he could move to a new location for sampling. It would require a series of on again off again chlorinating. But once it sits again, the water seems to pick up this color. It is not harmful, but it does need to be addressed.

Greenwald suggested a low rate of chlorine be added, .5 or .75 permanently. Then there won't be any issues. This will cost the budget approximately \$130 per month with an initial licensing fee of \$75. The City will also need to purchase a 55-gallon tank system. That cost has been anticipated and is included in the planning for next year's budget. This level of chlorine will not create a bad taste or odor. Greenwald noted chlorination has been a yearly State of Minnesota recommendation and he believes it is important. He strongly suggests the City chlorinate the water system permanently.

On motion by McBroom, seconded by Houlihan, all voting in favor, to chlorinate the water system at a low level permanently.

Chris Cavett, SEH Engineering, noted the Sanitary Service Extension Feasibility Report prepared by Wenck Engineering. Cavett and Jessica Hedin, SEH Wastewater Engineer have reviewed the report and believe it to be thorough, well written and understandable. The report addressed the ability of the existing City waste water facility to service the homes around Ray's Lake, the homes on Lake Francis directly west of City limits, the homes to the south of State Hwy 60 that are currently serviced by City water, and the homes on the west end of Sakatah Lake. The report found that the current system does not have the capacity to service all of these areas without an increase in the

wastewater facility. Basically, there is only enough capacity in the treatment facility to add less than 30 single family dwellings to the existing service area. This is in addition to the vacant undeveloped parcels within previously approved developments.

Cavett reported that he and Greenwald had met with representatives of MnDOT and DNR Trails to discuss the culvert and drainage off Main Street east of 2<sup>nd</sup> Avenue. The culvert goes under the trail, under the highway, to a ditch at Pit Stop and then into Lake Elysian. The current system is not good and there may be an opportunity for improvement when the DNR improves the trail.

One option is to install a new pipe under the trail and connect to the MnDOT culvert. MnDOT is not opposed to this idea. DNR has some issues with an existing "historic" limestone culvert.

An alternative is to consider formalizing a pond on the north side of the trail in the back of the adjacent properties. Flow would continue to drain through the existing DNR culvert unless the DNR and/or MnDOT were to consider installing new piping. This would be a long-term plan which would require applying for grant monies and working with the landowners.

Cavett left it with the Council for direction as to any further action.

Cavett then provided the Council with a photograph of a culvert washout on Lake Avenue NE near Third Street NE. The bank is steep and is going to continue to erode. Options for repair include installing rip rap on that slope or building a storm structure to slow the water and eliminate the erosion. Cavett stated this has probably been an issue for some time that has worsened with all the heavy rain. He will provide some options for repair at the September Council Meeting.

Cavett reported that on Second Street SE and the Sakatah Trail there is a spot in the newly constructed street that at times appears damp or wet and at other times goes away. This has been evaluated and tested over time and the conclusion is that the force main that comes from the lift station at the Pit Stop has a leak. This is a small leak that does not pose any health concerns. It appears the leak is close to where there are two 45 degree turns in the pipe. The biggest concern is that it is dug up in that area and that is not where the leak is located.

Options for repair include:

1. Open Cut Repair (would require excavating into the new street and hopefully finding the leak).
2. Pipe burst replacement of part of or all of the force main (would still require opening up the new street to provide an entry point).
3. Lining through a portion of the force main where the leak is believed to be (would allow for entry outside of the street).

James Bros. Construction has provided an estimate to open cut and repair the force main in the amount of \$8,880. This does not include the blacktopping.

Greenwald stated it has been leaking off and on for one month. He explained that the lift station has a 30-minute holding capacity so a pumping truck would be needed as well. That does not appear to be included in the estimate.

On motion by McBroom, seconded by Houlihan, all voting in favor, to proceed with the open cut force main repair with the estimate from James Bros. Construction, Inc. in the amount of \$8,880.

Cavett reported that four change orders for the 2018 Street and Utility Improvement Project were approved last year for work items that were not part of the original bid. The final quantities of that

work are not known, and the total contract amount will need to be reconciled with a final change order so the final payment can be released. The additional items were: Additional sidewalk on 3<sup>rd</sup> Street and Park Avenue; Additional trail work approved and paid for by the DNR and the additional parking lot quantities added at the Tourism Center.

Cavett reported that quality control testing during the bituminous wear course paving determined that the pavement met MnDOT specifications for acceptance, however, did not meet air void and density standards for full payment. This will cause the bituminous to be susceptible to weathering over time. MnDOT specifications call for a "Disincentive" based on the certified plant and American Engineering Testing's (AET's) test results. The total disincentive was calculated at \$12,244.91. Cavett recommended the City take the disincentive and sealcoat the bituminous this season or next season.

Cavett noted that sealcoating of the streets included in the 2018 project would have been recommended for 2020. However, given the situation and the available disincentive funds, it would be recommended that the City consider sealcoating the streets on this project in 2019 as an extra precaution. The cost will be added to the project costs and paid for mostly from the disincentive funds. There may be an advantage to wait until early 2020 to include the blacktop repair resulting from the force main leak repair. Cavett and Greenwald will monitor this and provide a quote as soon as it makes sense.

Cavett reported the 2018 Street and Utility Improvement Project contract is not finalized. There are still some turf areas that are disappointing. There is a pay item for weed control to be done early September and that has been successful with other projects.

Schnoor asked what would be done about the curb and gutter random cracking? Cavett stated there are a couple cracks that will be repaired this fall. He believes many of the cracks to be cosmetic rather than structural. Also, the turf is now established, and the wear course is down.

Schnoor stated that some of these cracks were identified before the wear course was down and nothing has been done. He reported there are 19 randoms in the curb on Third Street SE between Main Street and State Highway 60 and 10 randoms in Park Avenue NE between County Road 11 and 2<sup>nd</sup> Street NE. Cavett stated SEH will investigate.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 672/19  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN FIRE RELIEF ASSOCIATION

WHEREAS, the City of Elysian has received a donation in the amount of \$7,000.00 from the Elysian Fire Relief Association to be used toward Fire Hall Building Improvements;

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 \$7,000.00 to be used toward Fire Hall Building Improvements.

Upon vote being taken:

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

Council Members voting in the negative: None

Adopted by the City Council of the City of Elysian this 12<sup>th</sup> day of August, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 673/19  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN AMERICAN LEGION POST #311

WHEREAS, the City of Elysian has received a donation in the amount of \$2,000.00 from the Elysian American Legion Post #311, toward replacement of the flagpoles on the Avenue of Flags on 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 \$2,000.00 toward replacement of flagpoles on the Avenue of Flags on State Highway 60.

Upon vote being taken:

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

Council Members voting in the negative: None

Adopted by the City Council of the City of Elysian this 12<sup>th</sup> day of August, 2019.

Approved:

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Tom McBroom, 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 NO. 674/19  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN AMERICAN LEGION POST #311

WHEREAS, the City of Elysian has received a donation in the amount of \$1,000.00 from the Elysian American Legion Post #311, toward replacement of the flagpoles on the Avenue of Flags on 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 \$1,000.00 toward replacement of flagpoles on the Avenue of Flags on State Highway 60.

Upon vote being taken:

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

Council Members voting in the negative: None

Adopted by the City Council of the City of Elysian this 12<sup>th</sup> day of August, 2019.

Approved:

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Tom McBroom, 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 NO. 676/19  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN FIRE RELIEF ASSOCIATION

WHEREAS, the City of Elysian has received a donation in the amount of \$7,000.00 from the Elysian Fire Relief Association to be used toward Fire Hall Building Improvements;

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 \$7,000.00 to be used toward Fire Hall Building Improvements.

Upon vote being taken:

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

Council Members voting in the negative: None

Adopted by the City Council of the City of Elysian this 12<sup>th</sup> day of August, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the Municipal Maintenance Agreement between Le Sueur County and the City of Elysian for calendar year 2019 in the amount of \$8,996.18.

LTD Broadband has presented a proposal to place equipment on the water tower and either provide free (uncapped speed) internet service at all City buildings in exchange for power (roughly \$5 per month of electric usage) and space on the water tower or to pay rent of \$1,000 per year. The City Attorney is recommending this item be tabled for further investigation and negotiations.

On motion by McBroom, seconded by Schnoor, all voting in favor, to table the LTD Broadband proposal for further investigations and negotiations.

The wireless microphone in the Council Chambers at City Hall has been repaired.

On motion by McBroom, seconded by Houlihan, all voting in favor, to schedule a public hearing for September 9, 2019, to consider an ordinance to approve the codified ordinances as provided by American Legal Publishers.

On motion by McBroom, seconded by Schnoor, all voting in favor, to call a special meeting for August 19, 2019 at 6:00 pm to consider bids for an overlay on portions of Frank Avenue NE, Lake Avenue NE, Park Avenue NE, and First Street S and to adjourn to a Budget Workshop immediately following the Special Meeting.

Thank you to the Elysian Area Chamber of Commerce, City Staff, and all volunteers for a spectacular National Night Out Gathering.

On motion by McBroom, seconded by Suemnick, all voting in favor, bills, payroll, and transfers were approved in the amount of \$181,730.01.

Public Comment: None.



On motion by McBroom, seconded by Houlihan, all voting in favor, to adjourn the meeting at 8:00 pm.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
SPECIAL MEETING TO ADJOURN  
TO BUDGET WORKSHOP MEETING  
AUGUST 19, 2019**

The Elysian City Council met in special session on Monday, August 19, 2019 at City Hall at 6:00 pm.

Roll Call: Mayor Tom McBroom; Councilmembers Robert Houlihan, Mary Opsahl, Dennis Schnoor and Bryan Suemnick; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald.  
Absent: None.

The Council received and considered quotes for an overlay to a portion of Frank Avenue NE, Lake Avenue NE, Park Avenue NE, and First Street South. These are the four unrepaired streets of the seven streets named at the May 13, 2019 Council meeting as being in need of an overlay. The Council deliberated whether to repair these remaining streets in 2019 or wait until the Spring of 2020. As the cost in the Spring is estimated to be 25% less and the 2019 budget does not have funds to cover this expense, the Council decided to delay the repairs until the Spring of 2020.

The Council agreed they did not want the aforementioned streets cold patched unless absolutely necessary. Greenwald stated he would fill the holes that are down to Class 5.

On motion by McBroom, seconded by Suemnick, all voting in favor, to delay the overlay to a portion of Frank Avenue NE, Lake Avenue NE, Park Avenue NE, and First Street South until Spring of 2020 and to repair only the holes that are down to Class 5.

On motion by McBroom, seconded by Houlihan, all voting in favor, to adjourn to the Budget Workshop Meeting at 6:20 pm.

Councilmembers discussed the proposed 2020 budget expenses. Consideration was given to a request from Public Works Department for Emergency Situation Pay. This would be a change to the personnel policy that would provide a minimum of (2) two hours of pay at (1-1/2) one and a half the normal pay rate for a call back after regularly scheduled workday. Language on the proposed change will be considered at the next Council Meeting. Councilmembers also considered a pay rate increase request from the Public Works Director. Council consensus was that the proposed budgeted payroll amounts will remain as previously discussed with a 3% increase for all full-time employees.

The items discussed at the July 29, 2019 Budget Meeting have been incorporated and the proposed levy increase has been reduced from 8% to 5%. Council will present the current preliminary draft for approval at the September 9, 2019 City Council Meeting.

On motion by McBroom, seconded by Houlihan, all voting in favor, to adjourn the meeting at 7:10 pm.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 9, 2019**

The Elysian City Council met in regular session on Monday, September 9, 2019 at City Hall at 6:00 pm.

Roll Call: Mayor Tom McBroom; Councilmembers Bobby Houlihan, Mary Opsahl, Dennis Schnoor; City Administrator Lorri Kopischke; Public Works Worker Don Doehling; Utility Clerk Nicole Lamont; City Attorney Jason Moran. Absent: Councilmember Bryan Suemnick; Public Works Director Ron Greenwald.

On motion by McBroom, seconded by Houlihan, 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 #94/19 – An Ordinance Enacting a Code of Ordinances for the City of Elysian, Le Sueur County, State of Minnesota, Revising, Amending, Restating, Codifying and Compiling certain existing general ordinances of the Political Subdivision dealing with subject embraced in such Code of Ordinances, and Declaring an Emergency.

Kopischke stated this has been an ongoing process for over a year. The City contracted with American Legal Publishing to organize and group the City's existing ordinances, renumber and create a table of contents. The existing ordinances were also updated to reflect State Statute and be enforceable. There are some items that still need to be addressed and these issues will be looked at by Planning and Zoning and recommendations made to the Council. If approved, this will become the Code of Ordinances for the City of Elysian and will replace the current outdated ordinances. It will be easier to use and much more enforceable.

There were no public comments and no written comments have been received.

On motion by McBroom, seconded by Houlihan, all voting in favor, to close the Public Hearing at 6:03 pm and open the Regular Meeting.

Le Sueur County Sergeant Matt Shouler reported that it has been business as usual in the City of Elysian. He had no issues to report.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:05 pm.

The purpose of the Public Hearing is to allow public input from citizens on Ordinance #92/19 – An Ordinance Ordering a Moratorium on Vacation Rentals by Owner within the City of Elysian, Minnesota.

Kopischke reported the Planning and Zoning Commission had been discussing the regulation of short-term rentals (VRBOs) in the City but there really weren't many complaints. This past summer a few more short-term rentals started operating and the City began to receive more complaints. Planning and Zoning is recommending approval of Ordinance #92/19 which would be effective January 1, 2020. They have also initiated a working group which includes VRBO owners, concerned citizens, and members of the Planning and Zoning to discuss the issue and develop an Ordinance that will be beneficial for all involved parties. The first meeting of that group was September 7. The next meeting is scheduled for September 28, 2019. It is hoped that an Ordinance can be developed and passed by the end of 2019. The reason for the moratorium is so that at that time, all short-term rentals will need

to cease and then come into compliance with the Ordinance. Then all will be operating under the same set of rules.

McBroom stated that the September 7 workshop was very productive. The group basically went through the Le Sueur County Ordinance and accepted some sections, questioned some and deleted others. The VRBO owners who attended the meeting had some good rules and information that included penalties for those who did not abide by the rules of the house.

Public Comments:

Bryan Paulsen, 121 Willow Point Drive, stated he is rather new on the lake. He has been here since April. He has been on some lakes that had VRBOs in his past and there have been some limitations on extension of time. He assumed that is one of the evaluations the City will be looking at – length of stay, things of that nature. Having been on the lake this summer, his observations were that the renters don't know boating laws and rules. Specifically, no lights on at night, drinking, partying. So, as the group evaluates these regulations, he is wondering if there is some way to verify if they are qualified boaters because he witnessed it multiple times. It is a very dangerous situation. They were really close to shore, sitting on his dock, no lights on. Very scary situation.

There were no further public comments. No written comments have been received.

On motion by McBroom, seconded by Schnoor, all voting in favor, to close the Public Hearing at 6:09 pm and open the Regular Meeting.

On motion by McBroom, seconded by Schnoor, all voting in favor, to approve the minutes of the August 12, 2019 Regular Meeting and the August 19, 2019 Special and Budget Workshop Meeting as presented.

On motion by McBroom, seconded by Schnoor, all voting in favor, to approve the agenda of the September 9, 2019 Regular Meeting with the following addition:

1. Minnesota Pump Works Quotes for ABS Pump at Lake Francis Lift Station #1

Public Comment: None.

The Council then considered Resolution #682/19 – Adopting Findings of Fact and Reasons for Approval for Variance Application of Ann and Tim Buskirk / Hobert Setzer, 127 Willow Point Drive.

The Buskirk's are requesting a variance to construct concrete sidewalks on the north and south side of their home and also a 15' by 23' concrete patio on the east (street) side of the home. The current lot coverage is 55%. The two sidewalks and patio would add an additional approximate 641 square feet of impervious surface which would result in 65% lot coverage.

The Buskirk's would like to add the sidewalks and patio to control the water on their property. The water runs down the hill north of their property and runs into the foundation on that side. It also runs toward the door on the east side and past the house and down the south side of the house. The concrete and installation of drains would be used to direct the water and move it to the lake and away from the foundation.

Todd Piepho, Area Hydrologist, Minnesota Department of Natural Resources, has commented as follows:

"My suggestion would be to strongly encourage them to install a berm/graded grassed waterway instead of a concrete chute to the lake. Without knowing all the details, it seems that grading a

waterway and seeding it down would address the problem without increasing impervious area on the lot. If the board decides to issue the variance maybe a raingarden could be added as a condition of the permit to allow for some settling of the water before it reaches the lake, at minimum maybe a native buffer planting at the base of the waterway to slow the flow and filter out debris. I understand the water is likely reaching the lake currently but slowing it down to allow for some settling would be a positive thing.”

The Planning and Zoning Commission considered the request at their meeting on September 3, 2019. They did not believe there was enough area on the lot for a berm. They suggested Buskirk add rain gardens to filter the debris and sediment out of the water before it entered the lake.

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

1. Reasonableness: The installation of the concrete sidewalks and patio with drains and rain garden will divert the water away from the house and off the property. This system is needed to save the structure. Without this improvement the home and lot will be destroyed.
2. Uniqueness: The amount of water being diverted onto this lot from the five properties above is unusual. There are also five properties below this lot that will receive the water if it is not managed.
3. Essential Character: The patio will line up the setback with the property next door. The walkways and patio will be poured concrete and grey in color. There will be landscaping, and this will be an improvement to the neighborhood.

And with the following condition:

1. That a new plan be submitted by Cory Atherton that shows the location and size of the drains and proposed rain garden.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
LE SUEUR COUNTY, MINNESOTA  
RESOLUTION NO. 682/19  
A RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS  
FOR APPROVAL FOR VARIANCE APPLICATION OF  
ANN AND TIM BUSKIRK / HOBERT SETZER, 127 WILLOW POINT DRIVE

FACTS

1. Margaret J Setzer Trust (Ann Buskirk) is the owner of a parcel of land located at 127 Willow Point Drive, Elysian Minnesota; and,
2. The subject property is legally described as follows: The North Half of Lot 36, Block 2 of Chestnut's Lakeshore Subdivision, Le Sueur County, Minnesota, according to the plat thereof on file and of record in the office of the County Recorder in and for said County and State. Being part of Lot 5 of Section 34 and Lot 7 of Section 35, all in Township 109 North, Range 24 West, in said County and State. Subject to and with the benefits of the restrictions, provisions and conditions relating too the use of said property as the same are

now filed and appear of record in the office of the County Recorder of Le Sueur County, Minnesota; and,

3. Ann and Tim Buskirk have applied to the City for a variance to construct concrete sidewalks on the north and south side of their lake home and also a 15' by 23' patio on the east side of the home.
4. The proposal would vary from the City of Elysian Zoning Ordinance Section 13.0 Shoreland Overlay Zone Subd. G1. as lot coverage by impervious surface will increase from 55% to 65%.
5. Following a public hearing on the application, the Elysian Planning and Zoning Commission has recommended approval of the variance on September 3, 2019.
6. The City Council of the City of Elysian reviewed the requested variance at its Meeting of September 9, 2019.

#### 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 installation of the concrete sidewalks and patio with drains and rain garden will divert the water away from the house and off the property. This system is needed to save the structure. Without this improvement the home and lot will be destroyed.
9. There are unique circumstances to the property not created by the landowner because the amount of water being diverted onto this lot from the five properties above is unusual. There are also five properties below this lot that will receive the water if it is not managed.
10. The variance will improve the essential character of the locality because the patio will line up the setback with the property next door. The walkways and patio will be poured concrete and grey in color. There will be landscaping, and this will be an improvement to the neighborhood.
11. And with the following condition:

That a new plan be submitted by Cory Atherton that shows the location and size of drains and proposed rain garden.

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

The application to issue a variance to allow Ann and Tim Buskirk, 127 Willow Point Drive, to construct concrete sidewalks on the north and south side of their lake home and also a 15' by 23' patio on the east side of the home so as to deviate from the City of Elysian Zoning Ordinance Section 13.0 Shoreland Overlay Zone Subd. G1. is hereby approved.

Approved unanimously and passed by the City Council of Elysian, Minnesota this 9<sup>th</sup> day of September, 2019.

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Mayor

Attested:

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City Clerk / Administrator

Councilmember Opsahl introduced Ordinance #94/19 and was seconded by Councilmember Houlihan, all voting in favor:

CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA  
ORDINANCE NO. 94/19

AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE CITY OF ELYSIAN, LE SUEUR COUNTY, STATE OF MINNESOTA, REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE POLITICAL SUBDIVISION DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, the present general and permanent ordinances of the political subdivision are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs; and

WHEREAS, the Acts of the Legislature of the State of Minnesota empower and authorize the political subdivision to revise, amend, restate, codify and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form; and

WHEREAS, the Legislative Authority of the Political Subdivision has authorized a general compilation, revision and codification of the ordinances of the Political Subdivision of a general and permanent nature and publication of such ordinance in book form; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date.



NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF ELYSIAN:

Section 1. The general ordinances of the Political Subdivision as revised, amended, restated, codified, and compiled in book form are hereby adopted as and shall constitute the "Code of Ordinances of the City of Elysian, Le Sueur County, State of Minnesota."

Section 2. Such Code of Ordinances as adopted in Section 1 shall consist of the following Titles:

*I: General Provisions*

*III: Administration*

*V: Public Works*

*VII: Traffic Code*

*IX: General Regulations*

*XI: Business Regulations*

*XIII: General Offenses*

*XV: Land Usage*

Section 3. All prior ordinances pertaining to the subjects treated in such Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance except as they are included and reordained in whole or in part in such Code; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code.

Section 4. Such Code shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to file a copy of such Code of Ordinances in the Office of the Clerk.

Section 5. Such Code shall be in full force and effect as provided in Section 6, and such Code shall be presumptive evidence in all courts and places of the ordinance and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested, recorded, and approved and that any public hearings and notices thereof as required by law have been given.

Section 6. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality and shall take effect at the earliest date provided by law.

Adopted by the City Council this 9<sup>th</sup> day of September, 2019.

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Tom McBroom  
Mayor

ATTEST:

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Lorri Kopischke  
City Administrator

Councilmember Schnoor introduced Ordinance #92/19 and was seconded by Councilmember Houlihan, all voting in favor:

CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA  
ORDINANCE NO. 92/19

AN ORDINANCE ORDERING A MORATORIUM  
ON VACATION RENTALS BY OWNER WITHIN  
THE CITY OF ELYSIAN, LE SUEUR COUNTY, MINNESOTA

WHEREAS, The City of Elysian is conducting a study relating to Air Bed and Breakfast (ABNB), vacation rentals by owner, and other short-term vacation rentals in the City of Elysian; and

WHEREAS, it will take approximately six to nine months to complete such a study; and

WHEREAS, The City of Elysian wishes to complete the study prior to issuing any new rental licenses for the same in the City of Elysian;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELYSIAN, MINNESOTA, as follows:

1. The City of Elysian hereby adopts a Moratorium on Air Bed and Breakfast (ABNB), vacation rentals by owner, and other short-term vacation rentals for a period of twelve (12) months unless earlier ended by action of the City Council.
2. No one shall operate, or allow the operation, of an Air Bed and Breakfast (ABNB), vacation rentals by owner, and other short-term vacation rentals in the City of Elysian.
3. This Ordinance shall take effect as of January 1, 2020.

Adopted by the City Council this 9<sup>th</sup> day of September, 2019.

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Tom McBroom  
Mayor

ATTEST:

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Lorri Kopischke  
City Administrator

On motion by Houlihan, seconded by McBroom, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:15 pm.

The purpose of the Public Hearing is to allow public input from citizens on Ordinance #93/19 – An Ordinance Ordering a Moratorium on Solar Energy Production Systems within the City of Elysian, Minnesota.

Kopischke reported the Planning and Zoning Commission has been discussing this issue. There are not many areas in the City where these structures could be built but there currently is no language in the Zoning Ordinance to regulate them. This moratorium will give the Planning and Zoning Commission time to study the issue and make recommendation to the City Council of appropriate regulation.

There were no public comments and no written comments have been received.

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

Councilmember Opsahl introduced Ordinance #93/19 and was seconded by Councilmember Schnoor, all voting in favor:

CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA

ORDINANCE NO. 93/19  
AN ORDINANCE ORDERING A MORATORIUM  
ON SOLAR ENERGY PRODUCTION SYSTEMS  
WITHIN THE CITY OF ELYSIAN, MINNESOTA

WHEREAS, the City of Elysian Zoning Ordinance does not contain standards for the issuance of land use permits for solar energy production systems; and

WHEREAS, the City of Elysian Planning and Zoning Commission is reviewing the City of Elysian Zoning Ordinance with respect to solar energy production systems and changes may be necessary to protect public health, safety, and general welfare; and

WHEREAS, it will take approximately six to nine months to complete such a study; and

WHEREAS, The City of Elysian wishes to complete the study prior to issuing any new land use permits for solar energy production systems;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELYSIAN, MINNESOTA, as follows:

1. The City of Elysian hereby adopts a Moratorium on land use permits for solar energy productions systems for a period of twelve (12) months unless earlier ended by action of the City Council.
2. No land use permits for solar energy production systems shall be issued in the City of Elysian.

Adopted by the City Council this 9<sup>th</sup> day of September, 2019.

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Tom McBroom  
Mayor

ATTEST:

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Lorri Kopischke  
City Administrator

Kopischke reported that after the 2018 SUIP and the fence was installed around the lift station at the Lake Francis Park, issues with snow and drifting last winter, along with a new configuration in the park, it was apparent that a bigger gate on the south side of the fenced area would better serve public works needs and provide for lift station maintenance.

Caron Fence has provided a quote in the amount of \$1,458 to revise the fence and install a 16-foot gate on the south side of that area. Preliminarily it appears that the cost will be covered under the 2018 SUIP funding.

On motion by Opsahl, seconded by Houlihan, all voting in favor, to approve the proposal from Caron Fence LLC in the amount of \$1,458 to install (1) 16-foot-wide double drive Commercial Gate – Includes labor, equipment and material.

The overhead door operator on the building at the water treatment facility in not operational. Allied Overhead Door, Inc. has provided an estimate to replace the overhead door operator in the amount of \$1,100.

On motion by Schnoor, seconded by Opsahl, all voting in favor, to approve the estimate from Allied Overhead Door, Inc. in the amount of \$1,100 to replace the overhead door operator.

Request to hire Roger Quiram as an on-call part-time public works worker. On motion by Houlihan, seconded by McBroom, all voting in favor, to hire Roger Quiram as an on-call part-time public works worker at the rate of \$13.50 per hour pending background check.

Public Works Worker Doehling reported the pump at Lift Station #1 stopped working. There are two pumps at that station. Currently the lift station is operating with one new pump and the spare pump. Doehling presented two quotes from Minnesota Pump Works – one in the amount of \$5,688.98 to

repair the pump and one in the amount of \$9,616.72 to replace the pump with new. It was noted that the pump that stopped working is from the 1970s.

On motion by Houlihan, seconded by Schnoor, all voting in favor, to approve the quote from Minnesota Pump Works in the amount of \$9,616.72 to replace the pump in Lift Station #1 at Lake Francis Park.

Chris Cavett, SEH Engineering, presented Resolution #681/19 – Directing Modification of Existing Construction Contract 2018 Street and Utility Improvement Project to approve Change Orders 5, 6, 7, and 8. Approval of the four change orders will result in a contract increase of \$69,377.65. The revised contract amount is \$1,651,318.50.

Cavett explained the change orders as follows:

Change Order No 5: Extra grading work at the end of 2<sup>nd</sup> Street SE in the amount of \$1,500.

Change Order No 6: Cost to increase the perimeter length of the fence located around the park lift station in the amount of \$500.

Change Order No 7: Deduction change order for the bituminous disincentive payment in the deduction amount of -\$20,357.

Change Order No 8: Reconciliation Change Order of three paving items (DNR Trail, trail next to concession stand area in park, addition of Tourism Center parking, and pavement at Public Works Building) and one concrete sidewalk pay item (added sidewalk on 3<sup>rd</sup> Street and Park Avenue) in the amount of \$87,734.65.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 681/19

DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT  
2018 STREET AND UTILITY IMPROVEMENT PROJECT  
CHANGE ORDER NOS. 5, 6, 7 and 8.

WHEREAS, the City Council of Elysian, Minnesota, has heretofore ordered made the 2018 Street and Utility Improvement Project, and has let a construction contract pursuant to Minnesota Statutes, Chapter 429, and

WHEREAS, the City Engineer has reported that it is now necessary and expedient that said contract be modified and, designated as Change Order Nos. 5, 6, 7, and 8 as an increase to said contract by an amount of \$69,377.65, such that the new contract amount is now and hereby established as \$1,651,318.50.

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

The mayor and city administrator are hereby authorized to sign on behalf of the City of Elysian to signify and show that the existing contract is hereby modified through said Change Order Nos. 5, 6, 7 and 8 as a contract increase in the amount of \$69,377.65. The revised contract amount is \$1,651,318.50.

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 this 9<sup>th</sup> day of September, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

Cavett reported that the contractor is requesting a reduction in retainage. As the project is nearing final completion and a 2-year warrantee period will go into effect, Cavett recommended that City Council approve a reduction in the retainage from 5% to 1% with the current application for payment.

On motion by Houlihan, seconded by Schnoor to approve a reduction in the retainage of the contract with James Bros. Construction for the 2018 Street and Utility Improvement Project from 5% to 1% with the current application for payment.

Cavett reported the seal coating of the 2018 Street and Utility Improvement Project will be done in the Spring of 2020.

City Attorney Moran reported that Henninger Construction has requested to purchase the remaining buildable property at Lake View Manor Townhome. The purchase price and terms are the same as prior sales. Closing on the transaction is scheduled for Wednesday, September 11, 2019.

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

CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA  
RESOLUTION NO. 677/19

WHEREAS, the City Council for the City of Elysian met on the 9<sup>th</sup> day of September, 2019, for a scheduled City Council meeting;

WHEREAS, at the aforementioned meeting, a discussion was held regarding two parcels of property the City of Elysian owns, specifically, that real estate legally identified as PID numbers of: 16.419.0050 and 16.419.0060;

WHEREAS, Henninger Construction LLC has proposed to purchase the aforementioned real estate for \$25,000 and build twin-homes on those parcels;

WHEREAS, the City Council met and discussed this proposed sale to Henninger Construction LLC. The City Council understands that this is a good economic opportunity for the City of Elysian. The expansion will help create construction jobs in Elysian. In addition, due to the sale, the property will generate more tax revenue than it is currently generating. In sum, this sale will help to enhance the City's overall tax base and the council met and agreed that it is in the best interest and general welfare of City of Elysian for this sale to occur.

NOW THEREFORE, the City Council for the City of Elysian met this day, discussed this issue, and upon vote taken authorized that parcel numbers 16.419.0050 and 16.419.0060 be sold and deeded to Henninger Construction LLC. The City Administrator and City Attorney are empowered to sign any and all documents necessary to effectuate this transfer. Said motion was made, duly seconded, and passed unanimously.

Upon vote being taken:

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

Council Members voting in the negative: None.

Dated: September 9, 2019

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Tom McBroom  
Mayor

ATTEST:

Dated: September 9, 2019

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Lorri Kopischke  
City Clerk/Administrator

The Council considered proposed language to update the Personnel Policy to address call-backs and City Attorney recommended changes to update the section in general. The Personnel Policy Section VII. Overtime would be updated as follows:

**“Overtime and Compensatory Time**

The City of Elysian has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. It is recognized that in order to maintain basic services under unusual circumstances, emergencies, and peak workloads, employees may be required to work overtime.

~~The City Council will determine whether each employee is designated as “exempt” or “non-exempt” from earning overtime. An employee who works overtime without prior approval may be subject to disciplinary action. Only non-exempt employees are eligible for overtime.~~

~~At the beginning of each fiscal year, each department director will receive an allotted amount of overtime which may be used by their non-exempt employees. Overtime to be worked by an employee must first be approved by the Department Director~~ *City Administrator* ~~before it is incurred. Any anticipated overtime above the annual budgeted allowance must be approved in advance by the City Council before it is incurred.~~ *An employee called in for work at a time other than his/her normal scheduled shift will be compensated for a minimum of two (2) hours pay at one and one-half (1-1/2) times the employee’s base pay rate. Extensions of shifts or early call-in of a normal shift will not be*

*considered call backs. Additional hours beyond the two (2) hours of call-in must be approved by the City Administrator or Mayor.*

Overtime hours will be compensated at one and one-half (1-1/2) times the employee's regular rate of pay. At the mutual agreement of the employee and the supervisor, overtime may be compensated with compensatory time at one and one-half (1-1/2) times the overtime hours worked in lieu of overtime pay.

Compensatory time accrues at one and one-half (1-1/2) hours for each one (1) full hour of authorized overtime worked. No more than forty (40) hours of compensatory time may be accumulated at any time, unless authorization has been received by the City Council. An employee may roll over sixteen (16) hours of compensatory time into the next payroll year. Any compensatory time accumulated over the sixteen (16) hour maximum will be paid out monetarily on the last pay period of the payroll year.

Overtime earned will be paid at the rate of time and one-half on the next regularly scheduled payroll date, unless the employee indicates on his/her timesheet that the overtime earned is to be recorded as compensatory time in lieu of payment. All compensatory time will be marked as such on official timesheets, both when it is earned and when it is used.

All accrued compensatory time will be paid out to the employee at time of separation."

On motion by McBroom, seconded by Houlihan, all voting in favor, to accept the proposed language and update the Personnel Policy as presented.

A representative from LTD Broadband was present to introduce their products to the Council. He explained the services available and the equipment that is used. It would be necessary to install antennas on the water tower. The antennas are small. A small amount of electricity would also be necessary. LTD Broadband has offered to pay \$1,000 yearly rent to the City or to provide multiple City buildings with free high-speed internet service.

Council expressed interest in the service and asked the representative to forward a contract to the City Attorney for consideration.

Council considered Resolution #678/19 – Adopting the 2020 Proposed Budget. Council has held two workshops to discuss the 2020 proposed budget. Some key items in the budget include a 3% COLA for all full-time employees, the addition of a Presidential Primary which will result in three elections in 2020, increase in City Attorney hourly rate, savings toward generator for the City Hall building, and increase fire relief benefit by \$100 per service year. The Council will meet again to discuss the budget prior to approving the final 2020 Budget in December.

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

RESOLUTION NO. 678/19  
RESOLUTION ADOPTING THE 2020 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 2020;  
and

WHEREAS, the 2020 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 2020 marked as "Exhibit A" is hereby adopted.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Whereupon said resolution was declared duly passed and adopted.

Dated this 9<sup>th</sup> day of September, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

(Please see "Exhibit A" at the end of these minutes)

Council considered Resolution #679/19 – Adopting Preliminary 2019 Tax Levy, Payable 2020 for City of Elysian, Le Sueur and Waseca Counties. The amount of the Preliminary 2019 Tax Levy, payable 2020 is \$691,613. This is an increase of \$34,693 which is 5% higher than last year. The Council will meet again to discuss the levy prior to approving the final levy in December.

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

RESOLUTION NO. 679/19  
RESOLUTION ADOPTING PRELIMINARY 2019 TAX LEVY, PAYABLE 2020  
CITY OF ELYSIAN  
LE SUEUR AND WASECA COUNTIES

WHEREAS, the City of Elysian has adopted the proposed budget for the year 2020; and

WHEREAS, the City of Elysian has determined the tax levy for taxes payable in the year 2020 to be in the amount of \$691,613.

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 2020, upon taxable property in the City of Elysian, for the following purposes:

General Fund	\$439,773
Fire Relief	\$ 9,594
Maintenance Replacement Eq.	\$ 10,000
Storm Sewer	\$ 5,000
Kaplan	\$ 8,000
City Hall Debt	\$ 33,750
2012 Local Improvement Levy	\$ 50,000
2016 Local Improvement Levy	\$ 5,000
2018 Local Improvement Levy	\$110,000
2016 Fire Truck Debt	\$ 20,496
Total Preliminary Levy	\$691,613

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

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 9, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by Opsahl, seconded by Houlihan, all voting in favor, to set the Truth in Taxation Hearing for the City of Elysian for December 9, 2019 at 6:01 pm. Public Comment will be taken on the 2020 Proposed Budget and the 2019 Tax Levy, Payable in 2020.

It was noted that the November regularly scheduled City Council Meeting is scheduled on the Legal Veteran's Day Holiday of November 11, 2019.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 680/19

RESOLUTION TO CHANGE DATE OF  
REGULARLY SCHEDULED CITY COUNCIL MEETING

WHEREAS, the regularly scheduled November City Council meeting is set for the second Monday of the month, November 11, 2019;

WHEREAS, November 11, 2019 is the Legal Veterans Day Holiday;

WHEREAS, no public business shall be transacted, except in cases of necessity. *M.S. 645.44, subd. 5*;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian hereby reschedules the November regularly scheduled City Council Meeting from Monday, November 11, 2019 at 6:00 pm to Tuesday, November 12, 2019 at 6:00 pm.

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 9<sup>th</sup> day of September, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

Reminder that Thrifty White will be conducting a Flu Shot Clinic at the Tourism Center on Tuesday, September 17, 2019 from 3:00 to 7:00 pm.

There will be a Veteran's Memorial Groundbreaking Ceremony at Sunset Park on Saturday, September 21, 2019 at 4:00 pm. Hog Roast at the Elysian American Legion #311 to follow.

Employee evaluations will be completed this month. On motion by McBroom, seconded by Houlihan, all voting in favor, to schedule the City Administrator evaluation for October 14 at 5:30 pm.

Senator Julie A. Rosen has been selected as a League of Minnesota Cities Legislator of Distinction for 2019.

Park Board Member Lamont reported that a Minnesota Garden will be installed at Sunset Park. It will be built in the shape of the State of Minnesota with timbers three high. The total size will be 16' by 32', it will be on the slope on the hillside toward the road and will be filled with native plants. This year the structure will be built and the ground prepared. The total cost is estimated at \$179.55.

Lamont presented an estimate from St. Croix Recreation Fun Playgrounds INC in the amount of \$1,105.04 for an 8' universal access picnic table. This item is budgeted to be purchased this year.

On motion by McBroom, seconded by Houlihan, all voting in favor to approve the estimate from St Croix Recreation Fun Playgrounds INC. for an 8' universal access picnic table.

Lamont reported that there are still issues with dogs down at Lake Francis Park. The Park Board is recommending the installation of more "No Dogs Allowed Signs". They have also suggested the possibility of making Lake Tustin Park a "dog friendly" park. This would not be a "dog park" but it would be a place that residents are encouraged to bring their dogs to play and swim. There is no

playground there and it is secluded. A dog waste station could be installed. This would take some Council action as the Park Ordinance currently does not allow any dogs in the parks.

On motion by McBroom, seconded by Schnoor, all voting in favor, bills, payroll, and transfers were approved in the amount of \$128,112.74.

Public Comment: None.

On motion by McBroom, seconded by Houlihan, all voting in favor, to adjourn the meeting at 6:54 pm.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
OCTOBER 14, 2019**

The Elysian City Council met in regular session on Monday, October 14, 2019 at City Hall at 6:00 pm.

Roll Call: Mayor Tom McBroom; Councilmembers Bobby Houlihan, Mary Opsahl, Bryan Suemnick; City Administrator Lorri Kopischke; Public Works Worker Don Doehling; City Attorney Jason Moran. Absent: Councilmember Dennis Schnoor; Public Works Director Ron Greenwald.

Le Sueur County Chief Deputy Nick Greenig reported all has been quiet in the City. He had nothing to report.

On motion by Houlihan, seconded by McBroom, all voting in favor, to approve the minutes of the September 9, 2019 Regular Meeting as presented.

On motion by Houlihan, seconded by Opsahl, all voting in favor, to approve the agenda of the October 14, 2019 Regular Meeting as presented.

Public Comment: None.

The dumpsters at the City Shop for collection of Kaplan / Cedar Point garbage were discussed. The dumpsters had been allowed on a temporary basis. With winter approaching the Public Works Department would like them removed so that snow can be piled in that area. Wayne Murra, Richard Griffin and Tiffany Olson were present on behalf of Kaplan / Cedar Point. Several locations for a dumpster were considered including: the "t" in the Kaplan / Cedar Point development, the intersection of Cedar Point Drive NW and County Road 16, the County Park on Ray's Lake, the City Shop on 6<sup>th</sup> Street NW.

Murra stated the road in their development is constructed of three inch bituminous and cannot handle the large trucks. He has contacted numerous trash haulers and has been unable to locate a hauler with a small truck that will service 4 – 5 households. He asked if this was something the City could request at the time of renewal of contract with West Central Sanitation.

There was Council consensus to contact Le Sueur County to ask if locating a dumpster at the County Park would be an option. If not, the City Attorney will start an email chain with West Central to see if there is any possibility of getting a smaller truck to service the City.

Staff has contacted MnDOT to ask if directional signage to Lake Francis Park, Sunset Park and the Veterans Memorial could be installed on State Highway 60. Adam Schendel, Senior Engineering Specialist, has reported that Sunset Park and the Veterans Memorial do not qualify for directional signage at this time as they are both in the development phase. For the Lake Francis Park, three different sign designs were offered with costs as follows: Option #1 - \$1,836.50, #2 - \$2,490.00, and #3 - \$2,170.40. The cost would cover sign design, predetermined costs for fabrication and installation, infrastructure overhead, general maintenance and removal of the sign. The sign would be renewable in 15 years.

Council discussed and agreed this was not in the budget at this time. They will consider again when Sunset Park and the Veterans Memorial are eligible for the directional signage.

Craig Beckman, Minnesota Department of Natural Resources, has emailed to inquire if the following Deed Restriction would be acceptable to the City with regard to acquisition of the wayside rest building:

*Deed Restriction:*

*The Grantee shall have the following conditions recorded with the deed to all lands within the park as described in Attachment \_\_\_\_ - Boundary Map and submit an attested copy of the deed and the condition to the State:*

*IN order to comply with the Department of Natural Resources Outdoor Recreation Project Contract <<Project Number>>, the <<Grantee>> does hereby impose the following restrictions on the property described in Attachment \_\_\_\_ - Boundary Map:*

- 1. This land was acquired by the State with assistance from the federal Land and Water Conservation Fund (LWCF) pursuant to P.L. 88-578 as codified in 54 U.S.C. Section 200305 and must be retained and operated solely for public outdoor recreation use as prescribed by 36 CFR Part 59. The grantee shall ensure the LWCF requirements are met into perpetuity or the land will revert to the State.*
- 2. The grantee shall post no signs or information indicating this land is other than public land available for public outdoor recreation use.*
- 3. The Grantor reserves the right to enter and inspect the property at any time to ensure the terms of this deed restriction are met.*

Beckman states that the restrictions are required as the property was acquired with Land and Conservation Fund Dollars.

City Attorney Moran will contact Beckman to possibly refine the language and ensure that the City can demolish the building or other action they deem necessary in the future as long as the "property" remains available for public outdoor recreation use. He will also determine the DNR intent for the parking area.

Don Doehling, Public Works Worker, presented a quote from Minnesota Pump Works to replace the valve between sewer pond #2 and sewer pond #3 in the amount of \$4,657.50. Replacement of this valve is included in the budget.

On motion by Opsahl, seconded by Houlihan, all voting in favor, to approve the quote from Minnesota Pump Works in the amount of \$4,657.50 to replace the Dezurik Valve between sewer pond #2 and sewer pond #3.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 683-19  
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 7, 2019.

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 for December 7, 2019 to the Elysian Fire Department Relief Association.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14<sup>th</sup> day of October, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 684-19  
DESIGNATING POLLING PLACES  
FOR YEAR 2020

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

NOW THEREFORE, BE IT RESOLVED:

That the Elysian City Council hereby designates the following polling place for elections conducted in the city in 2020:

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, Suemnick.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14<sup>th</sup> day of October, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 685/19  
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 to be used toward Fire Hall Building Improvements;

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 to be used toward Fire Hall Building Improvements.



Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14<sup>th</sup> day of October, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by McBroom, seconded by Suemnick, all voting in favor, to approve the closure of Main Street from Third Street NW to the Fire Hall for the Spooky Trail on October 31, 2019 from 5:30 to 7:30 pm.

On motion by Houlihan, seconded by McBroom, all voting in favor, to approve the closure of Main Street from Fifth Street NW to Third Street NE for the Holidazzle Parade on December 7, 2019 from 6:30 to 7:00 pm.

On motion by Opsahl, seconded by Suemnick, all voting in favor, to accept the resignation of Samuel Morris from the Elysian Volunteer Fire Department effective October 10, 2019.

There was Council consensus to place the speed radar sign at the west end of State Highway 60. Staff was asked to report back after a few weeks to let the Council know how it is doing and discuss a policy to determine when and where to move the sign.

Kopischke reported the employee yearly performance evaluations are complete. All full-time employees were evaluated, and all met or exceeded required standards for their positions within the City. She thanked them all for their dedication.

Kopischke reported the Elysian Economic Development was given the property and building located at 118 East Main Street in December of 2017. The building was filled with old equipment including sewing machines and computers, and fabric and lots of "stuff". The City cleaned out the building and the building inspector inspected it for structural integrity. A local contractor estimated the cost to bring the building up to minimal building code at \$85,000. A local electrical contractor estimated the cost to put electrical in the building at \$12,000. The foundation is bowing and is constantly wet. An estimate to shore up the foundation was received in the amount of \$14,000. The EDA has advertised the building in the City newsletter, Facebook and a large banner on the building. The building continues to deteriorate with the roof caving in. The neighboring property owner approached the EDA to complain of the shingles blowing onto her property and the water running under the building heaving

up the sidewalk between the buildings. The EDA is currently in the process of negotiations to demolish the building and sell the property to the adjoining property owner.

Kopischke reported the VRBO Working Groups consisting of VRBO owners, concerned citizens, and Planning and Zoning Commission members has met three times. They had discussed rules and regulations and penalties, fines and revocation and presented their recommendations. This information has been given to the City Attorney for the drafting on an ordinance which will be considered by the Planning and Zoning Commission at their November Meeting.

Reminder of Le Sueur County Elected Officials Meeting Wednesday, October 23, 2019 at 6:30 pm (location TBD).

Mayor McBroom reported the City Administrator evaluation was conducted earlier this evening. Overall Kopischke exceeded the expectations of her job requirements. She is a tremendous asset to the City.

McBroom stated that the City has an outstanding staff working for the City. He appreciates everything the entire staff does to keep the City operating.

On motion by Houlihan, seconded by Suernick, all voting in favor, bills, payroll, and transfers were approved in the amount of \$112,466.34.

Public Comment: None.

On motion by McBroom, seconded by Houlihan, all voting in favor, to adjourn the meeting at 6:46 pm.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
SPECIAL MEETING  
OCTOBER 14, 2019**

The Elysian City Council met in special session on Monday, October 14, 2019 at City Hall at 5:30 pm.

Roll Call: Mayor Tom McBroom; Councilmembers Robert Houlihan, Mary Opsahl, and Bryan Suemnick; City Administrator Lorri Kopischke. Absent: Councilmember Dennis Schnoor.

On motion by McBroom, seconded by Houlihan, all voting in favor, to go to closed session for City Administrator Performance Evaluation at 5:31 pm.

On motion by McBroom, seconded by Opsahl, all voting in favor, to close the closed session and open the regular meeting at 5:41 pm.

Mayor McBroom stated the City Administrator performance evaluation has been completed. Administrator met all requirements of the position.

On motion by McBroom, seconded by Houlihan, all voting in favor, to adjourn the meeting at 5:43 pm.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
NOVEMBER 12, 2019**

The Elysian City Council met in regular session on Tuesday, November 12, 2019 at City Hall at 6:00 pm. (The meeting as moved from November 11, 2019 as that was the official Veteran's Day holiday.)

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

On motion by Houlihan, seconded by Opsahl, all voting in favor, to approve the minutes of the October 14, 2019 Special Meeting and the October 14, 2019 Regular Meeting as presented.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the agenda of the November 12, 2019 Regular Meeting with the following additions:

1. Update on new Ford F-550 Truck and 2007 Ford F-550 Truck.
2. Go to closed session at the end of meeting to discuss a personnel issue.

Public Comment: Judy Williams, 1642 Scenic Hideaway Lane NE, Elysian Township, stated she had read through the proposed Ordinance #95/19 and she did not believe it was correct to refer to the type of rental as "Vacation Rental by Owner – VRBO". She stated that "VRBO" is a specific marketing website that lists rental properties that owners can subscribe to and advertise their properties. She thought the ordinance should refer to the rentals as "short term rentals" similar to Le Sueur County.

The Council considered Resolution #686/19 – Adopting Findings of Fact and Reasons for Approval for Variance Application of Bruce and Barb Starke, 504 Lake Avenue NW. The Starkes have requested a variance to demo their existing cabin and rebuild a two-story home within the same footprint on their property. The current building and the proposed new home will be 28 feet by 16 feet. The difference being that the new home will have a second story.

This property is located in the shoreland of Lake Francis. The property is 200 feet deep by 50 feet wide or 10,000 square feet. So, this is a non-conforming lot in the shoreland zone. The deed states that the owners each have a 1/3 interest in this parcel. There are no specific lot lines for each home as all three homes are on one lot. There is no way to evaluate lot coverage or setback.

A variance is required from the following requirements of the Zoning Ordinance:

1. Construction on Non-Conforming Lots of Record
  - a. In shoreland, a nonconforming single lot of record may be allowed as a building site without variances from lot size requirements, provided that:
    - i. All structure setback distances can be met; and
    - ii. The impervious surface coverage does not exceed 25% of the lot.
  - b. A variance from setback requirements must be obtained before any use or building permit is issued for a lot. In evaluating the variance, the board of adjustment shall consider constraints of the lot and shall deny the variance if warranted.

The City Attorney has been consulted and he has advised, "...*In sum, because each owns 1/3 interest in the same lot, we cannot establish lot lines and setbacks, so a variance is technically,*

*under the letter of the Zoning Code, needed. If you find that they meet the practical difficulties test, then a variance should be issued..."*

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

1. Reasonableness: This proposal will retain the same footprint as the existing cabin. The new structure will not obstruct any property's view of the lake and will provide a modernized building.
2. Uniqueness: The lot is unique in that the legal description grants each owner 1/3 interest in the lot. There are no clear lot lines delineated on the survey.
3. Essential character: This will improve the essential character of the locality as a new more modernized structure will fit in with other cabins and homes in the area.

Opsahl asked why the property owners would just not divide this into three lots? Attorney Moran stated it certainly could be done that way.

Mayor McBroom presented the resolution and was seconded by Councilmember Schnoor.

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
LE SUEUR COUNTY, MINNESOTA  
RESOLUTION NO. 686/19  
A RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS  
FOR APPROVAL FOR VARIANCE APPLICATION OF  
BRUCE AND BARBARA STARKE, 504 LAKE AVENUE NW

FACTS

1. Bruce and Barbara Starke are the owners of a parcel of land located at 504 Lake Avenue NW (PID# 16.410.0200), Elysian Minnesota; and,
2. The subject property is legally described as follows: Lot 8, Block 4, City of Elysian, formerly called the Old Townsite of Elysium, according to the Amended Plat and Resurvey thereof, on file and recorded in the Office of the County Recorder in and for Le Sueur County, Minnesota; and,
3. Bruce and Barbara Starke have applied to the City for a variance to demolish their current cabin and rebuild a two-story home in the same footprint on their property which is a non-conforming lot.
4. The proposal would vary from the City of Elysian Zoning Ordinance Section 14.0 Nonconformities Subd. 1b. and c. as this is a non-conforming lot with their ownership described as 1/3 interest in the lot and there is no means to determine the setbacks or the lot coverage.
5. Following a public hearing on the application, the Elysian Planning and Zoning Commission has recommended approval of the variance on November 5, 2019.
6. The City Council of the City of Elysian reviewed the requested variance at its Meeting of November 12, 2019.

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 as the proposal will retain the same footprint as the existing cabin. The new structure will not obstruct any property's view of the lake and will provide a modernized building.
9. There are unique circumstances to the property not created by the landowner in that the legal description grants each owner 1/3 interest in the lot. There are no clear lot lines delineated on the survey.
10. The variance will improve the essential character of the locality as a new and more modernized structure will fit in with the other cabins and homes in the area.

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

11. The application to issue a variance to allow Bruce and Barbara Starke, 504 Lake Avenue NW, to demolish their current cabin and rebuild a two-story home in the same footprint on their property which is a non-conforming lot so as to deviate from the City of Elysian Zoning Ordinance Section 14.0 Nonconformities Subd. 1b. and c. is hereby approved.

Approved unanimously and passed by the City Council of Elysian, Minnesota this 12<sup>th</sup> day of November, 2019.

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Mayor

Attested:

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City Clerk / Administrator

The Council considered draft Ordinance #95/19 – Short Term Rental Ordinance. A Working Group consisting of short-term rental owners, concerned citizens, and Planning and Zoning Commissioners met three (3) times to discuss and refine recommendations for this Ordinance. The Ordinance is based on the Le Sueur County Short Term Rental Ordinance, examples of other municipal short-term rental ordinances, and input from the Working Group.

The Planning and Zoning Commission is recommending approval of Ordinance #95/19 and has asked City Council to call a Public Hearing for consideration of the Ordinance.

Schnoor stated the Ordinance seem restrictive, specifically B4. McBroom explained that some of the restrictions on parking, etc. are meant to help limit the amount of people at the rental which will in turn control the amount of noise and other issues related to complaints.

On motion by Opsahl, seconded by Houlihan, all voting in favor, to call for a public hearing for consideration of Ordinance #95/19 – Short Term Rental Ordinance for Monday, December 9, 2019 at 6:15 pm.

Ron Greenwald, Public Works Director, presented the Wastewater Compliance Evaluation Inspection Report that resulted from an inspection of the Elysian WWTP on September 27, 2019 by Teri Roth and Cara Omana of the Minnesota Pollution Control Agency (MPCA).

Greenwald discussed all compliant and non-compliant items listed in the Report. All non-compliant issues need to be addressed and resolved within 30 days of the report which is dated October 25, 2019. Council discussed the need to release the wastewater as the higher level may have an adverse effect on the integrity of the ponds, the importance of notifying the duty officer of any release immediately, and the reporting requirements. Greenwald stated all required follow-up will be completed as requested.

Greenwald reported the new Ford F-550 truck is at Crysteel and should be completed by the end of next week. He stated the 2007 F-550 cannot be used for snowplowing as there is a small crack in the frame. The individual with the high bid for the 2007 truck would like to take possession.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to allow the high bidder for the 2007 F-550, Darrel Zrucky, to take possession of the truck as soon as the amount of \$11,550.55 is paid in full and the purchase agreement is signed.

Greenwald reported the radar / speed sign is up and running on West State Highway 60 for eastbound traffic.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 687/19  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN AMERICAN LEGION POST #311

WHEREAS, the City of Elysian has received a donation in the amount of \$8,192.50 from the Elysian American Legion Post #311, toward the Vetter Stone for the Veterans Memorial at Sunset Park.

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 \$8,192.50 toward the Vetter Stone for the Veterans Memorial at Sunset Park.

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 12<sup>th</sup> day of November, 2019.

Approved:

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Tom McBroom, 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 NO. 688/19  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN AMERICAN LEGION POST #311

WHEREAS, the City of Elysian has received a donation in the amount of \$600.00 from the Elysian American Legion Post #311, for tax relief to the Elysian Area Chamber of Commerce for the purpose of funding kids bingo during 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 \$600.00 for the purpose of funding kids bingo during the July 4<sup>th</sup> Celebration.

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 12<sup>th</sup> day of November, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator



City Attorney Moran presented (2) two draft Tower Lease Agreements with LTD Broadband LLC to allow them to install equipment as necessary and to provide communication services in and around the City of Elysian. Both agreements are for a (5) year term and can be terminated at any time for any reason. One agreement requires LTD to provide the City with service in up to (5) five locations at no charge. The second agreement requires LTD to provide the City with service in up to (2) locations at no charge and \$1,000 year/rent.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the Tower Lease Agreement with LTD Broadband LLC to allow them to install equipment as necessary and to provide communication services in and around the City of Elysian and to provide the City with service in up to (5) five locations at no charge.

Included in the monthly receipts is a payment from the State of Minnesota for FEMA funds in the amount of \$17,028.89 for the 2018 disaster. Staff is now working with FEMA and met with them on November 8, 2019 in regard to damages that occurred from a declared disaster event of March 12 through April 28, 2019. That disaster consisted of heavy precipitation and strong winds. The damages included washed out roads, washed out storm sewer intakes, frost boils, additional wastewater discharge and testing, and additional damage to Lake Francis Park Beach and the native plantings in that area. Preliminary damages estimates are \$32,000.

On motion by McBroom, seconded by Houlihan, all voting in favor, to set a budget workshop / fee schedule update meeting for November 19, 2019 at 6:00 pm.

Thank you to all the volunteers, businesses, and city staff who contributed to the 2019 Spooky Trail. The temperature was a bit chilly, but attendance was good.

Reminder of the Wine and Beer Tasting Thursday, November 21, 2019 from 6:00 to 8:00 pm at Thirsty Beaver Bar. Proceeds go to the July 4<sup>th</sup> celebration fireworks.

Small Business Saturday in Elysian is November 30, 2019 from 9:00 am to 2:00 pm. Fourteen (14) local businesses are participating with over (30) thirty vendors.

Holiday Lights Parade and Winter Fun is Saturday, December 7, 2019. Activities all day to include Shopping with Mrs. Claus, Parade and Fireman's Bingo.

Reminder that the Truth in Taxation Hearing is scheduled for Monday, December 9 at 6:01 pm.

City Attorney Moran had nothing to report.

On motion by Houlihan, seconded by Schnoor, all voting in favor, bills, payroll, and transfers were approved in the amount of \$133,348.58.

Public Comment: None.

On motion by McBroom, seconded by Schnoor, all voting in favor, meeting adjourned to closed session to discuss personnel issues at 6:50 pm.

On motion by McBroom, seconded by Houlihan, all voting in favor, to reopen the meeting at 7:07 pm.

Mayor McBroom reported that personnel issues were discussed, and Council will continue to consider the items.

On motion by McBroom, seconded by Schnoor, all voting in favor, to adjourn the meeting at 7:08 pm.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
BUDGET WORKSHOP MEETING  
NOVEMBER 19, 2019**

The Elysian City Council held a budget workshop meeting on Tuesday, November 19, 2019 at City Hall at 6:00 pm.

Roll Call: Mayor Tom McBroom; Councilmembers Bobby Houlihan and Dennis Schnoor; City Administrator Lorri Kopischke. Absent: Councilmembers Mary Opsahl and Bryan Suemnick.

Revised expense and revenue figures for the 2019 budget payable in 2020 were submitted for consideration. Minor changes have been made based on year to date figures. Some items adjusted included fuel, engineering, training, and insurance.

Fee schedule updates were presented and discussed.

Water and sewer revenue and expense accounts were compared and discussed. Staff will make the requested changes to the budget and will bring recommendations to the final 2019 Council Meeting for consideration. Surrounding cities will also be contacted to obtain their current utility rates.

On motion by McBroom, seconded by Houlihan, all voting in favor, to adjourn the meeting at 6:45 pm.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
DECEMBER 9, 2019**

The Elysian City Council met in regular session on Monday, December 9, 2019 at City Hall at 6:00 pm.

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

Le Sueur County Chief Deputy Nick Greenig reported the County Engineer is still working on the speed limit issue on County Road 14. All else is quiet in the City.

On motion by Schnoor, seconded by Opsahl, all voting in favor, to approve the minutes of the November 12, 2019 Regular Meeting and the November 19, 2019 Budget Workshop Meeting as presented.

On motion by Opsahl, seconded by McBroom, all voting in favor, to approve the agenda of the December 9, 2019 Regular Meeting as presented.

On motion by McBroom, seconded by Schnoor, all voting in favor, to close the Regular Meeting and open the Public Hearing of the Truth-in-Taxation Hearing at 6:04 pm.

The purpose of the Truth-in-Taxation Hearing is to receive input on the final budget for 2020 and the tax levy for 2019 payable 2020.

The proposed final tax levy payable 2020 is \$691,613 which is a 5% increase from the payable 2019 levy in the amount of \$656,920. The main area of increase is in the general fund levy which increased by \$34,922. 2020 Budget Expenditures are \$1,507,929 up from \$1,302,219 in 2019. 2020 Budget Revenues are \$1,480,218 up from \$1,368,693 in 2019. The Council will be looking at water and sewer rates at the 2019 year end meeting and other revenue will be transferred from savings to make up the difference between expenses and revenue. Increases to the 2020 budget include: health insurance costs, 3% COLA increase employee compensation, increase in attorney hourly rate, increase in Fire Relief Annual Benefit Level from \$1,300 to \$1,400, and three elections in 2020.

Kopischke stated that most homeowners will not see an increase in the City portion of property taxes due to the growth in the City over the past two years.

There were no public comments and no written comments have been received.

On motion by McBroom, seconded by Schnoor, all voting in favor, to close the Public Hearing at 6:06 pm and open the Regular Meeting.

Public Comment: None.

The Council considered Resolution #689/19 – Adopting Findings of Fact and Reasons for Denial of Variance Application of Ron Romnes, 708 Lakeside Drive NW. Mr. Romnes has requested a variance to build a 64 foot by 36 foot accessory building (as revised from the originally requested 72 foot by 40 foot accessory building) on his lot.

The accessory building would be 2,304 square feet. It would be placed on the southern portion of the lot away from Lake Francis and not located in the 75 foot OHW mark. It would meet all setback

requirements and the resulting lot coverage would be 11%. However, the shed is larger than the allowed 1,800 square feet and the sidewalls are taller than the allowed 10 foot sidewalls.

The Planning and Zoning Commissioners liked the look of the shed and agreed that it fit on the lot, but the request did not meet the Practical Difficulty Question #2 Uniqueness Requirement – *that the landowner's problem is due to circumstances unique to the property not caused by the landowner*. The uniqueness was not due to the physical characteristics of the land but to the personal preference of the landowner.

The Planning and Zoning Commissioners discussed the possibility of the City Council amending the zoning ordinance to allow a larger sized accessory building within City limits. There would need to be a new maximum size and conditions that would regulate the lot coverage and that it meets the required setbacks. This seems to be a natural progression as people have more “stuff” now. Allowing a larger shed where it met the requirements would help to beautify the City as personal property would be stored inside sheds rather than being an eyesore in the yards.

Planning and Zoning Commissioners voted unanimously to recommend City Council deny the request of Ron Romnes, 708 Lakeside Drive, for a variance to build a 64 foot by 36 foot accessory building on this lot as it does not meet the Practical Difficulty Factor #2 Uniqueness required to grant a variance request. They also voted unanimously to recommend the City Council refer to the Planning and Zoning Commission to study amending the zoning ordinance to increase the allowable maximum accessory building size subject to adherence to the required setbacks and that it results in less than 25% lot coverage.

Mayor McBroom presented the resolution and was seconded by Councilmember Schnoor.

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
LE SUEUR COUNTY, MINNESOTA

RESOLUTION NO. 689/19  
A RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS  
FOR DENIAL OF VARIANCE APPLICATION OF  
RON ROMNES, 708 LAKESIDE DRIVE NW

FACTS

1. Ron Romnes is the owner of a parcel of land located at 708 Lakeside Drive NW, Elysian, Minnesota (PID # 16.460.0070); and,
2. The subject property is legally described as found on Exhibit A; and,
3. Ron Romnes has applied to the City for a variance to build a 64 foot by 36 foot accessory building (as revised from a 72 foot by 40 foot accessory building) on the lot.
4. The proposal would vary from City of Elysian Zoning Ordinance Section 15.0 Performance Standards Subd. Q. Accessory Structure Standards 4 a. Maximum height: Seventeen feet (17') and a maximum side wall height of a ten feet (10') and c. Total building area allowed per lot: 1,800 square feet in that it would have a side wall height of 12 feet six inches (12'6") and be 2,304 square feet.
5. Following a public hearing on the application, the City of Elysian Planning and Zoning Commission has recommended denial of the variance on December 3, 2019.

6. The City Council of the City of Elysian reviewed the requested variance at its Meeting of December 9, 2019.

#### 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. There are not unique circumstances to the property not created by the landowner because an 1,800 square foot accessory building would fit on the property. There are no issues with the property that would preclude an 1,800 square foot accessory building to be located on the lot. The uniqueness does not relate to the physical characteristics of the property (the land) but does in fact only result from the personal preferences of the landowner.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elysian, Minnesota, that the application to issue a variance to allow Ron Romnes, 702 Lakeside Drive NW to build a 64 foot by 36 foot accessory building so as to deviate from City of Elysian Zoning Ordinance Section 15.0 Performance Standards Subd. Q. Accessory Structure Standards 4 a. Maximum height: Seventeen feet (17') and a maximum side wall height of ten feet (10') and c. Total building area allowed per lot: 1,800 square feet is hereby Denied.

Adopted by the City Council of the City of Elysian on this 9<sup>th</sup> day of December 2019.

Approved:

\_\_\_\_\_  
Mayor

Attested:

\_\_\_\_\_  
City Clerk

On motion by McBroom, seconded by Schnoor, all voting in favor, to refer to the Planning and Zoning Commission to study amending the zoning ordinance to increase the allowable maximum

accessory building size subject to adherence to the required setbacks and that it results in less than 25% lot coverage.

On motion by McBroom, seconded by Opsahl, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:15 pm.

The purpose of the Public Hearing is to receive input on Ordinance No. 95/19: An Ordinance Regulating Short Term Rentals within the City of Elysian.

The purpose of this Ordinance is to allow and provide for the Licensing, Inspection, and Rental of Short Term Vacation Properties in the City of Elysian. Members of the Planning and Zoning Commission held three workshop sessions with owners of Short-term Rental properties currently operating in city limits and with concerned residents to determine reasonable parameters for the regulation of short-term rentals in the City. Examples of ordinances from Le Sueur County and other cities in Minnesota and Wisconsin were provided. The notes and comments from those workshops were then shared with the City Attorney who drafted the proposed version of the Ordinance.

Schnoor questioned Section (B)4. "Ice Houses, Fish Houses, Campers, Tents, Recreational Vehicles, All-Terrain-Vehicles, and Golf Carts must be placed in a designated parking spot. Such items cannot be parked in the yard on the grass. All must be parked on an impervious surface." He believed this item is too restrictive. He suggested that if someone went out on the lake and came back to have lunch and parked on the grass, theoretically, the way this is worded, a neighbor could report them to the sheriff for a violation of the ordinance.

McBroom explained that the item was basically included to address the trailers and limit the number of vehicles and trailers and in turn, to help limit the number of people at the property.

Councilmembers discussed and agreed that item (B)3 was sufficient to address this issue and that item (B)4. could be removed.

There were no public comments and no written comments have been received.

On motion by McBroom, seconded by Opsahl, all voting in favor, to close the Public Hearing at 6:22 pm and open the Regular Meeting.

Mayor McBroom introduced Ordinance #95/19 and was seconded by Councilmember Schnoor, all voting in favor:

CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA  
SHORT TERM RENTAL ORDINANCE  
ORDINANCE NO. 95/19

(A) Purpose. The purpose of this Ordinance is to allow and provide for the Licensing, Inspection, and Rental of Short Term Vacation Properties which consist of non-traditional lodging for over-night stays on a daily or weekly basis of thirty (30) days or less of a private single-family dwelling, cabin, or condominium which provides basic living accommodations including sleeping space, toilet, and cooking space. This does not include Bed and Breakfasts, Resorts, Campgrounds, or Hotels/Motels. Attached garages, and accessory structures including, but not limited to, boat houses, detached garages, sheds, and/or barns are not acceptable dwelling units.

(B) Land Use Performance Standards/General Requirements and General Regulations.

1. Maximum capacity. No more than three (3) occupants, excluding children under age three (3), per bedroom shall be allowed to stay on the property onsite overnight (overnight being defined from sunset to sunrise). During the daytime hours, as defined from sunrise to sunset, that maximum capacity shall be no more than 1.5 times the overnight capacity.
2. A maximum of one (1) rental unit per conforming dwelling lot of record. The one (1) rental unit allowed must be the primary structure associated with the lot in question and cannot be an outbuilding, camper, motor vehicle, recreational vehicle, guest house, guest cottage, or any other structure.
3. Onsite parking only. Parking must be in designated parking spaces only. This includes all motorized vehicles, fish houses, campers, and trailers. There shall be one (1) designated and dedicated parking space per bedroom. The number and location of parking spaces must be included and clearly defined and delineated on the Short Term Rental License Application. All parking spaces shall be a minimum of two hundred (200) square feet and be on an impervious surface.
4. Rentals of motorized watercraft and recreational vehicles are allowed if they display a valid permit issued by the Minnesota Department of Natural Resources.
5. Quiet Hours. Quiet Hours shall be from 10 PM to 7 AM. During this time, excessive or loud noise is prohibited. Excessive or loud noise shall be defined as unreasonably loud, boisterous, obscene, offensive, or abusive language or noise as heard from a neighboring property to the licensed property. It shall include, but not necessarily be limited to the following types of conduct: shouting, yelling, playing loud music, unreasonably loud conversation, or loud partying, all as heard from the neighboring property.
6. Property lines shall be clearly marked with the applicant submitting a map with clearly delineated property lines on the application.
7. Fireworks shall be prohibited.
8. Garbage and Garbage Removal. All garbage, refuse, or recycling shall be stored completely enclosed in designated garbage containers. The property shall be serviced for garbage removal by a professional removal company per the City's Ordinances. Per City Ordinance §153.19 garbage cans are also to be removed from the boulevards by the day following garbage pickup.
9. Campfires. All campfires shall be confined to a three (3) foot by three (3) foot maximum size. There shall be no unattended campfires. Campfires shall be in designated areas only.
10. Sewage.



- a. The property must have a fully operational and fully compliant subsurface sewage treatment system (SSTS) or be connected to municipal services.
  - b. Holding tanks are prohibited.
  - c. The property must follow and comply with Le Sueur County's compliance inspection time parameters.
  - d. The system must be properly sized for proper use.
  - e. The SSTS must be kept in a constant state of compliance and under a valid Operating Permit.
11. The discharge of firearms, including CO2, pellet, or BB guns, is prohibited.
12. Pets shall be attended to and leashed at all times.
13. All properties must be Registered and Licensed by the City of Elysian.
14. The applicant for a License shall acquire and keep in full force and effect for the duration of the permit, liability insurance in the minimum amount of \$1,000,000 that specifically covers use of the property as a Short Term Rental.
15. All properties shall have a manager of the property who is capable of effectively handling complaints and issues arising at the property. The rental owner, operator, or manager shall designate a local contact on the license application that meets the following requirements:
- a. Must be able to respond within ten (10) minutes via phone and within thirty (30) minutes in person.
  - b. Has administrative authority over the property and guests.
  - c. Has knowledge of the vacation rental unit, the property, rental and City rules, standards, and procedures, and effectively handles the same.
16. An operations Guide shall be available within the premises and provided to users of the property that includes the following information:
- a. Manager Contact Information
  - b. Maximum Capacity
  - c. Parking Restrictions
  - d. Quiet Hours
  - e. Campfire Information
  - f. Watercraft Information
  - g. Rules of the Rental
  - h. Emergency contacts (police, fire, hospital, City Offices)
  - i. Boundary Lines

(C) Licenses.

1. It shall be unlawful for any person, firm, corporation, partnership, or otherwise to operate a lodging establishment herein called for within the City who does not possess a valid Short Term Rental license.
2. Application. Any person desiring to operate a property or structure thereon which consists of non-traditional lodging for over-night stays on a daily or weekly basis of thirty (30) days or less of a private single-family dwelling, cabin, or condominium which provides basic living accommodations including sleeping space, toilet, and cooking space shall first be licensed by the City of Elysian. Any such person or entity shall apply for the License through the City Administrator or the City Administrator's Designee.
3. Inspections-Initial Inspection and Thereafter Every Three Years. The property shall initially be inspected by a licensed building inspector and pass such inspection. Inspections, and passage of the same, shall take place upon initial grant of the License with an additional inspection each three (3) years thereafter.
4. Licenses-Renewal. Each license shall be good for one year. Licenses shall be issued during the year and shall expire on December 31 of each and every year. Automatic renewals do not occur. License renewal applications shall be submitted to the City on forms provided by it, with the renewal fee, no later than one month proceeding the date of expiration.
5. Renewal Fee Schedule. Initial and renewal license applications shall be accompanied by the applicable fee. All license fees are non-refundable. License fees shall be established in accordance with the City's Fees Schedule as it may be Amended from time to time.
6. Licenses are Non-Transferable including change of ownership situations.

(D) Inspection/Enforcement.

1. The City shall contract with a professional inspector to verify compliance with the terms and conditions of this Ordinance.
2. The establishment to be regulated hereunder shall fully comply with the Minnesota State Building Code, State Fire Code, State Mechanical Code, City's Ordinances, City's Zoning Code, and the Terms and Provisions of this Ordinance.
3. The person operating an establishment shall, upon request of the City or City's Inspector, permit access to all parts of the establishment at any reasonable time for the purpose of inspecting and shall exhibit and provide such records necessary to ascertain compliance with the provisions of this Ordinance.

4. Any noted deficiencies noted by the inspector shall be remedied timely as determined by the Inspector.

(E) Suspension and/or Revocation of License.

1. Licenses may be suspended temporarily by the City Administrator, at any time for failure of the license holder to comply with the terms and requirements of this Ordinance. Notice of temporary suspension shall be mailed by first class U.S. Mail to the address indicated on the License Application. The Applicant shall be entitled to an opportunity for a hearing before the City Council to address the temporary suspension. Said request for hearing shall be filed with the City Administrator within ten (10) working days of the City Administrator's notice of revocation. In the event that the time parameter set forth herein is not complied with then the License Holder shall be deemed to have waived their right to a hearing on the suspension issue.
2. Emergency Closure. Whenever the City finds that an emergency exists which requires immediate action to protect public health, it may, without notice or hearing, issue an Order reciting the existence of an emergency and require that such action be taken as deemed necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, such Order shall be effective immediately. Any person to whom an Emergency Order is directed shall comply therewith immediately.
  - a. Emergency Closure Procedure. Emergency Closure of an establishment will be ordered if a prohibited activity is occurring or it is determined that the Establishment is an imminent health hazard.
  - b. Following an Emergency Closure, the establishment shall not reopen or allow others to be permitted to be on the site, without written permission from the City.
  - c. The City must give written permission to reopen upon submission of satisfactory proof that the property condition(s) causing the need for emergency closure have been corrected or removed by the operator(s).
- F. Penalty for Violation. Any violation of the Ordinance, by either the owner, tenant, occupant, manager, or such other person having control over or being present at the establishment is a Misdemeanor Offense punishable a fine of up to \$1,000 or ninety (90) days imprisonment. The first offense shall be a scheduled fine of \$500, the second offense shall be a scheduled fine of \$750 and the third offense shall be a scheduled fine of \$1,000.
- G. Revocation of License. Upon an license holder's third conviction in two years for any violation of the terms and conditions of this Ordinance or the terms and conditions of any provision of the City's nuisance ordinances, the license shall be reviewed by the City Council for possible revocation and upon a fourth violation in two years it shall be automatically revoked by the City Council.

Upon either situation, the Applicant shall be entitled to an opportunity for a hearing before the City Council to address the revocation issue. Said request for hearing shall be filed with the City Administrator within ten (10) working days of the City Administrator's notice of revocation. In the event that the time parameter set forth herein is not complied with then the License Holder shall be deemed to have waived their right to a hearing on the suspension issue.

- H. Effective Date. The Ordinance shall be in full force and effect as of January 1, 2020, or upon its publication, whichever occurs later.

Adopted by the City Council this 9<sup>th</sup> day of December, 2019.

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Tom McBroom  
Mayor

ATTEST:

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Lorri Kopischke  
City Administrator

Mayor McBroom presented draft Ordinance No. 91/19 – An Ordinance of the City of Elysian, Minnesota Relating to Tobacco, Electronic Delivery Devices, and Nicotine or Lobelia Delivery Products, and the like for discussion. He noted that the Ordinance had been discussed at the March 2019 City Council Meeting. At that time, the Council consensus was to wait and see what regulations the State of Minnesota put into place. McBroom stated he would like the Council to take action on this Ordinance. Minnesota has 23 cities and counties that require 21 years of age to purchase any type of tobacco products. There are many hazards of vaping devices and tobacco in general. North Mankato, Mankato, and Waseca have all passed ordinances requiring minimum age of 21. McBroom stated that for the sake of the youth, Elysian needs to get onboard with this regulation.

Moran explained that for the Ordinance to be considered, the next step would be to call a public hearing.

On motion by McBroom, seconded by Opsahl, to schedule a Public Hearing for consideration of Ordinance No. 91/19 (Ordinance will be renamed to No. 96/20 to reflect that it is being considered in 2020) – An Ordinance of the City of Elysian, Minnesota Relating to Tobacco, Electronic Delivery Devices, and Nicotine or Lobelia Delivery Products, and the like, for January 13, 2020 at 6:00 pm. Voting on the motion: Aye: McBroom, Opsahl. Nay: Schnoor. Motion passed.

Chris Cavett, SEH Engineering, presented Resolution No. 690/19 – Accepting Work for the 2018 Street and Utility Improvement Project. Cavett explained that most of the work was completed last season with the exception of final wear paving, saw and seal, and some warranty items. The City is currently holding 1% in retainage in the amount of \$16,940.42.

The original contract amount for the project was \$1,529,502.35. The final contract amount is \$1,628,107.69 or \$98,605 (6.4%) over the original contract amount. The increases are attributed to the added watermain crossing under Hwy 60, DNR trail crossing work, Tourism Building parking lot and additional sidewalk.

At this time, SEH is recommending that the project be accepted with the release of the final payment. The 2 year warranty would begin now and end on December 9, 2021. There are some current warranty items related mostly to concrete work that will be addressed Spring 2020 and have been acknowledged in writing by both the subcontractor and the contractor.

Schnoor stated he did not feel comfortable releasing the retainage and starting the warranty until the work was completed. There are a lot of issues out there yet. Cavett stated that it is not unreasonable to feel that way. There could be a lot of new issues out there in the Spring. Cavett is recommending accepting the project now because the subcontractor and contractor are both local. There is a comprehensive list of the needed repairs which includes concrete replacement and saw and seal.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 690/19

ACCEPTING WORK  
2018 STREET AND UTILITY IMPROVEMENT PROJECT

WHEREAS, pursuant to the written contract signed with the City of Elysian on April 9, 2018, James Brothers Construction, Inc. of Elysian, Minnesota, has satisfactorily completed the 2018 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 9, 2021.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 9<sup>th</sup> day of December, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

Cavett presented a Proposal for Concept Planning for Sunset Park and Trails. Cavett reported he had met with the Park Board and started a discussion on how to assist them with a concept park and trails layout for Sunset Park. While being cognizant of the budget, Cavett has tried to develop a scope of work to provide tools to take the planning to the next level. The current proposal is for Task 1 which would provide development of a final concept plan and cost estimates. The proposed fees are in an amount up to \$4,000 and would be billed at an hourly rate.

Schnoor stated he would like a chance for the Park Board members to discuss this proposal and bring back their recommendations to the City Council.

On motion by Schnoor, seconded by Opsahl, all voting in favor, to table consideration of the SEH Proposal for Concept Planning for Sunset Park and Trails until the Park Board has had a chance to review and provide their recommendations.

Ron Greenwald, Public Works Director reported the new F-550 has been delivered and the plow works great. The box dumps 3-4 times faster than the 2007 F-550 truck box did. The 2007 F-550 has been sold and delivered to the buyer.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA

RESOLUTION NO. 691/19

A RESOLUTION DIRECTING DELINQUENT UTILITY CHARGES BE PLACED  
ON THE PROPERTY TAXES PAYABLE IN 2020

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 9, 2019 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 2020, against the specified properties as set forth in "Exhibit A".

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 9<sup>th</sup> day of December, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

SUBJECT: DELINQUENT UTILITY BILLS YEAR 2019 - RESOLUTION 691/19 EXHIBIT A

Address	PID #	Amount to Certify
106 Second Street NE	R-16.440.0690	\$25.78
401 First Street N	R-16.035.0600	\$570.67
112 Park Avenue NE	R-16.440.0480	\$231.26
302 Park Avenue NE	R-16.440.0290	\$203.36
1278 Lewis Lane	R-16.435.0050	\$51.94
304 Park Avenue NW	R-16.410.0510	\$278.55
Total		\$1,361.56

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 692/19  
A RESOLUTION DIRECTING UNPAID MOWING CHARGES  
BE PLACED ON THE PROPERTY TAXES PAYABLE IN 2020

WHEREAS, Elysian City Code Ordinance 16 provides that all grass or weeds on private property or commercial property in the City limits of the City of Elysian shall be cut at regular intervals in order to maintain a continuity of order and benefit to property owners and to all property owners surrounding effective property; and

WHEREAS, property owners whose grass or weeds on private or commercial property that is longer than six (6) inches have been noticed and have a five (5) day window to have the grass or weeds cut or removed. If property owner ignores order, the City of Elysian has proceeded with the cutting or removal of grass or weeds and costs have been billed to the property owner; and

WHEREAS, the specified properties as set for in "Exhibit A" have ignored the order, the grass or weeds have been cut or removed, the property owner has 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 mowing charges on the property taxes payable in 2020, against the specified properties as set forth in "Exhibit A".

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 9<sup>th</sup> day of December, 2019.

Approved:

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

Attested:

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

RESOLUTION NO. 692/19

"EXHIBIT A"

DESCRIPTION OF PROPERTY BENEFITTED AND PROPERTY TO BE ASSESSED

LAST NAME	FIRST NAME	ADDRESS	PID #	AMOUNT TO CERTIFY
		203 State Hwy 60 E	16.440.1130	\$100.00
		108 Shoreview Drive	16.411.0040	\$100.00
			<b>Total for Certification</b>	200.00

On motion by Schnoor, seconded by Opsahl, all voting in favor, to approve the Liquor and Soft Drink Licenses for 2020 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

Tuckers Tavern Inc.      On Sale, Off Sale, Soft Drink, Sunday

The Knotty Bar & Grill      On 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	Soft Drink
Alley Scoops LLC	Soft Drink
Ellie Gails Bakery & Deli	Soft Drink
Fire Department	Soft Drink

On motion by McBroom, seconded by Opsahl, all voting in favor, 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 Councilmember Opsahl.

RESOLUTION NO. 693/19  
RESOLUTION ADOPTING FINAL 2019 TAX LEVY, PAYABLE 2020  
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 2020, upon taxable property in the City of Elysian, for the following purposes:

General Fund	\$439,773
Fire Relief	\$ 9,594
Maintenance Replacement Eq.	\$ 10,000
Storm Sewer	\$ 5,000
Kaplan	\$ 8,000
City Hall Debt	\$ 33,750
2012 Local Improvement Levy	\$ 50,000
2016 Local Improvement Levy	\$ 5,000
2018 Local Improvement Levy	\$110,000
2016 Fire Truck Debt	\$ 20,496
Total Final Levy	\$691,613

Voting in the affirmative: McBroom, Opsahl, Schnoor.

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 9, 2019.

Approved:

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

Attested:

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

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

RESOLUTION NO. 694/19  
RESOLUTION ADOPTING THE 2020 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 2020;  
and

WHEREAS, the 2020 FINAL budget is attached to this Resolution (Exhibit A).

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

1. That the attached final budget for year 2020 marked as "Exhibit A" is  
hereby adopted.

Upon vote being taken:

Councilmembers voting in the affirmative: McBroom, Opsahl, Schnoor

Councilmembers voting in the negative: None.

Whereupon said resolution was declared duly passed and adopted.

Dated this 9<sup>th</sup> day of December, 2019.

Approved:

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

Attested:

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

(see Exhibit A – Resolution No. 694/19 at end of these minutes)

The Council considered the updated LTD Contract – Tower Lease Agreement. The City Attorney noted that LTD had removed some key language and suggested that the contract be reviewed. On

motion by McBroom, seconded by Opsahl, all voting in favor, to table consideration of the LTD Contract – Tower Lease Agreement for City Attorney review.

On motion by Schnoor, seconded by Opsahl, all voting in favor, to approve the health insurance contributions for 2020 as follows:

<b><u>Single Coverage</u></b>	<b>Total Annual Premium</b>	<b>Total Monthly Premium</b>	<b>City Portion</b>		<b>Employee Monthly Cost</b>	<b>Annual Employee Cost</b>	<b>Annual Employer Cost</b>
Advantage HSA Option	\$4,364.40	\$363.70	\$363.70		\$0.00	\$0.00	\$4,364.40
<b><u>Family Coverage</u></b>	<b>Total Annual Premium</b>	<b>Total Monthly Premium</b>	<b>City Portion</b>		<b>Employee Monthly Cost</b>	<b>Annual Employee Cost</b>	<b>Annual Employer Cost</b>
Advantage HSA Option	\$11,607.60	\$967.30	\$445.00		\$522.30	\$6,267.60	\$5,340.00

HSA Contribution - The City of Elysian will contribute \$3,500 into the TASC HSA account for both single and family insurance.

On motion by McBroom, seconded by Opsahl, all voting in favor, to schedule the Year-End Council Meeting for Monday, December 30, 2019 at 6:00 pm.

Thank you to Lake Area Women for the trees in the pots on Main Street. Thank you to Tony Rogers for hanging the Christmas lights on Main Street. Thank you to Suemnick Tree Service for modifying the Christmas light hangers. Thank you to Lake Area Women, Nu-Chek Prep, Megan James, the Fire Department, all the volunteers, businesses and City staff who contributed to the holiday celebration in Elysian on December 7, 2019.

On motion by Opsahl, seconded by McBroom, all voting in favor, bills, payroll, and transfers were approved in the amount of \$110,194.67.

Public Comment: None.

On motion by McBroom, seconded by Schnoor, all voting in favor, to adjourn the meeting at 6:52 pm.

Approved:

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

Attested:

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

**ELYSIAN CITY COUNCIL  
SPECIAL YEAR END MEETING  
DECEMBER 30, 2019**

The Elysian City Council met in special session on Monday, December 30, 2019 at City Hall at 6:00 pm.

Roll Call: Mayor Tom McBroom; Councilmembers Bobby Houlihan, Mary Opsahl, Dennis Schnoor, Bryan Suemnick; City Administrator Lorri Kopischke; Absent: None.

On motion by McBroom, seconded by Schnoor, all voting in favor, to approve the agenda of the December 30, 2019 Special Year End Meeting as presented.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 695/19**

WHEREAS; The Elysian City Council was presented with a request from the Sons of 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 Sons of the American Legion Post #311 in conjunction with a fishing contest to be held on February 2, 2020.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Whereupon said resolution was declared duly passed and adopted.

Dated this 30<sup>th</sup> day of December, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

Based on balances in the reserve funds and the projected 2020 expenses and revenues in the water and sewer accounts, staff is recommending Council consider an increase to the water rates and no

change to the sewer rates for 2020. Council discussed the shortfall and various solutions. It was also noted that there were nine new houses built in Elysian in 2019 so that should result in an increase in revenue.

After discussion, there was Council consensus to decrease the base rate by \$ .50 and to increase the usage fee by \$.50/1000 gallons.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 696/19  
RESOLUTION SETTING WATER AND SEWER  
UTILITY RATES FOR 2020

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 2020 are set as follows:

Water Utility Rates

Service Base Charge:	\$17.00 per month
User Charge:	\$ 4.50 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, 2020.

Upon vote being taken:

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

Councilmembers voting in the negative: Schnoor.

Adopted by the City Council of the City of Elysian this 30<sup>th</sup> day of December, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

Schnoor stated that he voted no because the employees should be working more efficiently and that would reduce costs in the water account so that the rates did not need to be increased.

Based on balances in the reserve funds and the projected 2020 expenses and revenues in the environmental utility fund account, there will be no changes to the environmental utility rates for 2020.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 697/19  
RESOLUTION SETTING ENVIRONMENTAL  
UTILITY FUND RATES FOR 2020

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 2020 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, 2020.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 30<sup>th</sup> day of December, 2019.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by Houlihan, seconded by Opsahl, all voting in favor, to approve the 2020 Fee Schedule as presented.

On motion by McBroom, seconded by Suemnick, all voting in favor, to approve a 3% cost of living adjustment for all full-time employees effective January 1, 2020.

On motion by Schnoor, seconded by Opsahl, all voting in favor, to approve year-end bills and transfers in the amount of \$63,325.44

Suemnick asked if there was an alternative location to pile the snow. He did not think the 6<sup>th</sup> Street NW City property was a good location. The Council discussed some possibilities. Public Works Director will be consulted for his suggestions.

On motion by McBroom, seconded by Opsahl, all voting in favor, to adjourn the meeting at 6:38 pm.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Administrator