

**ELYSIAN CITY COUNCIL
REGULAR MEETING
FEBRUARY 14, 2022**

The Elysian City Council met in regular session on Monday, February 14, 2022 at City Hall at 6:00 pm.

Roll Call: Mayor Tom McBroom; Councilmembers Bobby Houlihan, Dennis Schnoor, Bryan Suemnick, Derek Westby; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald; City Attorney Jason Moran. Absent: None.

On motion by McBroom, seconded by Schnoor, all voting in favor, to approve the minutes of the January 10, 2022 Regular Meeting as presented.

On motion by McBroom, seconded by Westby, all voting in favor, to approve the agenda of the February 14, 2022 Regular Meeting with the following addition:

1. Le Sueur County Captain Bruce Collins.

Le Sueur County Captain Bruce Collins reported the Sheriff's Office has responded to fifteen calls for minor service since the January Council meeting.

Public Comment: None.

The Council considered the recommendation of the Planning and Zoning Commission to approve Ordinance No. 101.22 – Amending the Zoning Classification for PID# 16.410.1037. This parcel is currently zoned three quarters C-2 Highway Commercial and one-quarter R-1 Residential. Chuck Budde has submitted a request to change the R-1 zoning to C-2. The entire lot could then be used for a commercial purpose. The Planning and Zoning Commission held a Public Hearing on proposed Ordinance No. 101.22 on February 9, 2022.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve Ordinance No. 101.22 as presented:

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
ORDINANCE 101.22 – AMENDING THE ZONING
CLASSIFICATION FOR PID# 16.410.1037

WHEREAS, the City Council for the City of Elysian, Le Sueur County, Minnesota met this 14th day of February, 2022, and discussed the zoning classification for PID# 16.410.1037; and the City Council is empowered to make zoning amendments to properties located within the City.

WHEREAS, the property known as PID #16.410.1037 is currently zoned partially as C-2 Highway Commercial District and partially as R-1 General Residential.

WHEREAS, the City of Elysian Planning and Zoning Commission did hold a public hearing on February 9, 2022 and is recommending approval of a change in zoning classification for PID #16.410.1037 that the entire parcel be uniformly zoned as C-2 Highway Commercial District.

WHEREAS, the City Council of the City of Elysian, did review the proposed change in zoning classification at their February 14, 2022 meeting.

WHEREAS, the City Council of the City Elysian, does believe this change in zoning classification has taken into consideration existing conditions, conservation of property values, the direction of building development to the best advantage of the entire City and for the uses to which the property affected is being devoted at the time, and will benefit the public good.

NOW THEREFORE, the City Council for the City of Elysian, hereby and herein approves Ordinance 101.22 – Amending the Zoning Classification for PID# 16.410.1037 to C-2 Highway Commercial District and directs that the City of Elysian Zoning Classification Map be revised to reflect said change.

Upon vote being taken:

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

Council Members voting in the negative: None.

Passed by the City Council for the City of Elysian this 14th day of February, 2022.

This Ordinance shall be effective upon publication.

Tom McBroom, Sr., Mayor

Attest:

Lorri Kopischke, Administrator

The Council considered Resolution No. 775/22 – Approving a Conditional Use Permit for Chuck Budde. Mr. Budde has submitted a request for a conditional use permit to construct a storage facility on Parcel ID# 16.410.1037 State Highway 60. A concept plan shows the first two buildings located on the southwest corner of the lot. One building being 60'by40'by16' and the other 120'x40'x16'. The buildings would be climate controlled and would be designed for storage of large items such as recreational vehicles, boats, cars, etc. The lot would have a crushed asphalt surface with a fence surrounding the lot, motions lights on the front of the buildings only (on these buildings abutting the residential neighborhood), and arborvitae along the south lot line. Budde will work with the City to maintain the current water drainage on the site.

The Planning and Zoning Commission held a Public Hearing on the requested Conditional Use Permit on February 9, 2022 and is recommending approval with the following conditions:

- 1) A chain link fence around the facility with the south fence located at the 20-foot setback with arborvitae planted in the setback to provide a buffer to the neighborhood.
- 2) The motion lights on buildings located on the south side of the parcel be installed only on the front side of the buildings to shine in the direction of State Highway 60.
- 3) Maintain current water drainage on site.
- 4) Crushed asphalt surface
- 5) All other requirements of the conditional use permit process to include:
 - a. Site plan – drawn to scale
 - b. Location of all buildings and square footages

- c. Curb cuts, driveways, access roads, parking spaces
- d. Finished grading and drainage plan
- e. Land survey.
- 6) Drainage / Storm Water Management Plan
- 7) Grading and Erosion Control
- 8) Other as deemed necessary by City Engineer.

Schnoor suggested a condition be added that “no on-street parking be allowed on 5th Street SW on either side of the street”.

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

CITY OF ELYSIAN
 ELYSIAN, MINNESOTA
 RESOLUTION NO. 775/22
 APPROVING CONDITIONAL USE PERMIT
 FOR CHUCK BUDDE

WHEREAS, the City of Elysian has received an application from Chuck Budde for a conditional use permit to build and operate a storage facility 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 Le Sueur County Parcel Identification R16.410.1037, and legally described as shown on the attached Exhibit A; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission on February 9, 2022 to receive public comment on the conditional use permit; and

WHEREAS, the use proposed by Budde 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 Chuck Budde regarding the proposed use and reviewed concept plans; 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) A chain link fence around the facility with the south fence located at the 20-foot setback with arborvitaes planted in the setback to provide a buffer to the neighborhood.

- 2) The motion lights on buildings located on the south side of the parcel be installed only on the front side of the buildings to shine in the direction of State Highway 60.
- 3) Maintain current water drainage on site.
- 4) Crushed asphalt surface
- 5) No on-street parking on either side of Fifth Street SW
- 6) All other requirements of the conditional use permit process to include:
 - a. Site plan – drawn to scale
 - b. Location of all buildings and square footages
 - c. Curb cuts, driveways, access roads, parking spaces
 - d. Finished grading and drainage plan
 - e. Land survey.
- 7) Drainage / Storm Water Management Plan
- 8) Grading and Erosion Control
- 9) Other as deemed necessary by City Engineer.

Upon vote being taken:

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

Council Members voting in the negative: None

Adopted by the City Council of the City of Elysian this 14th day of February, 2022.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

“Exhibit A - Legal Description:

Lot 15-21 of Block 22 and also the North 10 feet of Lots 1-7, Block 27, and vacated road adjacent all in amended City of Elysian, Elysian Elysium amended. Less commencing at the Southwest corner of Lot 15, Block 22; thence North 100.7 feet to the point of beginning; thence Southeast 116.7 feet Southeast 233.55 feet; thence North 90.31 feet; thence Northwest 233.18 feet; thence Northwest 116.75 feet; thence South 104.43 feet to the point of beginning, Le Sueur County, Minnesota.”

It was reported that the 2019 – 2021 renters of PID #16.999.0310 and #16.999.0300 have requested first right of refusal for the bid to rent the land for the term of three years ending December 31, 2024.

On motion by Westby, seconded by Suemnick, all voting in favor, to approve first right of refusal for the current renters, Richard and Pamela Fischer, for PID #16.999.0310 and #16.999.0300.

McBroom opened the bids received for the lease of approximately 12 acres of tillable land (Parcel ID# 16.999.0310 and ID# 16.999.0300) for a term of three years ending December 31, 2024.

Bid #1: Richard and Pamela Fischer - \$200 per acre.

Bid #2: Roger Lamont - \$226 per acre.

McBroom asked Fischer if they would like to exercise the first right of refusal and meet the bid of \$226 per acre. Fischer stated they would.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to award the bid for land lease of approximately 12 acres of tillable land (Parcel ID #16.999.0310 and ID# 16.999.0300) for the term of January 1, 2022 through December 31, 2024 to Richard Fischer, PO Box 417, Elysian, MN 56028 in the amount of \$226 per acre under first right of refusal.

Staff had no updates in regard to the Coronavirus COVID-19 Pandemic.

Chis Cavett and Richard Parr, SEH Engineering, presented a draft memorandum addressing the Preliminary Elysian Water Treatment Plant (WTP) Sizing, Siting and Raw Water Connections Evaluation.

Parr reported that based on conceptual evaluation of the WTP sizing requirements, and evaluation of siting the WTP on the four potential sites, SEH recommends proceeding with design of the WTP at either the Sunset Park or 301 NW 6th Street location. The 301 NW 6th Street location is preferred, but Sunset Park is also a viable option.

Parr reported that based on estimated costs for constructing raw water lines versus a new municipal well, SEH recommends constructing a raw water line from both existing Well 2 and Well 3 to the new WTP in lieu of constructing an additional well.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to schedule a workshop meeting for Monday, February 28, 2022 at 4:00 pm to discuss options for the Elysian Water Treatment Plant Sizing, Siting and Raw Water Connections Evaluation.

Ron Greenwald, Public Works Director, presented two quotes for blacktopping the tennis courts at the elementary school property: M & W Blacktopping, LLC - \$14,125.00 and W W Blacktopping, Inc - \$13,830.00. M & W Blacktopping's price does include painting of the court and W W Blacktopping's price does not.

The Council discussed options such as moving the tennis courts to Sunset Park or down near the ballfield. No action was taken on the tennis court quotes.

There was Council consensus to move forward with a survey of the alley north of the businesses on Main Street East. On motion by Schnoor, seconded by McBroom, all voting in favor, to authorize SEH Engineering to conduct a feasibility study for blacktopping the alley north of the businesses on Main Street E and to schedule a workshop to discuss the feasibility study and invite all adjacent property owners for Monday, March 14th, 2022 from 5:30 to 6:00 pm.

Greenwald reported there is not a spare tire for the F550 and twice this winter he has had to stop what he is doing and take the tire off to have it repaired. He requested approval of purchase of a spare tire in an amount less than \$800.

On motion by Houlihan, seconded by Westby, all voting in favor, to approve the purchase of a spare tire for the F550 in an amount not to exceed \$800.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 776/22

RESOLUTION TO RATIFY INCREASE AND AMEND THE ELYSIAN FIRE DEPARTMENT RELIEF
ASSOCIATION BENEFIT LEVEL AND BYLAWS

WHEREAS, the Elysian Fire Department Relief Association includes Relief Association Benefit Levels in the *Restated Bylaws of Elysian Fire Department Relief Association (Appendix C)*; and

WHEREAS, Article XII of the Bylaws permits amendments to be made to the document, including the Appendixes; and

WHEREAS, at the February 7, 2022 Relief Association Annual Meeting, the Association approved and is now requesting an increase in the Benefit Level from \$1,400 to \$1,700; and

WHEREAS, amendments to the Bylaws of the Relief Association shall be reviewed and approved by the municipality per Minn. Stat. §424A.092, subd. 6; and

WHEREAS, the current financial status, including the accrued liability and annual accruing liability of the relief association attributable to the amendment, of the Association has been reviewed and found to be financially sound;

NOW, THEREFORE BE IT RESOLVED, that the City Council for the City of Elysian hereby ratifies the increase in Benefit Level to \$1,700.

BE IT FURTHER RESOLVED that the City Council for the City of Elysian approves the amendment to Appendix C of the *Restated Bylaws of Elysian Fire Department Relief Association* reflecting the increase in Benefit level.

Voting in the Affirmative: McBroom, Schnoor, Suemnick

Voting in the negative: None.

Abstain: Houlihan, Westby

This Resolution shall become effective upon its passage and without further publication.

Dated this 14th day of February, 2022

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 777/22
RESOLUTION ACKNOWLEDGING A DONATION FROM
ELYSIAN AMERICAN LEGION POST #311

WHEREAS, the City of Elysian has received a donation in the amount of \$1,700.00 from the Elysian American Legion Post #311, toward the repair of Lake Francis Park bathroom damage due to vandalism.

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 \$1,700.00 toward the repair of the damage to the Lake Francis Park bathrooms due to vandalism.

Upon vote being taken:

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

Councilmembers voting in the negative: None

Adopted by the City Council of the City of Elysian this 14th day of February, 2022.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 778/22
A RESOLUTION SUPPORTING HOUSING AND
LOCAL DECISION-MAKING AUTHORITY

WHEREAS, local elected decision-makers are in the best position to determine the health, safety, and welfare regulations that best serve the unique needs of their constituents; and

WHEREAS, zoning regulation is an important planning tool that benefits communities economically and socially, improves health and wellness, and helps conserve the environment; and

WHEREAS, local zoning regulation allows communities to plan for the use of land transparently, involving residents through public engagement; and

WHEREAS, cities across the state are keenly aware of the distinct housing challenges facing their communities and they target those local housing challenges with available tools; and

WHEREAS, multiple bills restricting local decision-making related to housing have been introduced in the 2021-2022 biennium.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ELYSIAN that this Council supports local decision-making authority and opposes legislation that restricts the ability for local elected officials to respond to the needs of their communities.

LET IT ALSO BE RESOLVED that this Council supports housing policy that advances solutions to support full housing spectrum solutions, local innovation, incentives instead of mandates, and community-specific solutions throughout Minnesota.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14th day of February, 2022.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

On motion by Houlihan, seconded by Westby, all voting in favor, to approve the contract for services with Burkhardt & Burkhardt, Ltd., Certified Public Accountants, for the years ended December 31, 2021, 2022, and 2023.

On motion by Westby, seconded by McBroom, all voting in favor, to approve an amendment to the 2022 Fee Schedule to increase the New Single Family Residence / Second Meter and Commercial Meter fee from \$260 to \$335. This is due to an increase in price by the manufacturer.

On motion by Westby, seconded by Suemnick, all voting in favor, to schedule the City Wide Clean Up for Saturday, May 21, 2022 from 8:00 am to 11:00 am at Lake Francis Beach parking area.

Received a report from the Office of the State Auditor that there was an error in the calculations of the SC-21 form which has now been corrected and updated. The corrected form now shows a 2022 required Municipal Contribution to the City of Elysian Fire Relief Fund in the amount of \$2,993.00.

Reminder of Le Sueur County Officials Association Meeting February 23, 2022 in Le Center at 7:00 pm. Location TBD.

City Attorney Jason Moran reported that he has been in touch with the heirs to the property located at 402 Frank Avenue NW in regard to the nuisance structure on the property. The heirs have stated their intent to clean the property, fill in the hole and place the property for sale.

Moran reported he has been in contact with the WEM Superintendent regarding the tennis courts and ballfield at the elementary school and they are in the process of drafting an agreement for approval by the School Board.

On motion by McBroom, seconded by Houlihan, all voting in favor, bills, payroll, and transfers were approved in the amount of \$850,747.13.

Public Comment: Pat Nusbaum, 104 Park Avenue NE, stated she believed that there would be monies in the community to help pay for the restoration of the tennis courts. Contributors such as the Elysian Area Foundation, Elysian Area Chamber, American Legion, and even Elysian residents. The tennis courts were used so much when they were built. They were funded by a community fundraiser and the biggest cost at that time was the lighting.

There was no further public comment.

On motion by McBroom, seconded by Westby, all voting in favor, to adjourn the meeting at 7:07 pm.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator