

**ELYSIAN CITY COUNCIL
REGULAR MEETING
MAY 9, 2022**

The Elysian City Council met in regular session on Monday, May 9, 2022 at City Hall at 6:00 pm.

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

On motion by Houlihan, seconded by Schnoor, all voting in favor, to approve the minutes of the April 11, 2022 Special Meeting Auditor Report, April 11, 2022 Special Workshop Meeting Main Street Alley Paving, April 11, 2022 Regular Meeting, and April 21, 2022 Special Meeting Water Treatment Plant as presented.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the agenda of the May 9, 2022 Regular Meeting with the following additions:

1. Security System
2. Main Street Lights
3. Alley behind businesses on Main Street East
4. Mill and Overlay / 105 Lake Avenue NE Driveway
5. Update Civil Defense

Le Sueur County Chief Deputy Nick Greenig reported all has been quiet in the City.

Public Comment:

Le Sueur County Commissioner Steven Rohlfig reported the cost of the remodel of the public health building came in \$125,000 under budget and will start in June. The reconstruction of the east entrance to the Government Center is almost complete. The County has been working on ordinance revisions, road construction has started, and broadband improvements are being pursued.

There was no further public comment.

On motion by McBroom, seconded by Houlihan, all voting in favor, to close the regular meeting and open the public hearing at 6:09 pm.

The purpose of the hearing is to allow public input from citizens on proposed Ordinance No. 102/22 – An Ordinance Establishing Salaries for the Mayor and City Council of the City of Elysian Le Sueur / Waseca County. The monthly salary of the Mayor will increase by \$25 to \$175 and the monthly salary of each member of the Council will increase by \$25 to \$125. Payment for Mayor and each member of the Council will increase by \$25 to \$75 for each special, emergency, and workshop meeting attended. The salaries have not increased for over twelve years. This increase will take effect January 1, 2023.

There was no public comment. No written comment was received.

On motion by McBroom, seconded by Schnoor, all voting in favor, to close the public hearing and reopen the regular meeting at 6:11 pm.

Mandy Moravec and Brenda Domonoske, American Legion Post #311 Auxiliary and Kylie Moravec and Desiree Domonoske, Junior Auxiliary members were present to request that May 2002 be proclaimed as Poppy Month.

Mayor McBroom presented them with the following Proclamation:

The City of Elysian, Minnesota
PROCLAMATION
That the Month of May 2022 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 2022, 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 9th day of May 2022.

ATTEST:

Lorri Kopischke, City Administrator

Tom McBroom, Mayor

Councilmember Houlihan introduced Ordinance No. 102/22 and was seconded by Councilmember Schnoor.

ORDINANCE NO. 102/22
ESTABLISHING SALARIES FOR THE MAYOR AND
CITY COUNCIL FOR THE CITY OF ELYSIAN
LE SUEUR /WASECA COUNTY

WHEREAS, by law under MN Statute 415.11 changes in salary must be approved prior to regular city elections to take effect January in the year following said elections,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Elysian, Le Sueur/Waseca County, Minnesota, as follows:

Section 1. The Mayor shall receive a salary of One Hundred and Seventy-Five Dollars (\$175) per month for serving as Mayor and performing all duties associated with the office and Seventy-Five (\$75) for each special, emergency, and workshop meeting attended.

Section 2. Each member of the City Council shall receive a salary of One Hundred and Twenty-Five Dollars (\$125) per month for serving on the Council and performing all duties associated with the office and Seventy-Five Dollars (\$75) for each special, emergency, and workshop meeting attended.

Section 3. EFFECTIVE DATE. This ordinance shall be effective January 1, 2023, which is the first day of the year subsequent to the next general election.

Upon motion made by Councilmember Houlihan and seconded by Councilmember Schnoor, the same passed unanimously on this 9th day of May, 2022. This Ordinance shall be effective upon publication.

Tom McBroom, Mayor

Attest:

Lorri Kopischke, Administrator

Future Enterprises (represented by Wayne James) is requesting to split PID# 16.410.0595 into four R-1 Residential lots and build four single family slab on grade homes. This proposal will require a variance to the required lot depth of 100 feet on three of the lots (95 feet, 95 feet, and 94.6 feet). It will also require a variance to the required twenty-foot rear setback on the same lots of 5 feet, 5 feet and 5.4 feet.

The parcel to be split is zoned R-1 Residential. The lot has an irregular shape as Main Street W curves slightly to the north as it is platted resulting in the west side of the parcel being slightly shorter than the east side.

The proposed lots meet the minimum lot size requirement of 7,500 square feet. The proposed homes would be 46 feet wide and 56 feet deep. The footprint will be a bit wider if a three-stall garage is included rather than a two-stall garage. The homes will meet the front and side yard setbacks with either a two or three stall garage.

The Planning and Zoning Commission held a Public Hearing at their May 3, 2022 meeting and recommended approval based on the following findings of fact:

1. The requested variance is in harmony with the purposes and intent of the ordinance.
2. The requested variance is consistent with the comprehensive plan.
3. The property owner does propose to use the property in a reasonable manner because the variance would only be for 5-6 feet, and it is consistent with the comprehensive plan.

4. There are unique circumstances to the property not created by the landowner because the property is sided by streets to the north, west and south and was platted long ago before the City had zoning controls in place, and it is simply 5-6 feet short of the current requirements. The request is to make the best use of the land available considering how it is platted and its size.
5. The variance will maintain the essential character of the locality because it does not change or alter the essential character of the neighborhood. Everything around the area is residential and the proposed subdivision is residential in nature. The lots have similar square footage to other lots in the neighborhood. James' proposed lots are even a bit larger than other lots in the area thus the character of the neighborhood is actually enhanced and certainly not changed.

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

CITY OF ELYSIAN
 ELYSIAN, MINNESOTA
 RESOLUTION NO. 789/22

RESOLUTION TO ADOPT FINDINGS OF FACT AND REASONS FOR APPROVAL FOR
 VARIANCE APPLICATION OF FUTURE ENTERPRISES AT PID# 16.410.0595

FACTS

1. Future Enterprises is the owner of a parcel of land located at PID# 16.410.0595, Elysian, Minnesota; and,
2. The subject property is legally described as found on Exhibit A; and,
3. Future Enterprises has applied to the City for a variance to split PID# 16.410.0595 into (4) four R-1 Residential lots and build (4) four single family slab on grade homes. The request is for a variance to the required lot depth of 100 feet on (3) three of the lots to allow a lot depth of 95 feet, 95 feet, and 94.6 feet and to the rear yard setback requirement of 20 feet to allow 15 feet, 15 feet, and 14.4 feet rear yard setback on those same lots.
4. The proposal would vary from Elysian MN Code of Ordinance Section 156.065, (E) *R-1 Standards*, (4) Rear yard, principal building: minimum of 20 feet; and, (8) Lot depth: minimum of 100 feet, in that it would result in Lot 1 depth 95 feet and rear yard setback of 15 feet, Lot 2 depth of 95 feet and rear yard setback of 15 feet, and Lot 3 depth of 94.6 feet and rear yard setback of 14.6 feet.
5. Following a public hearing on the application, the Elysian Planning and Zoning Commission has recommended approval of the variance on May 3, 2022.
6. The City Council of the City of Elysian reviewed the requested variance at its Meeting of May 9, 2022.

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 requested variance is in harmony with the purposes and intent of the ordinance.
- 9. The requested variance is consistent with the comprehensive plan.
- 10. The property owner does propose to use the property in a reasonable manner because the variance would only be for 5-6 feet, and it is consistent with the comprehensive plan.
- 11. There are unique circumstances to the property not created by the landowner because the property is sided by streets to the north, west and south and was platted long ago before the City had zoning controls in place, and it is simply 5-6 feet short of the current requirements. The request is to make the best use of the land available considering how it is platted and its size.
- 12. The variance will maintain the essential character of the locality because it does not change or alter the essential character of the neighborhood. Everything around the area is residential and the proposed subdivision is residential in nature. The lots have similar square footage to other lots in the neighborhood. James' proposed lots are even a bit larger than other lots in the area thus the character of the neighborhood is actually enhanced and certainly not changed.
- 13. NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elysian, Minnesota, that the application of Future Enterprises for PID# 16.410.0595 to issue a variance to the required lot depth of 100 feet on (3) three of the lots to allow a lot depth of 95 feet, 95 feet, and 94.6 feet and to the rear yard setback requirement of 20 feet to allow 15 feet, 15 feet, and 14.4 feet rear yard setback on those same lots so as to deviate from Elysian MN Code of Ordinance Section 156.065, (E) *R-1 Standards*, (4) Rear yard, principal building: minimum of 20 feet and (8) Lot depth: minimum of 100 feet is hereby Approved.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of Elysian on this 9th day of May 2022.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Clerk/Administrator

Joe Meixl, owner of 1234 and 1238 Scenic Hideaway Lane NE, was present to request an extension of Section 3.4 – Cost/Benefit of Public Improvements, of his Development Agreement. In 2015, Meixl paid the costs to have a larger sanitary sewer service installed on Scenic Hideaway Lane to accommodate approximately 24 additional future connections of properties along Scenic Hideaway Lane. The developer agreement required that if additional properties connected to the Improvements prior to December 31, 2022, each property would be required to pay, in addition to their City imposed SAC charge, a developer imposed 1/24th share of the cost of the county road crossing and their share of any improvements along their frontage. This amount would be paid to the City in the form of an additional SAC fee and would then be reimbursed to Meixl. Those costs, according to Developer Agreement Exhibit B would be \$275 for each of the 22 properties to the north of 1238 Hideaway Lane and \$4,142 for 1220 Scenic Hideaway Lane NE.

On motion by McBroom, seconded by Schnoor, all voting in favor, to extend Section 3.4 Cost/Benefit of Public Improvements of the Development Agreement 1234 Scenic Hideaway Lane Sanitary Sewer Forcemain Extension for (5) five years to expire on December 31, 2027.

There was no COVID-19 update.

Chris Cavett, SEH Engineering, asked if there were any follow up comments or questions from the April 21, 2022 Water Treatment Plant Workshop. The timing of the Bonding Bill and other funding was discussed.

Cavett reviewed the memorandum of 2022 Review Capital Improvements Plan (CIP) discussed earlier at the Workshop Meeting.

On motion by McBroom, seconded by Houlihan, all voting in favor, to authorize SEH Engineering to prepare a proposal for a Feasibility Study for a possible 2023 Street and Utility Improvement Project and to direct staff to consult with the City's financial advisor to consider the fiscal impact of a 2023 Project to the City.

On motion by Houlihan, seconded by Schnoor, all voting in favor, to approve the hire of Ahmad Alladin, for 2022 Summer Temporary / Seasonal Position 40 hours per week for 12 weeks.

Ron Greenwald, Public Works Director, discussed the east end approach to the alley behind the businesses on Main Street East. That approach has a high curb and trucks have to swing way over to the north to make the turn and not drive over the curb. Greenwald suggested the curb be removed and the approach be extended to the handicap curb cut for the library. The alley will currently be paved at a width of 16 feet. Greenwald suggested that the City extend that pavement 3 feet 6 inches at the approach and extend that the 75-foot length of the library property. This would help the trucks make the turn and stay on the alley rather than driving onto the property to the north.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to amend the Main Street Alley Project to include removal of the curb at the east end approach and extend the concrete apron to the handicap curb cut and to pave an additional width of 3 feet 6 inches for a distance of 75 feet on the south side of the alley.

Jane Doran, 122 East Main Street, asked the Council to consider asking the property owners to the north of the alley to donate a 4-foot strip of property and extend the width of the alley to the north. A

16-foot-wide alley will not be wide enough for two cars to pass each other. With 16 feet vehicles will be driving and parking on the business owner's properties.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve and accept the proposal from W W Blacktopping, Inc., in the amount of \$976.10 for driveway repair to 105 Lake Avenue NE.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to schedule a public hearing to consider an On-Sale/Sunday Intoxicating Liquor and Soft Drink License for Ahavah Drop, LLC for June 13, 2022 at 6:00 pm.

A letter in support of the Le Sueur County Historical Society in their quest to obtain a grant from the Minnesota Historical Society was presented for Council signature.

The Elysian Farmers Market was discussed. Planning and Zoning had initiated the market several years ago to be held at the Tourism Center on Thursday afternoons. The market has struggled to attract vendors. This winter the Elysian Area Chamber of Commerce (EACC) held a Winters Farmers Market one Saturday per month and it was well attended. The vendors and the EACC would like to continue the market but would like to move it to an outside location. The Planning and Zoning Commission discussed this at their meeting and recommended the City co-sponsor the market but allow the management of the market be done by the EACC and it be located on the grounds of the Tourism Center.

On motion by Houlihan, seconded by McBroom, all voting in favor, to co-sponsor the Elysian Farmers Market with the Elysian Area Chamber of Commerce, that the Elysian Area Chamber of Commerce will manage the market and that it will be held on the Tourism Center grounds on Saturday mornings.

The Elysian Area Chamber of Commerce (EACC) will no longer be paying for the landline at the Tourism Center. The Emergency Management Director would like to keep the landline and has asked if the landline can be part of the Civil Defense budget.

Council directed staff to research some less expensive options for a landline and report back at the next Council meeting.

The Chamber City-Wide Garage Sales are scheduled for May 13-15, 2022.

The Elysian Area Chamber of Commerce is sponsoring a Wine & Beer Tasting Event May 14, 2022 from 5:00 to 8:00 pm at the Elysian American Legion Post #311.

The City Wide Clean Up will be held Saturday, May 21, 2022 from 8:00 to 11:00 am at Lake Francis Beach parking area.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 790/22
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 2, 2022,

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 2, 2022 in conjunction with the July 4th Celebration.

Upon vote being taken:

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

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

Council Members voting in the negative: None

Adopted by the City Council of the City of Elysian this 9th day of May, 2022.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

On motion by Schnoor, seconded by McBroom, all voting in favor, for the City to provide Police Protection and Porta-Pots for the Fourth of July Celebration in an amount up to \$3,000.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 791/22
ELYSIAN AREA CHAMBER OF COMMERCE
REQUEST FOR TEMPORARY 4-DAY LIQUOR LICENSE

WHEREAS, the Elysian City Council was presented with a request from Elysian Area Chamber of Commerce for a temporary 4-day Liquor License, in conjunction with the 2022 4th 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 4-day Liquor License in conjunction with the 2022 4th of July Community Celebration.

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 9th day of May 2022.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

On motion by Houlihan, seconded by McBroom, all voting in favor, to approve the following Elysian Area Chamber of Commerce Fourth of July Celebration request:

REQUEST OF STREETS TO BE CLOSED DURING
JULY 4TH CELEBRATION 2022

JUNE 28th – JULY 5th.

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

FRIDAY, JULY 1st.

Second Street SW (in front of Bank) from Alley to Main Street – 3 pm to after Johnny Holm dance.

MAIN STREET FROM COUNTY ROAD #11 TO FIRE HALL FROM 6:00 P.M. TO END OF JOHNNY HOLM DANCE.

SATURDAY, JULY 2ND.

Second Street from Main to Alley will be open until noon. Noon Main Street will be closed from start of vendors to Fire Hall.

SUNDAY, JULY 3RD.

SECOND STREET SW - IN FRONT OF BANK FROM ALLEY TO MAIN STREET – FROM 6:00 am UNTIL AFTER FIRE FIGHTERS DANCE.

MAIN STREET CLOSED FROM COUNTY ROAD #11 EAST TO JUST PAST THE FIRE HALL AND MAIN STREET FROM COUNTY ROAD #11 WEST TO SECOND STREET NW FROM 6:00 A.M. TO AFTER CAR SHOW.

MONDAY, JULY 4TH.

SECOND STREET SW - IN FRONT OF BANK FROM ALLEY TO MAIN STREET – FROM 6:00 A.M. UNTIL 6:00 PM.

MAIN STREET EAST FROM THIRD STREET NE TO COUNTY ROAD #11 AND WEST ON MAIN STREET FROM COUNTY ROAD #11 TO STATE HWY #60 UNTIL AFTER THE PARADE – From County Road #11 West on Main Street to HWY #60 will be opened after parade, approximately 3:30 pm. From County Road #11 East to past Fire Hall will remain closed until after 6:00 pm.

Detour signs will be placed on County Road #11 at Lake Avenue NE for incoming traffic from the North to Frank Avenue NE to Third Street NE to Lake Tustin Road.) Traffic from the North can get to Hwy #60 until 1:00 pm just prior to start of parade. (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.

TUESDAY, JULY 5TH.

Tent will be removed.

Council was provided with the League of MN Cities publication “A Good Start to Good Governance.”

Staff was directed to investigate options for a security system for all City-owned buildings.

Staff was directed to contact Xcel Energy to discuss updating Main Street lights to LED.

Council received an update on the activities of the Emergency Management Department. Staff was directed to invite the new Emergency Management Director to attend a future Council meeting.

Jason Moran, City Attorney, presented the Sakatah Singing Hills State Trail Operations and Maintenance Cooperative Agreement between the State of Minnesota and the City of Elysian.

Moran noted this agreement has been discussed for the last couple of months. The State of Minnesota has agreed to all the City’s requested changes.

On motion by McBroom, seconded by Houlihan, to approve the Sakatah Singing Hills State Trail Operations and Maintenance Cooperative Agreement between the State of Minnesota and the City of Elysian. Voting on the Motion: Aye: Houlihan, McBroom. Naye: Schnoor. Motion carried. Schnoor stated he opposed because he did not want to stick money into a building that the City did not own.

Moran reported the School Board has approved a memorandum of understanding to convey the tennis courts and ballfield to the City of Elysian. Staff is coordinating survey documents.

The property at 402 Frank Avenue NW is in the process of being cleaned up.

On motion by McBroom, seconded by Houlihan, all voting in favor, bills, payroll, and transfers were approved in the amount of \$191,884.87.

Public Comment:

Mark Sybilrud, 514 Lake Avenue NW, commented that the retaining wall and steps at the Wayside Rest are in bad shape. The culvert under County Road #11 has a lot of sand in it and needs to be cleared. Sybilrud stated he has inquired the DNR as to the status of the fishing pier by the public access and it will be installed this summer.

There was no further public comment.

On motion by McBroom, seconded by Houlihan, all voting in favor, to adjourn the meeting at 7:16 pm.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator