

**ELYSIAN CITY COUNCIL
REGULAR MEETING
SEPTEMBER 11, 2023**

The Elysian City Council met in regular session on Monday, September 11, 2023 at City Hall at 6:00 pm.

The meeting opened with a moment of silence to remember the families impacted by the September 11th attacks of 2001. The Pledge of Allegiance to the US Flag followed.

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

On motion by Westby, seconded by Houlihan, all voting in favor, to approve the minutes of the August 14, 2023 Regular Meeting as presented.

On motion by Westby, seconded by Houlihan, all voting in favor, to approve the agenda of the September 11, 2023 Regular Meeting with the following addition:

1. 13.c. Damage to Pavement Surface in the City resulting from the West Central Oil Spill of August 14, 2023.

Le Sueur County Patrol Sergeant Dan Tousley asked the Council if there were items of concern. The Council noted recent vandalism at the Wayside Rest, enforcement of the 4-way stop at Main Street and County Road #11 between noon and 1:00 pm, and speed check on Main Street West.

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

The purpose of the hearing is to allow public input from citizens on proposed Ordinance No. 107/23 – Prohibiting the Use of Tetrahydrocannabinol (THC) Products in Public Places in the City of Elysian.

City Attorney Moran stated this Ordinance will restrict the public use of THC products in public places such as city owned properties, parks, beaches, playgrounds, etc.

There were no public comments. There were no written comments.

Schnoor asked if there could be a citywide ban. Moran stated the City can only regulate the public use, not the private use.

Houlihan asked if secondhand drifting could be regulated. Moran stated that would not be enforceable under the THC ordinance but could possibly be addressed under the nuisance ordinance.

Schnoor stated he would like to add “Any place where children the age of eighteen (18) and under gather.”

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

Public Comment:

Nancy Dobson, 1238 Scenic Hideaway Lane NE, stated she is here to appeal the denial of a bathroom and kitchen sink in the new barns that were built on their property. She would like to clarify

the intended use of the barns as there seems to be concern that they will be renting the barns and they have no intent to do that. The main floor of the barns will be used for personal and business storage. The upstairs of one barn will be a game/rec room and the upstairs of the other barn will be a craft room – one big open space. Ms. Dobson requested that the bathroom and kitchen sink be permitted.

McBroom asked why the upstairs of the barns had a foundation to build a deck and the wire for lighting. Dobson stated the proposed deck is mostly decorative to add appeal and the electrical wire is for outdoor lighting.

Dobson stated the bathrooms would be located upstairs. The barns are not intended for overnight stays. She and Joe adhere to the VRBO ordinance and screen the clientele carefully. She would like to have a kitchen sink and a microwave. The barns do have heat and air. She would be happy with the bathroom without the shower.

McBroom asked why they could not just walk across the road to use the bathroom in the house. Dobson stated that in the winter it would be helpful to not have to go across and back.

Attorney Moran stated the buildings were approved as sheds. There continues to be requests for additional items. There are complaints from the neighbors of traffic and the number of people at the property.

Dobson stated the VRBO is minimally used in the wintertime. There are a few neighbors who would like it as quiet as it was before, and she and Joe try to be as respectful of the privilege of being there as possible. They want to be good stewards and community members.

Houlihan stated the City is concerned that the barns will be used as overflow for the VRBO.

Dobson stated they are licensed for so many and will not go over the allowed. They are committed to go by the laws.

On motion by Schnoor, seconded by McBroom, all voting in favor, to deny the appeal to allow bathrooms and kitchenette in the barns at 1238 Scenic Hideaway Lane NE.

Ordinance No. 107/23 was presented by Councilmember Schnoor and seconded by Councilmember Westby.

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
ORDINANCE NO. 107/23

AN ORDINANCE PROHIBITING THE USE OF TETRAHYDROCANNABINOL (THC) PRODUCTS IN
PUBLIC PLACES

WHEREAS, the City Council for the City of Elysian, Le Sueur County, Minnesota, is empowered under Minnesota Law to provide regulations for the general welfare and benefit of its residents; and

WHEREAS, the Minnesota Legislature recently enacted a law authorizing the recreational use of Tetrahydrocannabinol (THC) products and further, said law allows municipalities the authority to regulate and prohibit the public use of the same; and

WHEREAS, the City Council does hereby and herein ORDAIN as follows:

1. There shall be no public consumption of Cannabinoids, Cannabinoid products, products having a Cannabinoid Profile, products having a Cannabis Concentrate, Intoxicating Cannabinoids, Lower-Potency Hemp Derived Edibles, Synthetic Cannabinoids, or Tetrahydrocannabinol (THC) products, as those products are defined in Chapter 68, M.S.A. Section 342.01, as amended from time to time, in the City of Elysian at the following locations:
 - a. Any city owned or city leased property including the grounds, parking lot, or structures thereon;
 - b. City Hall;
 - c. City's Public Works Building;
 - d. Fire Hall;
 - e. Police Station;
 - f. Any Park;
 - g. Any Beach;
 - h. Any Playground;
 - i. Any Ballfield;
 - j. Any Concession Stand;
 - k. School grounds;
 - l. Library grounds;
 - m. Any sidewalk;
 - n. Any parking lot;
 - o. Any cemetery;
 - p. Any festival or farmers market;
 - q. Any street or sidewalk;
 - r. Any place where children the age of eighteen (18) and under gather;
 - s. Any other place where the public is invited to gather.
2. Penalty: A violation of this ordinance shall be a petty misdemeanor, punishable by a fine of \$290.

Voting Yes on the motion: Houlihan, McBroom, Schnoor, Westby

Voting No on the motion: None

Passed this 11th day of September, 2023.

Tom McBroom, Sr., Mayor

ATTEST:

Lorri Kopischke, City Administrator

The Planning and Zoning Commission met on September 5, 2023 and held a public hearing to consider the conditional use permit request of Jacob Lee to convert The Car Wash building (60 x 42 foot), 406 State Highway 60 W, into a short term rental unit with (6) six bedrooms with private

bathrooms and a shared living area in the middle of the building. This property is located in the C-2 Highway Commercial District and this use would be allowed under section (D) Conditional Uses (2) Hotels and Motels.

The public input at the public hearing included Kim Greenwald-Mitchell, owner of Mama Mercantile, 410 State Highway 60 W in favor of the proposal. It also included one written comment from Clinton Stoen, 217 Jill Lynn Circle opposed to the proposal.

The Planning and Zoning Commission recommended approval of the conditional use permit subject to the following:

1. Conditions of City of Elysian Code of Ordinance TITLE XI: BUSINESS REGULATIONS: Chapter 112. SHORT TERM VACATION PROPERTIES.
2. Screening along State Highway 60 West.

Schnoor stated that first Elysian loses the laundromat and now the car wash. The City needs to take a step back and see the first two rental units completed before they approve another one. The car wash gets used a lot and people don't want to run all the way to Waterville or Madison Lake. A lot of the problems at the car wash may be caused by the hard water and that will be resolved with the proposed water treatment plant. The people in this town should not lose another luxury.

McBroom agreed that the first project should be completed first.

Westby stated he liked the amenity and wished the car wash would be fixed. But a hotel will bring people to the City to eat in the restaurants, shop in the stores. It is recognized by the EDA as a priority and these proposed rental units will provide a place for 24 people to stay.

Houlihan stated he did not believe the Council could tell Lee he had to keep the car wash.

On motion by McBroom, seconded by Schnoor, to deny Resolution No. 865/23 – Request for Conditional Use Permit for Jacob Lee at 406 State Highway 60 West. Voting on the motion: Aye: McBroom, Schnoor. Nay: Houlihan, Westby. Motion failed.

On motion by McBroom, seconded by Schnoor, that there was sufficient time for someone to make a motion for approval of Resolution No. 865/23 – Request for Conditional Use Permit for Jacob Lee at 406 State Highway 60 West, and that time limit has passed without a motion for approval and therefore the motion is denied. Voting on the motion: Aye: McBroom, Schnoor. Nay: Houlihan, Westby. Motion failed.

There being no motion for approval, Resolution No. 865/23 – Request for Conditional Use Permit, Jacob Lee, 406 State Highway 60 West is denied.

Max Venero, 209 Jill Lynn Circle, presented the Council with a request for conveyance of property known as Outlot N, Roemhildt Second Addition. This is a 20 by 150 foot area platted for park access to the dedicated park land in the Roemhildt Addition. It is adjacent to the south lot line of Venero's property.

Moran stated Outlot N is deeded park land. The law is clear that the City can't sell dedicated park land. The City could convey the land back to Jim and Barb Roemhildt and they could give or sell the land to Venero.

Venero acknowledged that this property is an access to the park land. In the 20 years he has lived there he has only seen 10 people use the access. There are other accesses to the park.

Houlihan asked why Venero wanted the property. Venero stated his patio is only 8 feet from the property line. If the land was his, people could cross his property to enter the park. He doesn't care.

Westby stated this would eventually be developed into a park and then this access would be a blacktopped path to the park.

Clint Stoen, 217 Jill Lynn Circle, stated kids use the park for sledding. But there are other accesses to the park. There is easy access to the park on the west side. This request is not out of line.

Venero stated he has been mowing this strip of grass for 20 years because he thought it was his property and also has 5 trees planted on it.

Houlihan suggested Venero talk to the previous owner and secure a deal with them in writing. The Council could then consider conveying the property back to them.

Westby stated he would like this run by the Park Board for their comments.

On motion by McBroom, seconded by Westby, all voting in favor, to table the request of Max and Barb Venero for conveyance to them of Outlot N, Roemhildt Second Addition.

Richard Parr, SEH Engineering, presented a Supplemental Letter Agreement for the Elysian Water Treatment Plant (WTP) – Final Design in the amount of \$309,100. This phase would prepare the project, so it is ready for bidding. The costs include Project Management, Geotechnical Evaluation Assistance, RO Piloting Assistance, Final Layout Design, and Final Design (Construction Drawings).

Houlihan asked if it would be more economical to expand the Reverse Osmosis and reduce the chemical additions. Parr stated that it generally was not but that the numbers could be run both ways for comparison.

Parr clarified language of the Public Facilities Authority (PFA) grant. It is correct that the PFA grant portion of the funding is not retroactive from the June 2, 2023 award date, but the PFA loan follows different rules. Those funds can be used to reimburse any costs within 3 years of the loan. Also, the PFA grant does require proof of full funding, however, PFA loans do apply and would be considered fully funded.

SEH is looking into funding through the MN Department of Health and a Federal Grant in the amount of \$919,000.

On motion by Westby, seconded by Houlihan, all voting in favor, to approve the Supplemental Letter Agreement for Professional Services between City of Elysian, MN, and Short Elliott Hendrickson Inc. dated September 11, 2023 in the amount of \$309,100 for work on the Project described as Elysian WTP – Final Design.

Lee Istvanovich, SEH Engineering, presented W W Blacktopping, Inc. Pay Application No. 4 in the amount of \$387,730.99.

On motion by Houlihan, seconded by Schnoor, all voting in favor, to approve and accept W W Blacktopping, Inc. Pay Application No. 4 in the amount of \$387,730.99.

Istvanovich presented W W Blacktopping Change Order No. 2 in the amount of \$3,497.40 for removal of 24 feet (3 panels) of concrete curb and gutter and installation of driveway access with turf establishment on Jason Drive. This work is proposed per Council direction at the August 14th meeting to develop a compromise to provide better access for the resident at 200 Jason Drive.

On motion by McBroom, seconded by Schnoor, all voting in favor, to approve W W Blacktopping Change Order No. 2 in the amount of \$3,497.40 as presented.

Istvanovich provided an update on the 2023 Street and Utility Improvement Project. The last of the concrete will be poured tomorrow with grading on Thursday and potentially paving on Friday.

McBroom noted some of the grass is not growing on 5th Street SW. The grass planted in late summer may be established over the winter and come up in the spring. If not, it will be replanted in the spring.

Schnoor reported that a school bus was not able to get through at Third Street SW and Maple Avenue SW today and had to back all the way down Maple Avenue SW. Istvanovich will monitor the access in this area in the morning.

McBroom asked if there were additional costs related to the resident on 5th Street SW who drove through the string line on their driveway. Istvanovich reported the contractor had not requested additional compensation to redo that particular task.

Public Works Director Greenwald presented a quote from Barga Incorporated for asphalt maintenance services as follows: Rout Cracks on Shoreview East, Shoreview West, Lynae Circle, Marie Circle, James Drive, and Jill Lynn Circle in the amount of \$12,000; Blow & Go new cracks on Frank Avenue, Francis Circle South and North, and Tustin Circle South and North in the amount of \$8,000; and Mastic Gap Repairs (24 areas by 24 feet long) on Osprey Way and Egret Lane in the amount of \$6,336.

On motion by Westby, seconded by Schnoor, all voting in favor, to approve the quote from Barga, Incorporated to include Rout Cracks in the amount of \$12,000, Blow & Go in the amount of \$8,000, and Mastic Gap Repairs in the amount of \$6,336 for a total cost of \$26,336.

Greenwald presented a picture of the damage to the pavement surface behind the American Legion that resulted from the West Central Sanitation Truck on August 14, 2023. There are several of these spots throughout the City. Staff was directed to report to West Central and obtain quotes for the repair.

Greenwald reported the resurfacing and striping is complete at the Sunset Park Sports Courts. The fencing and nets will be finished tomorrow.

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 866/23
RESOLUTION ACKNOWLEDGING
A DONATION FROM BRIAN AND SUE SALZLE

WHEREAS, the City of Elysian has received a donation in the amount of \$100.00 from Brian and Sue Salzle for the Sunset Park Sports Courts renovation;

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 Brian and Sue Salzle in the amount of \$100.00 for the Sunset Park Sports Courts renovation.

Upon vote being taken:

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

Council Members voting in the negative: None

Adopted by the City Council of the City of Elysian this 11th day of September, 2023.

Approved:

Tom McBroom Sr., Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 867/23
RESOLUTION ACKNOWLEDGING AND ACCEPTING A DONATION FROM
ELYSIAN FIRE RELIEF ASSOCIATION

WHEREAS, the City of Elysian has received a donation in the amount of \$20,000.00 from the Elysian Fire Relief Association to be used toward the purchase of equipment;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian acknowledges and accepts a donation from the Elysian Fire Relief Association in the amount of \$20,000.00 to be used toward the purchase of equipment.

Upon vote being taken:

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

Councilmembers voting in the negative: None

Adopted by the City Council of the City of Elysian this 11th day of September, 2023.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator

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

RESOLUTION NO. 868/23
RESOLUTION ADOPTING THE 2024 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 2024; and
WHEREAS, the 2024 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 2024 marked as "Exhibit A" is hereby adopted.

Upon vote being taken:

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

Councilmembers voting in the negative: None

Whereupon said resolution was declared duly passed and adopted.

Dated this 11th day of September, 2023.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopschke, City Administrator

(See Exhibit A at the end of these minutes)

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

RESOLUTION NO. 869/23
RESOLUTION ADOPTING PRELIMINARY 2023 TAX LEVY, PAYABLE 2024
CITY OF ELYSIAN
LE SUEUR AND WASECA COUNTIES

WHEREAS, the City of Elysian has adopted the proposed budget for the year 2024; and

WHEREAS, the City of Elysian has determined the tax levy for taxes payable in the year 2024 to be
in the amount of \$873,039.

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 2024,
upon taxable property in the City of Elysian, for the following purposes:

General Fund	\$530,826
Fire Relief	\$ 21,332
Maintenance Replacement Eq.	\$ 10,000
Storm Sewer	\$ 5,000
Kaplan	\$ 15,000
2016 Local Improvement Levy	\$103,000
2018 Local Improvement Levy	\$115,000
2016 Fire Truck Debt	\$ 20,496
2023 Local Improvement Levy	\$ 19,612
Equipment Street Lights	\$ 16,223
Tractor / Loader	<u>\$ 16,550</u>

Total Preliminary Levy \$873,039

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

Councilmembers voting in the negative: None

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

Adopted by the Elysian City Council on September 11, 2023.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator

On motion by Schnoor, seconded by Westby, all voting in favor, to set the Truth in Taxation Hearing for Monday, December 11, 2023 at 6:05 pm.

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

CITY OF ELYSIAN
 ELYSIAN, MINNESOTA
 RESOLUTION NO. 870/23
 RESOLUTION SETTING INTEREST RATE
 FOR 2023 STREET AND UTILITY
 IMPROVEMENT PROJECT ASSESSMENTS

WHEREAS, Resolution No. 852/23, which was passed on June 12, 2023, approving the assessments for the 2023 Street and Utility Improvement Project, did approve the assessments to bear an interest rate not to exceed 5.0 percent per annum after October 31, 2023.

WHEREAS, Resolution No. 858/23 was passed on July 10, 2023, approving the sale of the Series 2023A Bonds which resulted in a True Interest Cost of 3.96 percent.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the interest rate for the assessments for the 2023 Street and Utility Improvement Project are set at 5.0% per annum after October 31, 2023.

Voting on the motion:

Voting in the Affirmative: Houlihan, McBroom, Schnoor, Westby

Voting in the Negative: None

Adopted by the City Council of the City of Elysian this 11th day of September, 2023.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 871/23

RESOLUTION AUTHORIZING THE CITY OF ELYSIAN TO SUBMIT
INFORMATION TO THE MINNESOTA PUBLIC FACILITIES AUTHORITY (MPFA)
AND TO ENTER INTO A GRANT AGREEMENT WITH THE MPFA

WHEREAS, under the provisions contained in Laws of Minnesota 2023 chapter 72, article 2, section 10, subd. 5, \$3,500,000 was appropriated to the MPFA.

“For a grant to the city of Elysian to construct, furnish, and equip a water treatment plant to treat drinking water for radium, manganese, and iron bacteria. The appropriation includes money for associated public infrastructure to transport water from wells 2 and 3 to the water treatment plant.”

WHEREAS, to receive this money, the City of Elysian must submit required information and enter into a Grant Agreement with the MPFA, and

BE IT FURTHER RESOLVED that the City of Elysian has the legal authority to apply for the grant, and the financial, technical, and managerial capacity to ensure proper construction, operation and maintenance of the project for its design life.

BE IT FURTHER RESOLVED that the Grant Agreement shall be executed on behalf of the City of Elysian by the signature of its Mayor, Tom McBroom, Sr, and its City Administrator, Lorri Kopischke. In the event of disability or resignation or other absence of either such officer, the Grant Agreement may be signed by the manual signature of that officer who may act on behalf of such absent or disabled officer. In case either such officer whose signature shall appear on the Grant Agreement shall cease to be such officer before delivery of the Grant Agreement, such signature

shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until delivery.

Voting on the motion:

Voting in the Affirmative: Houlihan, McBroom, Schnoor, Westby

Voting in the Negative: None

I CERTIFY THAT the above resolution was adopted by the City of Elysian City Council on September 11, 2023.

SIGNED:

WITNESSED:

Signature: _____

Signature: _____

Name: _____

Name: _____

Title: _____

Title: _____

The Council considered Ordinance No. 108/23 – an Ordinance to amend the Short Term Rental Ordinance – Chapter 112. The amendment will allow a maximum capacity of four (4) occupants, excluding children under the age of three (3), per bedroom to stay on the property onsite overnight (overnight being defined from sunset to sunrise).

On motion by Westby, seconded by Schnoor, all voting in favor, to set a public hearing for consideration of Ordinance No. 108/23 – An Ordinance Amending the City of Elysian’s Short Term Rental Ordinance – Chapter 112 for October 9, 2023 at 6:00 pm.

The Council discussed Voting Operations, Technology, & Election Resources (VOTER) Account Agreement. Le Sueur County will receive \$8,110.33 from the Office of the Secretary of State based on Minnesota Statutes section 5.305. The City of Elysian share of that allocation is \$57.60. As the County currently administers the absentee and mail balloting for all precincts, and pays for all maintenance for all election equipment utilized by the local units of government, and printing of ballots, the Council agreed to allow Le Sueur County to retain all VOTER Account Funds received.

On motion by McBroom, seconded by Westby, all voting in favor, to approve the Voting Operations, Technology, & Election Resources (VOTER) Agreement between Le Sueur County and Elysian City.

It was noted that garbage and recycle rates will increase per contract on October 1, 2023.

Annual employee evaluations are currently being completed. On motion by Westby, seconded by Houlihan, all voting in favor, to schedule the City Administrator evaluation for Monday, October 9, 2023 at 5:30 pm.

City Attorney Moran reported that the owner of 205 East Highway 60 will be remedying the zoning violation prior to October 1, 2023.

On motion by McBroom, seconded by Schnoor, all voting in favor, bills, payroll, and transfers were approved in the amount of \$497,405.56.

Public Comment:

Nancy Dobson, owner of the property at 1238 Scenic Hideaway Lane NE, asked if they were approved to have the bathroom without a shower and the kitchen sink.

The Council stated that was not approved.

Dobson stated she would provide further clarification of the appeal for consideration at the next Council meeting.

There was no further public comment.

On motion by McBroom, seconded by Westby, all voting in favor, to adjourn the meeting at 7:41 pm.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator