

**ELYSIAN CITY COUNCIL
REGULAR MEETING
OCTOBER 9, 2023**

The Elysian City Council met in regular session on Monday, October 9, 2023 at City Hall at 6:00 pm.

The meeting opened with the Pledge of Allegiance to the US Flag.

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

On motion by McBroom, seconded by Schnoor, all voting in favor, to approve the minutes of the September 11, 2023 Regular Meeting as presented.

On motion by Schnoor, seconded by Suemnick, all voting in favor, to approve the agenda of the October 9, 2023 Regular Meeting as presented.

Le Sueur County Captain Bruce Collins reported the County has been quiet. The Council asked Collins for increased patrol of Main Street for speed and stop sign enforcement especially over the lunch hour.

The Council asked if there were any updates on the company that was soliciting in town under the name of Arcadia? Collins stated the County had not gained much ground with that issue.

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

The purpose of the hearing is to allow public input from citizens on proposed Ordinance No. 108/23 – Amending the City of Elysian’s Short Term Rental Ordinance – Chapter 112 to 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).

City Attorney Moran stated this amendment is in response to the Council’s expressed interest in updating the ordinance to allow four persons per bedroom rather than three.

The Council discussed if allowing four was too many or if three was too restrictive. They questioned if different zoning areas should have different limits. Or if possibly there should be a “total number of guests” limit rather than maximum bedroom occupancy.

There were no public comments.

Written comments.

“I would like to voice my opinion on changing the limits of occupancy for VRBO. I highly discourage the council from doing so. As a member of the committee that set the first rules in place I would like to remind the council members there were reasons we limited the numbers we did. Here are a couple of examples:

1.) There is a house with 9 bedrooms, 4 people per bedroom means 36 people allowed. Now put 36 people in that backyard and how much noise do you think the neighbors need to put up with?? I don't care if its children running around or adults talking or drinking having a good time. They are on vacation, so it's party every night of the week.

2. If there is a fire, our fire department would be overwhelmed trying to rescue that many people.
3. These are businesses operating in residential neighborhoods, it needs to be discouraged, not encourage with higher density!
4. I would encourage the city console to send this to planning and zoning for review and update, I for one am willing to give more input on this subject. The city of Winona has some rules and limits on these, and after dealing with this by me, I have some ideas that will also help.

I would like to ask the council or even anyone in the audience, how many of you currently sleep 3 people in a room? How many sleep 4 in a bedroom? Now why should we allow these businesses to do this in your neighborhood?

Rick Galewski
109 Shoreview Drive
Elysian, MN 56028"

No further written comments were received.

On motion by McBroom, seconded by Schnoor, all voting in favor, to close the Public Hearing and open the Regular Meeting at 6:10 pm.

Public Comment: None.

County Commissioner Steve Rohlfing reported Le Sueur County has set their preliminary levy increase at 6.5%. The remodel of the Government Center is going well, and Planning and Zoning should be moved to the second floor early December. The parking lot will also be rehabbed as the retaining wall is dilapidated.

On motion by Schnoor, seconded by Suemnick, all voting in favor, to refer Ordinance No. 108/23 – Amending the City of Elysian’s Short Term Rental Ordinance Chapter 112, to Planning and Zoning Commission for further study and recommendation.

Jacob Lee, owner of The Car Wash, 406 State Highway 60, asked the Council to reconsider his Conditional Use Permit (CUP) request to convert the building to a short term rental unit. He has submitted a new plan which includes eight separate suites with walk-in showers. This design will allow for rooms to be rented separately. He stated he will not be repairing the car wash so he will either use it as a storage shed for his crap or he will make it into a hotel.

McBroom stated the Council was concerned with approving a third short term rental unit prior to the first two units even being started.

Lee explained there is a lot of internal work that needs to be done on the car wash building. He would like the go ahead to start on the car wash and he would work on all three in different phases.

Houlihan stated he did not see a reason to wait to approve the CUP. It was nice to have a car wash, but the repair is not feasible.

Suemnick stated he owns a commercial property and he is not guaranteeing that his use will always be a tree service. It sucks to lose a car wash, but he is in favor of the CUP. It fits in as a commercial use in this zone. There has been talk by the Planning and Zoning Commission and City Council of a need for rental units for one night stay for snowmobilers and people ice fishing.

Schnoor asked Lee how far he was on the remodel of the other sheds. Lee stated the water and sewer needs to be dug in to tie into the Ahavah system. No work has been completed at this time.

On motion by Houlihan, seconded by Suemnick, all voting in favor, to grant a request to revisit the denial for a conditional use permit by Jacob Lee to convert the car wash building, 406 State Highway 60 W, into a short term rental unit.

The Council considered Resolution #872/23 – Authorizing the Conveyance of Real Estate. Max Venero, 209 Jill Lynn Circle, has requested the City convey the property adjacent to him known as Outlet N, Roemhildts Water Edge Second Addition to he and his wife.

The Park Board has reviewed the request and have responded as follows:

The Park Board objects to giving park Outlot N back to developer to give to Max Venero as follows:

1. As stated in the legal description for this property this outlet was intended as a walking trail entrance into this park and the most likely use of the park would be for walking trails.
2. This is the entrance for the SW portion of the development.
3. There are two other outlets that serve the same purpose in this development in other areas of the park and if we give one away, we are setting a precedence for the other entrances.
4. This outlet is the main connection to the most usable area of the park and could be very impactful to the future development of the park.

The Planning and Zoning Commission is recommending denial based on the following:

1. This is an important access for the future City Park.
2. It would be detrimental to the neighborhood to lose this access.
3. This provides a safe way to get to the park for the children on that side of the development.
4. This would set a precedent relating to the other accesses to the park.

Ron Greenwald, Public Works Director, asked the Council to look at the park and make a plan before making a decision. This may be the best entrance to the park, and they may not want to convey the land.

Houlihan agreed that it might not be used as a park right now but in ten years from now, it may look a lot different. If the access is given away, the City would lose some of its options.

Max Venero, 209 Jill Lynn Circle, stated that in looking at the plat, this outlet is not even equal to the other entrances going into the park. It is not even marked as that. Even the developer said that line should not be there, but they didn't want to get involved because they were concerned it would cost them money. Someone screwed up when he was shown where to plant the trees and it didn't show any twenty feet. If the City puts equipment back there all it is going to get is vandalized. Nobody is using that park. Eight people went across his land to get to the park to slide in the winter. How can the City justify holding onto that to use for a park?

Suemnick asked why Venero wanted the twenty foot strip of land. Venero stated his property line is eight feet off of his deck. This is not what he bought. He bought the entire lot. If there was a chance that would be recreational, he wouldn't even ask it. There are people shooting frisbees around, but it isn't up by his lot. And they all come in from the other side, east, west.

The Council discussed the precedent this could set for the ownership of the other accesses.

On motion by McBroom, seconded by Houlihan, to deny Resolution No, 872/23, the request of Max and Barbara Venero for the conveyance of Outlot N, Roemhildts Waters Edge Second Addition, Le Sueur County, Minnesota. Voting on the motion: Aye: Houlihan, McBroom, Suemnick. Nay: Schnoor.

Joe Meixl and Nancy Dobson, 1234/1238 Scenic Hideaway Lane were present to appeal the denial of the request to install bathroom and kitchen sink in garages. Dobson stated she would like to reassure the Council that they are well aware of the license rules for their home rental units. They do comply with those licenses. They are not requesting a rental license for the garage. They are not rental units. Meixl distributed photos of various properties within the City with accessory buildings that he believes have plumbing and partial to full living quarters.

The Council expressed an overall concern with the project. This is a short term rental property and not a residential dwelling. The use of the garages was permitted as storage. There has not been a water or a sewer permit issued. Bathrooms and kitchen sink are plumbed in without a permit. The Building Inspector has issued a stop work order.

Dobson stated the intended use is storage on the lower level of both garages with a game room on the second level of one garage and a craft room on the second level of the other garage. They are requesting a bathroom and kitchen sink in each of the garages for use by their guests.

On motion by McBroom, seconded by Schnoor, all voting in favor, to deny the request from Nancy Dobson and Joe Meixl for a bathroom and kitchen sink in the garage units at 1234/1238 Scenic Hideaway Lane.

Brent Kavitz, SEH Engineering, presented W W Blacktopping, Inc. Pay Application No. 5 in the amount of \$159,367.63. The majority of the pay application is for paving.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve and accept W W Blacktopping, Inc. Pay Application No. 5 in the amount of \$159,367.63.

Kavitz provided an update on the 2023 Street and Utility Improvement Project. W W Blacktopping is finishing up their list of items. Most of the grass is coming in nicely. There is a weed issue on Maple Avenue SW that is being addressed.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to advertise for a part-time, up to 30 hours per week, Public Works Worker at the rate of \$15.00 per hour.

Greenwald reported the new tractor and all equipment has been delivered to Smiths Mill. The generator for Well #2 is backordered until after Thanksgiving.

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 873/23
DESIGNATING POLLING PLACES
FOR YEAR 2024

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 2024:

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 polling place 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, Schnoor, Suemnick

Council Members voting in the negative: None

Adopted by the City Council of the City of Elysian this 9th day of October, 2023.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA

RESOLUTION NO. 874/23
REQUEST FOR OFF SITE LAWFUL GAMBLING

WHEREAS: the Elysian City Council was presented with a request from the Elysian Fire Department Relief Association for one day off site lawful gambling, December 2, 2023.

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 2, 2023 to the Elysian Fire Department Relief Association.

Upon vote being taken:

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

Councilmembers voting in the negative: None

Adopted by the City Council of the City of Elysian this 9th day of October, 2023.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 875/23

WHEREAS, the City Council for the City of Elysian previously authorized the City Administrator to proceed forward with the purchase of a New Holland 120 Tractor; serial number CPLE 50998 as set forth in that cost estimate from Smiths Mill Implement dated June 19, 2023; and

WHEREAS, the City of Elysian desires to finance said tractor with United Prairie Bank; and

WHEREAS, the terms of the loan for said tractor shall be 5 years at 4.91% interest.

NOW THEREFORE, upon motion made by Schnoor, duly seconded by McBroom, and passed unanimously, the City Administrator – Lorri Kopischke, and the Mayor – Tom McBroom Sr., shall be authorized to enter into this finance agreement for \$73,000 through United Prairie Bank amortized and payable over 5 years (60 months) at 4.91% interest. Further, the City Administrator – Lorri Kopischke, and the Mayor – Tom McBroom Sr. shall be authorized to sign any and all necessary documents required to facilitate the terms and conditions of this Resolution.

Dated this 9th day of October, 2023.

Tom McBroom Sr., Mayor

ATTEST:

Lorri Kopischke, City Administrator

On motion by Houlihan, seconded by McBroom, all voting in favor, to amend the 2023 Fee Schedule as follows:

Add:

Planning and Zoning Fees: Vacation - \$375.00

Special Rates: Residential Meter Charges - Water Meter Cellular Top Only: \$270

Change:

Special Rates:

Residential Meter Charges –

New Single Family Residence/Second Meter: \$335 increase to \$370

Commercial Meter: \$335 increase to \$370

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the Construction Agreement for Street Lighting Facilities between the City of Elysian and Northern States Power Company, a Minnesota Corporation and wholly owned subsidiary of Xcel Energy Inc. for prepay option on Main Street in the amount of \$132,935.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve to NOT waive the monetary limits on municipal tort liability established by Minn. Stat. §466.04.

On motion by McBroom, seconded by Schnoor, all voting in favor, to close the Wayside Rest on October 31, 2023 at 7:00 pm.

On motion by Suemnick, seconded by Schnoor, all voting in favor, to approve the request of the Elysian Area Chamber to close streets for Halloween activities to be held Saturday, October 28, 2023.

On motion by Houlihan, seconded by McBroom, all voting in favor, to schedule a workshop meeting on Monday, October 30 at 5:00 pm.

The Council was presented with a copy of the City of Elysian Comprehensive Planning Survey Results Summary. The Planning and Zoning Commission continues work on the Comp Plan Update.

Le Sueur County Public Health Walk In Flu Shot Clinic will be Wednesday, October 11, 2023 from 4-7 pm at 130 S Park Avenue, Le Center, MN.

The garbage and recycle rates will increase per West Central contract on October 1, 2023.

Employee evaluations will be completed this month.

Mayor McBroom reported the results of the City Administrator performance review. The Administrator met or exceeded all the requirements of the position.

On motion by McBroom, seconded by Houlihan, all voting in favor, bills, payroll, and transfers were approved in the amount of \$359,279.36.

Public Comment:

Brent Kavitz, 110 Shoreview Drive, commended Councilmember Houlihan for presenting the request for funding for the Water Treatment Plant at the MN House Capital Investment Committee's bonding tour stop at South Central College on October 12, 2023.

There was no further public comment.

On motion by McBroom, seconded by Houlihan, all voting in favor, to adjourn the meeting at 7:22 pm.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator