

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
JULY 8, 2024**

The Elysian City Council met in regular session on Monday, July 8, 2024, 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, Bryan Suemnick, Derek Westby; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald; City Attorney Jason Moran. Absent: None.

On motion by Westby, seconded by Suemnick, all voting in favor, to approve the minutes of the June 10, 2024 Regular Meeting as presented.

On motion by Westby, seconded by Suemnick, all voting in favor, to approve the agenda of the July 8, 2024 Regular Meeting with the following addition:

13.b. Back Up Alarms.

Le Sueur County Captain Bruce Collins reported that the month of June was quiet with several calls for medical, traffic and parking control. Most recently, the water patrol has been busy enforcing the no-wake zone.

The Council stated their appreciation for the Sheriff's presence in the City.

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 public hearing is to receive public input on proposed Ordinance No. 116/24 – An Interim Ordinance Prohibiting the Sale, Testing, Manufacturing, Cultivating, Growing, Transporting, Delivery, and Distribution of Cannabis Products in the City of Elysian.

City Attorney Jason Moran reported the State of Minnesota Office of Cannabis is up and running. They are not issuing licenses yet. Under the cannabis statute that was passed cities can do some regulation in terms of zoning as to where a dispensary can be placed in the City. Planning and Zoning will be working to draft a cannabis ordinance over the next couple of months. The sale of low-level cannabis products and CBD can continue. This moratorium only applies to THC products containing more than 0.3% of Tetrahydrocannabinol. This moratorium will expire on January 1, 2025 or the Council can terminate it earlier if they choose.

Public Comments: Daniel Jarosz, 102 4<sup>th</sup> Street NW, stated he agreed that there should not be a large industrial grower in the City but he does support being able to grow it in the basement or open a shop downtown. He supports crafting urban agriculture and supports online sales and the small operations grower.

Written Comments: Drew Bowlsby, 105 North Shore Drive, Judy Quiram, 103 North Shore Drive, and Clay Halvorson, 307 State Highway 60 E, submitted comments in opposition to Ordinance #116/24.

On motion by Houlihan, seconded by Suemnick, all voting in favor, to close the Public Hearing and open the Regular Meeting at 6:13 pm.

Public Comment:

Tom Mutch, 1250 Scenic Hideaway Lane NE, expressed his concern with the retaining pond on the Meixl property that is flooding his property. In a heavy rain the water comes out of the bottom end of the pond way too fast. He asked the City to work with the property owner and the city engineer so this does not happen anymore. The pond does not hold the silt and it comes down his property line and into the lake. He asked if the pond was permitted by MPCA. Was there a construction permit? This pond needs to adhere to these standards. He asked that this please be fixed so it does not come onto his property anymore.

Tina King, President of the Lake Francis Association, 5 Cedar Point Drive, stated the greatest asset in the City of Elysian is Lake Francis. King distributed a graph that showed that when the culvert was installed on Lake Francis in 1986, the water level did go down. But since then, the water level has continuously gone up. There is a real concern with regards to not only the property, the shoreline erosion, and the water quality but also with regards to the no wake zone that has been put on and the impact to the community as well. DNR has said that not only is Lake Francis receiving all the storm water from the City and the watershed but it is also getting water from the springs. So, the water continues to rise, and we need to think about what we are going to do as a City about this. July 1<sup>st</sup> of last year, the lake reached the third highest point since the culvert was installed. The water level continues to trend upwards, and we need to think about storage and outlets and whether another culvert is needed. King stated she is disappointed that the City is not putting more dollars and effort into Le Sueur's FEMA project which was a great opportunity to have an assessment done. King asked what is the vision for all of the water as we continue to develop around the lake? King asked for support of the no wake enforcement by the City. Currently there is no fine associated with breaking the no wake restriction. King asked that the City increase their participation in the Cannon Valley Watershed Study.

On motion by Houlihan, seconded by Suemnick, all voting in favor, to approve and enact Ordinance No. 116/24 – An Interim Ordinance Prohibiting the Sale, Testing, Manufacturing, Cultivating, Growing, Transporting, Delivery, and Distribution of Cannabis Products in the City of Elysian.

Craig Beckman and Kent Skaar, State Park and Trails Division, Minnesota Department of Natural Resources(MN DNR), were present to discuss the alleyway between the Sakatah Trail and the Main Street businesses and the current Joint Powers Agreement (JPA) for the Wayside Rest Building that is set to expire in June of 2025, and the block located in between.

Skaar stated that there were a number of formal trespass issues noted when the trail was recently reconstructed and for that reason, this area of the trail was skipped. The question then became, "Is there an interest by the community to acquire those properties and address these trespasses on their own?" There are several methods with various costs available for the City to acquire the property and address the trespasses. Options include:

1. A direct transfer could be made to the City and the property would be required to be kept in a recreational activity use.
2. The trespass property could be sold to each individual property owner.
3. MN DNR would give property as surplus to the City directly. There would be no fee involved. There is no limitation on the use. The State of MN would retain an easement for the trail. This would require legislative action. All documentation for the request would need to be submitted by early September. The State would address all three properties in one transaction.

Skaar stated that if the City would like to pursue the surplus option, the MN DNR would need a clear directive to begin that process in the near future.

Skaar acknowledged that there are some areas that will require further discussions such as reconstruction of the trail and upgrade to the parking lot. He noted that with the trail reconstruction, the parking lot will more than likely be redesigned. This could be accomplished via a Joint Powers Agreement with the City owning the property but allowing the MN DNR to upgrade the parking lot and to maintain it for a period of time.

The Council directed the City Attorney to draft a resolution to encourage the MN DNR, State of Minnesota, to convey the properties between State Highway 60 and Main Street, between Third Street SW and Second Street SE to the City of Elysian as surplus.

Beckman noted that the current JPA with regard to the Wayside Rest property will expire June of 2025. He asked the Council if the intent was to extend that contract until the property can be included in the possible surplus transaction. The Council acknowledged interest in this. Beckman will draft a one-year extension to the current JPA for Council consideration.

Richard Shaw, 213 East Main Street, has requested a building permit to build a detached garage. The property is zoned C-1 Central Business District. Shaw owns and lives in a house on the property. The property is being used as a residence which is not allowed in the C-1 Zoning District. The house is a non-conforming use. This use can be continued but cannot be expanded. A garage is an accessory use. Accessory uses that are allowed are those incidental to the permitted uses that are located on the same lot. As the house is not a permitted use, the addition of a garage would not be allowed. This is an expansion of a non-conforming use and is not allowed.

Shaw explained that there was a garage on the property at one time as the slab is still located on the property. He would like to build a garage for safety and security of his vehicles, bikes, and lawn equipment. Townhomes are being built across the street and there will be less room for parking vehicles on the road.

Moran stated there is not a variance process to allow a non-conforming use. The only option would be to rezone this property from C-1 to R-1 or R-2 Residential.

Houlihan noted that an issue in the City is the lack of buildable commercial property. This is one of the last commercial areas available.

The Council explained the option to request a rezoning of the property from commercial to residential to Mr. Shaw.

Brent Kavitz, SEH Engineering, presented 2023 SUIP Change Order No, 4 from W W Blacktopping, Inc. to install drain tile in the Fourth Street SW right of way in the amount of \$4,725. There is a property owner's sump pump that discharges into this area and the turf is fairly flat. It was noted that all the other houses in the cul-de-sac are hooked up to a sump basket in the front of the house. This property owner would have had to re-plumb his system to change it to discharge to the front and he refused to do so.

The Council discussed various options in detail.

There was Council consensus to extend the tile line to the rear property line of 1278 Lewis Lane and provide a sump basket. The property owner will then be required to provide a means to direct his water to this sump basket to drain into the tile within 30 days.

On motion by Westby, seconded by Suemnick, to pre-approve Change Order #4 from W W Blacktopping, Inc. to reflect that the work be changed to extend the tile line to the rear property line of 1278 Lewis Lane and provide a sump basket in an amount not to exceed \$3,000. Voting on the motion: Aye: Houlihan, McBroom, Suemnick, Westby. Nay: None. Abstain: Schnoor. Motion Passed.

The Council discussed a section of curb on Maple Avenue SW that is included in the 2023 Street and Utility Improvement Project (2023 SUIP) that was damaged when W W Blacktopping, Inc. was performing warranty work. Kavitz will ask W W Blacktopping, Inc. to take a look at it.

Schnoor reported the owner of 108 First Street South has stated that the property iron was dug up during either the 2023 SUIP or when his water service was moved, and he is requesting that it be put back. The pin was located by the rock. The rock was moved, and the pin was never put back. The City Engineer will research.

Schnoor also reported the owner of 108 First Street South is not happy with the way the existing blacktop connects to the new blacktop of the 2023 SUIP. The owner states that every time it rains there is a water puddle that sits on his blacktop. Greenwald noted that the contractor did change that blacktop this spring and installed a new 3-4 foot section in that area. So possibly that remedied the issue, and the owner has not observed that yet.

The Minnesota Department of Natural Resources (MN DNR) has selected the City of Elysian application for the 2024 Local Trail Connections Program for funding. A reimbursement grant in the amount of \$150,750 will be established contingent upon final processing of the application.

There is additional information needed that was not required at the time of the original grant application. The City has requested that SEH Engineering submit an estimate for these tasks. The proposed work consists of seeking review and approval from various government agencies and administrators as required for the grant, including the National Heritage Review Team, Le Sueur County Soil and Water Conservation District, MN DNR, the State Historic Preservation Office, and the preparation of an Environmental Assessment Statement. It was noted that the cost of these additional requirements is not reimbursable as part of the grant.

SEH Engineering has submitted a Supplemental Letter Agreement for Task 5.0 – Local Trail Connections Grant Documentation in the amount of \$5,500.

On motion by Suemnick, seconded by Houlihan, all voting in favor, to approve Task 5,0 – Local Trail Connections Grant Documentation in an estimated amount of \$5,500, in accordance with a Supplemental Letter Agreement between the City of Elysian and Short Elliott Hendrickson, Inc. on the project described as: 2024 General Engineering Services – Amendment #1.

Greenwald reported on the flood event of June 15-24, 2024. In an effort to maintain capacity and prevent backup in the City, Public Works did release the City wastewater directly into Lake Elysian. The pumps could not keep up. All authorities were advised.

Greenwald reported the July Fourth Celebration was well attended. He noted a need to expand the number of volunteers and communication with the community.

The RO Pilot Study for the Water Treatment Plant will begin within the next two weeks.

Schnoor referred to last month's meeting conversation in regard to back up alarms in vehicles. It should be City policy that all vehicles purchased by the City of Elysian come from the factory equipped with a backup alarm.

The Council thanked Public Works for their extra work during the flooding and the July Fourth Celebration.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 905/24  
RESOLUTION ESTABLISHING DATES FOR FILING AFFIDAVITS OF CANDIDACY

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

1. The period for filing affidavits of candidacy of the office of Mayor and Council shall begin on July 30, 2024 and shall close on August 13, 2024. An affidavit of candidacy must be filed in the Office of the City Administrator and the \$2.00 filing fee paid prior to 5:00 p.m. on August 13, 2024.
2. The City Administrator is hereby authorized and directed to cause notice of said filing dates to be published in the official newspaper of the city, at least two (2) weeks prior to the first day to file Affidavits of Candidacy.
3. The Administrator is hereby authorized and directed to cause notice of said filing dates to be posted at the administrative office of the City of Elysian at least ten (10) days prior to the first day to file Affidavits of Candidacy.
4. The notice of said filing dates shall be in substantially the following form:

PUBLIC NOTICE

PUBLIC NOTICE OF FILINGS AFFIDAVITS OF CANDIDACY FOR THE  
CITY OF ELYSIAN, LE SUEUR AND WASECA COUNTIES, STATE OF MINNESOTA

NOTICE IS HEREBY GIVEN THAT the City Election will be held in the City of Elysian, Counties of Le Sueur and Waseca, State of Minnesota, on Tuesday, November 5, 2024, to fill the following Offices:

Mayor – Two (2) year term  
Councilmember – Four (4) year term  
Councilmember – Four (4) year term

Affidavits of candidacy for the above offices may be filed at the Office of the Administrator at City Hall, located at 110 West Main Street between the hours of 8:00 am and 4:30 pm Monday through Friday starting on Tuesday, July 30, 2024 and ending Tuesday, August 13, 2024 at 5:00 pm. Filing fee is \$2.00.

Adopted by the City Council of the City of Elysian this 8<sup>th</sup> day of July, 2024.

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

Councilmembers voting in the negative: None

Approved:

Attested:

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Tom McBroom, Sr., Mayor

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Lorri Kopischke, City Clerk/Administrator

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

STATE OF MINNESOTA  
COUNTY OF LE SUEUR  
CITY OF ELYSIAN, MINNESOTA  
RESOLUTION NO. 906/24

RESOLUTION TO APPROVE A REQUEST FOR AN ADMINISTRATIVE  
LOT SPLIT FOR PID # 16.440.0720 210 MAIN STREET EAST

WHEREAS, Jeremy Henninger, Henninger Construction, has submitted an application for an Administrative Lot Split of the property located at 210 Main Street East (PID# 16.440.0720), and;

WHEREAS, PID # 16.440.0720 does include (2) lots and is legally described as Lots 18-19, Block 14 Logan, Elysian, Le Sueur County, Minnesota, and;

WHEREAS, a twin home under one ownership has been constructed on the property with the party wall built directly on the property line between lots 18 and 19, and;

WHEREAS, a lot split will allow separate ownership of the individual twin homes and lots, and;

WHEREAS, the proposed lot split will not result in any new lots being created but will separate the two lots into their own unique parcel identification numbers.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF ELYSIAN, LE SUEUR COUNTY, MINNESOTA, that it does hereby approve the request of Jeremy Henninger, Henninger Construction for an administrative lot split for the property known as 210 Main Street East (PID # 16.440.0720). The City Council's Findings are as follows:

- The administrative lot split will not negatively affect the physical characteristics of the lots or the neighborhood.
- The proposed administrative lot split conforms to the City's comprehensive plan.
- The administrative lot split does not create any new structures and no increased intensity is proposed as part of this request.
- The administrative lot split will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood.

Upon vote being taken:

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

Councilmembers voting in the negative: None

Approved:

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Tom McBroom Sr., Mayor

Attested:

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Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA  
RESOLUTION NO. 907/24  
RESOLUTION ACKNOWLEDGING  
A DONATION FROM ALVIN AND DORIS COON

WHEREAS, the City of Elysian has received a donation of a (3) three row bleacher set that seats 46 for the Lake Francis Park for public use from Alvin and Doris Coon.

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 Alvin and Doris Coon of a (3) three row bleacher set that seats 46 for the Lake Francis Park for public use.

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 on this 8<sup>th</sup> day of July, 2024.

Approved:

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Tom McBroom Sr., Mayor

Attested:

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Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA  
RESOLUTION NO. 908/24  
RESOLUTION ACKNOWLEDGING  
A DONATION FROM WATERVILLE ELYSIAN CLASS OF 1985

WHEREAS, the City of Elysian has received a donation of a bench in remembrance of Jill Roemhildt for the Lake Francis Park from the Waterville Elysian Class of 1985.

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 Waterville

Elysian Class of 1985 of a bench in remembrance of Jill Roemhildt for the Lake Francis Park for public use.

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 on this 8<sup>th</sup> day of July, 2024.

Approved:

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Tom McBroom Sr., Mayor

Attested:

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Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA  
RESOLUTION NO. 909/24  
RESOLUTION ACKNOWLEDGING  
A DONATION FROM HOPE AND BRYAN SUEMNICK,  
OWNERS OF SUEMNICK'S FINAL CUT TREE SERVICE LLC

WHEREAS, the City of Elysian has received a donation of an 8x10 storage shed for Elysian Little League and park use at the Lake Francis 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 a donation from Hope and Bryan Suemnick, owners of Suemnick' s Final Cut Tree Service LLC of an 8x10 storage shed for Elysian Little League and park use at the Lake Francis Park.

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 on this 8<sup>th</sup> day of July, 2024.

Approved:

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Tom McBroom Sr., Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the 2024-2025 Maintenance Agreement Contract with Green View, Inc, for custodial services at the Wayside Rest Building in the amount of \$955 per month.

On motion by Suemnick, seconded by Schnoor, all voting in favor, to approve the hire of Elysian Area Firefighters as follows: Madeline Ayers, Brandon Coon, Gage Eastwood, Patrick Ely, and Jon Kleven.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve Isaiah Berndt as an additional temporary summer employee.

The Minnesota Department of Natural Resources (MN DNR) has submitted a proposal to install a dock/pier at Lake Francis Park. MN DNR funding would cover the cost of the pier and the City would be responsible for some of the site preparation and ensuring that there is an ADA parking stall available at the site.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to pursue the possibility of a MN DNR provided dock/pier at the Lake Francis Park.

On motion by Suemnick, seconded by Westby, all voting in favor, to schedule a Budget Workshop Meeting for Tuesday, July 23, 2024 at 6:00 pm.

Main Street Seal Coating is scheduled for July 17-19, 2024.

State Highway 60 Seal Coating is scheduled to start July 22, 2024.

The Wayside Rest will be utilized as the second Rest Stop on Day 3, Wednesday, July 24 between 6:30 and 11:00 am for MS Ride Across Minnesota 5-day Bike Ride. The anticipated number of riders is 350. Mark Sybilrud is the volunteer coordinator for the event.

The Council thanked the Elysian Area Chamber of Commerce, Elysian Area Fire Department, all the volunteers, and City Staff for a safe and successful 4<sup>th</sup> of July Celebration.

National Night Out will be held Tuesday, August 6, 2024 at Lake Francis Park from 5:30 to 7:30 pm.

The Sports Courts Grand Opening and Pickleball Tournament will be held July 13, 2024 beginning at 9:00 am. The rain date is July 14, 2024. Pre-registration is available for the event.

On motion by Houlihan, seconded by Schnoor, all voting in favor, bills, payroll, and transfers were approved in the amount of \$568,189.40.

Public Comment:

Mark Sybilrud, 514 Lake Avenue NW, asked that rules of order be posted at the Pickleball Courts so that players rotate, and everyone gets a turn.

Tom Mutch, 1250 Scenic Hideaway Lane, asked why the Meixl pond is not built for filtration. He asked the Councilmembers if they had seen the video and showed them a short bit of it on his cell

phone. He stated that he had a meeting with Mike Schultz, Le Sueur County Soil and Water Conservation District. He asked what the next steps were to get this corrected.

On motion by McBroom, seconded by Houlihan, all voting in favor, to adjourn the meeting at 7:54 pm.

Approved:

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Tom McBroom, Sr., Mayor

Attested:

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Lorri Kopischke, City Administrator