

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
OCTOBER 14, 2024**

The Elysian City Council met in regular session on Monday, October 14, 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; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald; City Attorney Jason Moran. Absent: Councilmember Derek Westby.

On motion by Houlihan, seconded by Suemnick, all voting in favor, to approve the minutes of the September 9, 2024 Regular Meeting as presented.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the agenda of the October 14, 2024 Regular Meeting with the following additions:

1. Update to the Sick and Safe Time Section of the City of Elysian Personnel Policy
2. Authorize RFPs for Civil/Criminal Attorney for January Appointment

Le Sueur County Captain Bruce Collins reported that there is nothing new to report in the City. Most calls for service have been for car/deer related accidents. The buoys and navigational markers in the local lakes have been removed for the season.

Steve Rohlfing, Le Sueur County Commissioner, reported that the preliminary levy was certified at 6.8%. RFP was approved for Bolton & Menk to assist with the update to the County Land Use Plan, the County will be performing maintenance to the outlets to Lake Tustin and Rays Lake, the remodel to the inside of the Government Center is complete and the parking lot will be done by the end of October, and most of the road work will be completed by the end of October. Rohlfing reported that the Emergency Management Deputy Director has resigned, and the Emergency Management Department has now been combined with the Sheriff's Department.

Public Comment: None.

Mark Sybilrud, 514 Lake Avenue NW, presented a photo of proposed signs to honor two local residents. These signs would be mounted on the welcome signs located on the east, west and north sides of town. The signs would be \$150 each. The families have not yet been contacted. The City would be asked to share in the cost of the signs.

The Council considered Resolution No. 922/24 – Conditional Use Permit Request for Jeremy Henninger at 210A Main Street East to install an eight-foot-tall privacy fence on the west side of the property.

This property is zoned R-1 General Residential. Elysian City Code of Ordinance §156.116 Fencing (C) states: Fences shall not exceed six and one-half feet in height in residential districts or eight and one-half feet in height in commercial-industrial districts. Fences higher than these shall require a conditional use permit.

Due to the slope of the property, Henninger believes an eight-foot-tall fence is needed to provide the desired privacy to the residents of 210A Main Street East.

Henninger did apply for the conditional use permit on September 10, 2024. On September 17, 2024, Henninger called the office and requested to install the fence prior to the hearing for the conditional use permit. Staff denied that request. Heninger did install the fence without approval on September 19, 2024.

The Council asked if there was an ordinance to impose an after-the-fact penalty. City Attorney Moran stated that an ordinance has been drafted for Planning and Zoning Commission review but is not in place to address this issue.

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

CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA  
RESOLUTION NO. 922/24  
APPROVING CONDITIONAL USE PERMIT REQUEST  
FOR JEREMY HENNINGER AT 210A MAIN STREET EAST  
TO INSTALL AN EIGHT-FOOT-TALL PRIVACY FENCE  
ON THE WEST SIDE OF THE PROPERTY

WHEREAS, the City of Elysian has received an application from Jeremy Henninger for the property located at 210A Main Street East to install an eight-foot-tall privacy fence on the west side of the property which is a conditional use in the Elysian City Code of Ordinance Title XV. Land Usage §156.116 Fencing; and

WHEREAS, the subject property is known as Le Sueur County Parcel Identification R16.440.0720, and legally described as shown on the attached Exhibit A; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission on October 1, 2024 to receive public comment on the conditional use permit request; and

WHEREAS, the height of the fence proposed by Henninger is a conditionally permitted use; and

WHEREAS, following the public hearing, the Planning and Zoning Commission recommended approval of the conditional use permit, subject to conditions, for the following reasons:

1. Due to the topography of the land, a six and one-half foot fence would not provide privacy to the homeowner of 210A Main Street East.
2. Due to the slope of the land in the back of the lot at 210A Main Street East, the eight-foot-tall fence does not look to be taller than a six and one-half foot fence and does not look out of place.
3. The proposed height of the fence does comply with the City's existing Zoning Ordinance as a conditional use and is in the best interest and general welfare of the City of Elysian.

And subject to the following condition:

1. The pickets on the fence located on the west side of the property of 210A Main Street East must be at the height of six and one-half feet for the first twenty (20) feet of the fence and can then be stepped up to a height of eight feet.

WHEREAS, the City Council for the City of Elysian met, discussed the recommendations of the Planning and Zoning Commission, reviewed the application for the Conditional Use Plan, questioned Jeremy Henninger regarding the proposed fence and reviewed concept plans; and

WHEREAS, considering all of the above:

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Elysian, Minnesota hereby approval of the conditional use permit, subject to conditions, for the following reasons:

1. Due to the topography of the land, a six and one-half foot fence would not provide privacy to the homeowner of 210A Main Street East.
2. Due to the slope of the land in the back of the lot at 210A Main Street East, the eight-foot-tall fence does not look to be taller than a six and one-half foot fence and does not look out of place.
3. The proposed height of the fence does comply with the City's existing Zoning Ordinance as a conditional use and is in the best interest and general welfare of the City of Elysian.

And subject to the following condition:

1. The pickets on the fence located on the west side of the property of 210A Main Street East must be at the height of six and one-half feet for the first twenty (20) feet of the fence and can then be stepped up to a height of eight feet.

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 14<sup>th</sup> day of October, 2024.

Approved:

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Tom McBroom, Sr., Mayor

Attested:

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Lorri Kopischke, City Administrator

*Resolution No. 922/24 – Conditional Use Permit Jeremy Henninger  
210 Main Street East  
Exhibit A*

*That part of Lots 18 and 19, Block 14, in the Village of Elysian, formerly called Logan, LeSueur County, Minnesota, which lies westerly of the following described line:*

*Commencing at the southeast corner of said Lot 19; thence North 89 degrees 50 minutes 11 seconds West, (Minnesota County Coordinate System – Le Sueur County Zone – NAD83 – 1996), along the south line of said Lot 19, a distance of 49.26 feet to the point of beginning; thence North 00 degrees 09 minutes, 49 seconds East, a distance of 150.05 feet to a point on the north line of said Lot 18 and there terminating.*

The Council considered Ordinance No. 119/24 – Regulating Cannabinoid and Hemp Derived Products, Ordinance No. 120/24 - Amending §156.067 C-1 Central Commercial Business District Allowing Lower-Potency Hemp Edible Sales in Retail and Eating and Drinking Establishments as an accessory use, Ordinance No. 121/24 – Amending §156.068 C-2 Highway Commercial District

Allowing Lower-Potency Hemp Edible Sales in Retail and Eating and Drinking Establishments as an accessory use, Ordinance No. 122/24 – Amending §156.069 C-3 Neighborhood Commercial Service District Allowing Lower-Potency Hemp Edible Sales at Gas Stations and Convenience Stores as an accessory use, and Ordinance No. 123/24 – Amending §156.070 I Industrial District to allow the Manufacture and Retail Sales of Cannabinoid and Hemp Derived Products as a conditional use.

Moran noted that the Minnesota Legislature has recently regulated recreational marijuana. These proposed ordinances mirror what is currently in State Law. Ordinance No. 119/24 is a general ordinance that regulates the hours of operation, placement, and signage of the business. The amending ordinances will allow lower-potency hemp edible sales as an accessory use in the commercial zones with a cap of 6 and the hours of operation will be 8:00 am to 1:00 am, and allow manufacture and retail sales of cannabinoid and hemp derived products as a conditional use in the Industrial District with a cap of 1 and the hours of operations will be 10:00 am to 8:00 pm.

This will be an annual registration, and the fees will be set in the City fee schedule.

Houlihan asked if the ordinances would allow sales of marijuana from a home. Moran stated there will be no sales allowed in the residential district. The State of Minnesota will not issue a license for that situation.

On motion by Suemnick, seconded by Schnoor, all voting in favor, to schedule a public hearing to receive public input on Ordinance No. 119/24, Ordinance No.120/24, Ordinance No. 121/24, Ordinance No. 122/24, and Ordinance No. 123/24 for November 12, 2024 at 6:05 pm.

Lee Istvanovich, SEH Engineering, presented W W Blacktopping, Inc. Pay Application No. 10 in the amount of \$10,326.54. This pay application includes the striping of Fifth Street SW and the saw and seal of the final pavement within the 2023 SUIP project area.

On motion by Suemnick, seconded by Houlihan, all voting in favor, to approve and accept W W Blacktopping, Inc. Pay Application No. 10 in the amount of \$10,326.54.

Istvanovich presented a revised quote from W W Blacktopping, Inc. for the 4<sup>th</sup> Street Corridor Yard Drain in the amount of \$3,340. The Council had preauthorized approval of the work in an amount not to exceed \$3,000. The work would include installation of drain tile to an additional yard drain and sump basket.

Istvanovich noted that the area was wet until August 1<sup>st</sup> and since that time there has been no standing water. It was also noted that this has been an unusual summer. There was extreme rain and then there was a drought.

Ron Greenwald, Public Works, suggested that staff could do the work for a much lower cost. The only cost besides labor would be the rental of a hoe.

On motion by Suemnick, second by Schnoor, to NOT accept the quote from W W Blacktopping, Inc. for the 4<sup>th</sup> Street Corridor Yard Drain and to monitor the area for any issues. Voting on the motion: Aye – Houlihan, McBroom, Suemnick. Nay – None. Abstain – Schnoor.

Istvanovich reported that request for quotes for the Lewis Lane repair had been sent to W W Blacktopping, Nielsen, and Crane Creek Asphalt. The only quote received is from W W Blacktopping and it is in the amount of \$12,066.00. The quote includes mill and overlay, grading, inlet protection, repair damage caused by tree removal. The quote is valid for work completed on or before November 22, 2024. The City will be required to pay for the repair and pursue reimbursement from the owner directly. There is no insurance coverage.

On motion by Schnoor, seconded by Suemnick, all voting in favor, to accept the quote from W W Blacktopping in the amount of \$12,066.00 for the Lewis Lane Repair and to pursue reimbursement of the repair from the owner directly.

Istvanovich reported that (3) three quotes have been received for an archeological firm to perform a Phase 1 Archeological Survey for the Sunset Park Local Trail Connection Grant as required by the MN Department of Administration State Historic Preservation Office. They are as follows: Duluth Archaeological Center - \$6,391.74, In Situ Archaeological Consulting LLC - \$7,603.80, and 106 Group - \$19,645.00.

On motion by Suemnick, seconded by Houlihan, all voting in favor, to accept the quote from Duluth Archaeological Center in the amount of \$6,391.74 to perform a Phase 1 Archeological Survey for the Sunset Park Local Trail Connection Grant as required by the MN Department of Administration State Historic Preservation Office.

Istvanovich reported he had met with a MN DNR representative, and the representative had no issues or concerns with the proposed easement for the Sunset Park Trail to connect to the Sakatah State Trail.

Greenwald presented a quote from Ferguson Waterworks for a chemical feed pipe for Well #3 in the amount of \$998.38. The elbow pipe requires a special thread and size of pipe and will take three to four months to build.

On motion by Suemnick, second by Houlihan, all voting in favor, to approve the quote from Ferguson Waterworks for a chemical feed pipe for Well #3 in the amount of \$998.38.

Greenwald presented quotes for installation of gutters on the Tourism Center as follows: Kopischke Seamless Gutter LLC – (front side) \$545.00 (entire building) \$1,920.00, Lentz Seamless Gutters, LLC – (front side) \$575.00 (entire building) \$1,725.00. Both companies noted that the gutters will be more structurally sound if the entire building is done. The downspouts will be on the southwest and east sides of the building.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the estimate from Lentz Seamless Gutters, LLC in the amount of \$1,725.00 to install gutters on the entire building of the tourism center.

Greenwald reported that the Pilot RO Survey continues and should be completed between the first and third week of November. If the weather turns cold, the water hoses may need to be insulated.

McBroom asked when the memorial tree for Councilmember Opsahl would be planted. Greenwald stated that it just needs to be picked up.

The Council requested that the hole in the pavement in County Road #11 from the streetlight installation be repaired. The Council requested that the center line markers in Main Street be removed.

Greenwald reported that the contractors working for Metro Net had hit a three-inch gas line near the City shop. The contractor is not allowed to work in the City of Elysian anymore. Work will begin again this week with a different contractor.

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

CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA

RESOLUTION NO. 923/24  
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 7, 2024.

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 7, 2024 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 14<sup>th</sup> day of October, 2024.

Approved:

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Tom McBroom, Sr., Mayor

Attested:

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Lorri Kopischke, City Administrator

During the budget meeting, the Council directed staff to solicit quotes for installation of a generator at City Hall and at Lift Station #2. Quotes were presented from Generator System Services as follows: Generator PSS65F4-2 for City Hall in the amount of \$40,167.20 and Generator PSS40R4-2 for Lift Station #2 in the amount of \$29,774.80. There will be additional expense for electrical services, slow start for the lift station, fencing and possible concrete work. The City has American Rescue Plan Act Funds that have to be allocated prior to December 31, 2024 in the amount of \$50,080.55. The City has also been saving \$6,000 per year for 5 years and has \$30,000 available for this project.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to accept Quote #34708 from Generator System Services Inc. for the Lift Station #2 Generator in the amount of \$29,774.80 and Quote #34659 from Generator System Services Inc. for the City Hall Generator in the amount of \$40,167.20 and to allocate the remaining American Rescue Plan Act Funds to this expense.

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

CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA  
RESOLUTION NO. 924/24

A RESOLUTION TO SPEND AMERICAN RESCUE PLAN ACT FUNDS

WHEREAS, the American Rescue Plan Act (ARPA) was signed into law by President Biden in March of 2021; and

WHEREAS, ARPA appropriates funds to non-entitlement units of governments (NEUs) to mitigate the fiscal effects stemming from the public health emergency with respect to COVID-19; and

WHEREAS, a non-entitlement unit of government is defined as a city, that is not a metropolitan city; and

WHEREAS, the City of Elysian is a non-entitlement unit of government and has accepted funds from ARPA; and

WHEREAS, ARPA permits NEUs to spend ARPA funds under major categories, which include (A) supporting public health expenditures, (B) addressing negative economic impacts caused by the public health emergency, (C) replacing lost public sector revenue, (D) providing premium pay for essential workers, and (E) investing in water, sewer, and broadband infrastructure; and

WHEREAS, the City seeks to use ARPA funds on the purchase and installation of generators at City Hall and Lift Station #2.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELYSIAN, MINNESOTA AS FOLLOWS:

The City will use ARPA funds to pay for the purchase and installation of a generator at City Hall and a generator at Lift Station #2 as infrastructure investments as allowed by ARPA.

Upon vote being taken:

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

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 14<sup>th</sup> day of October, 2024.

Approved:

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Tom McBroom, Sr., Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by Suemnick, seconded by Houlihan, all voting in favor, to NOT Waive Monetary Limits on Tort Liability established by MN Statutes § 466.04 for League of Minnesota Cities Liability Coverage.

Quotes for remote access / auto lock installation and cameras at the Wayside Rest were distributed. These will be discussed at the Budget Workshop meeting.

Quotes for a citywide notification/alert system were distributed. This concept will be discussed at the Budget Workshop meeting.

Motion by Schnoor, seconded by Suemnick, all voting in favor, to close the streets for the Spook Trail October 26, 2024 at 4:00 pm as follows: Main Street from just east of the Fire Hall to Third Street NW and Second Street SE from Main Street south to State Hwy 60.

The Wayside Rest will be closed overnight on Halloween night, October 31<sup>st</sup>.

On motion by Suemnick, seconded by Houlihan, all voting in favor, to schedule a Budget Workshop Meeting for October 24, 2024 at 4:00 pm.

There is a Zoom Meeting with Senator Sandy Pappas, Chair of the Senate Capital Investment Committee, to discuss funding for the Water Treatment Plant October 15, 2024 at 10:00 am.

Employee evaluations are ongoing.

A Meet the Candidate Event will be held at the American Legion Post #311 on Wednesday, October 23, 2024 at 7:00 pm.

On motion by Suemnick, seconded by Schnoor, all voting in favor, to approve an update to the City of Elysian Personnel Policy as follows:

Page 20: Safe and Sick Time B. Bereavement Leave

- To make arrangements for or attend a funeral service or a memorial or address financial or legal matters that arise after the death of a family member.

Staff presented City Attorney Jason Moran's notice of intent of non-renewal of city attorney appointment for the City of Elysian for 2025.

Moran stated that he has experienced an increase in county caseload and has also taken on another city that is demanding a lot of his time. The Monday night meetings are problematic as Tuesdays are court days. The net income from Elysian is \$400-\$500 per month and the stress of the Monday night meetings is not worth the benefit.

Moran stated that he has enjoyed working with Elysian and with this Council specifically. The City currently is well positioned and it would be a good time to make this change.

The Council thanked Moran for his years of service to the City. He will be missed.

On motion by Houlihan, seconded by Schnoor, all voting in favor, to accept the notice of intent of non-renewal of city attorney appointment from Jason Moran and to authorize RFPs for 2025 City Attorney appointment.

McBroom reported that City Administrator Kopischke is doing a great job and that is reflected in the results of her performance evaluation that was completed tonight. City Administrator exceeded all requirements of the position.

On motion by Schnoor, seconded by Houlihan, all voting in favor, bills, payroll, and transfers were approved in the amount of \$145,953.97.

Public Comment: None.

On motion by McBroom, seconded by Houlihan, all voting in favor, meeting adjourned to closed session to discuss the purchase of real estate at 7:43 pm.

On motion by Schnoor, seconded by Suemnick, all voting in favor, to reopen the meeting at 8:04 pm.



McBroom summarized the closed session as discussion of the purchase of real estate. Staff will contact the financial advisor to discuss financing options and report back to the City Council.

On motion by McBroom, seconded by Houlihan, all voting in favor, to adjourn the meeting at 8:10 pm.

Approved:

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Tom McBroom, Sr., Mayor

Attested:

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Lorri Kopischke, City Administrator