

**ELYSIAN CITY COUNCIL
REGULAR MEETING
DECEMBER 9, 2024**

The Elysian City Council met in regular session on Monday, December 9, 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, and 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 November 12, 2024 Regular Meeting as presented.

On motion by McBroom, seconded by Schnoor, all voting in favor, to approve the agenda of the December 9, 2024 Regular Meeting as presented.

Le Sueur County Captain Bruce Collins reported that things have been quiet in the City and in the County as a whole. With the winter months upon us, he advised residents to be cautious of the ice depths on the lakes.

The Council noted that semi-trucks are not slowing down on State Highway 60 when they drive through in the overnight hours. Collins stated that he will report that.

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 receive public input from citizens on the 2025 Final Budget and the Tax Levy for 2024 payable 2025.

The City of Elysian Tax Levy Payable 2025 is \$924,748 which is a 5.9% increase from the 2024 Payable Levy of \$873,039. The largest increase to the Levy is in the General Fund. This increase is driven by a reduction in the 2025 LGA Funding from the State of MN, 3% COLA for 4 full-time employees, increase in employee health benefit costs, purchase of Generator for City Hall, purchase of compact multi-use tractor, continued security upgrades to city-owned property, and refurbishment of street sweeper.

The City of Elysian’s Tax Rate over the last five years is shown in the chart below.

	2021	2022	2023	2024	2025
Net Tax Capacity	1,103,804	1,217,946	1,509,959	1,595,961	1,652,377
Property Tax Levy	719,037	761,450	802,483	873,039	924,748
Local Tax Rate	65.144	62.520	53.15	54.70	55.96

Enterprise Funds include water, sewer, and storm sewer. Major projects in 2025 for these funds are clean / paint water tower, manhole rehabilitation, Lift Station #2 Start Up Drives and Generator, and Water Treatment Plant.

The total 2024 Expenditure Budget is \$1,903,178 and total 2025 Expenditure Budget is \$2,099,765.

There were no public comments. No 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 6:08 pm.

Public Comment: Mark Sybilrud, 514 Lake Avenue NW, thanked the City staff, Megan James, and the Fire Department for all the work they did for the festivities this past weekend. There was a great turnout.

Sybilrud stated that there are rumors around that the City is purchasing land to build a new City Shop / Fire Department. He stated he is not against it but there are three firefighters on the council, would they all abstain? Suemnick is moving out of town. Hunter will be new so he and McBroom would be saddled with this decision. Sybilrud stated that this raises red flags for him. He owns a modest two-bedroom home with a fixed income. The County taxes are \$2,400 per year and the school district taxes are \$1,300 per year for the next 15-20 years. The City needs a new water treatment plant for \$3-4 million. What if state funding does not come through? Where does the money come from? He is asking for transparency. The people should have some input on how the money is spent possibly through surveys or open meetings.

There were no further public comments.

Mark Sybilrud, 514 Lake Avenue NW, presented a proposal for signs "Home of Rose Hollermann" and "Home of Jerry Terrell" to be placed at the welcome signs on the east and west side of the City. He asked the City to participate in 50% of the cost of the signs - \$483.19. The Elysian Chamber will pay the remainder.

Schnoor stated he was not real comfortable with this request. There are other people in the City who have done a lot for the City and have never received any recognition. He is not aware of anything that Jerry Terrell has done for the City of Elysian. Rose Hollermann did not use "Elysian" as her hometown when she participated in the Para-Olympics. She used the "City of Mankato" as her hometown. There are so many others in the City who have done so much for Little League, town baseball, and have never asked for recognition.

Sybilrud stated that these two people are not looking for recognition. We should be proud of the people who come from our community.

Suemnick stated he would cover half of the cost of the signs if the Elysian Chamber covered the other half of the cost.

On motion by Westby, seconded by Houlihan, all voting in favor, to allow the "Home of Rose Hollermann" and "Home of Jerry Terrell" signs to be placed on City property with the funding for the purchase of the signs being secured elsewhere.

On motion by McBroom, seconded by Suemnick, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:21 pm.

The purpose of the hearing is to receive public input from the citizens on proposed Ordinance No. 124/24 – Amending Section 156.999; Penalty Provision of the Zoning Code to Include an After-the-Fact Penalty for Variance Violations.

The City Attorney has revised this proposed Ordinance No. 124/24 based on the Council discussion at the November meeting. This will be a misdemeanor offense punishable by up to 90 days incarceration or a fine of up to \$1,000 or both. And the City may, in addition to criminal prosecution,

commence an enforcement action to remove the unpermitted improvements. This Ordinance allows for an after-the-fact administrative penalty of \$2,500.

There were no public comments. No written comments were received.

On motion by Houlihan, seconded by Suemnick, all voting in favor, to close the Public Hearing and open the Regular Meeting at 6:24 pm.

It was noted that Louis and Mary Schaar were not present at the meeting. Suemnick stated that they are withdrawing their request for an exception to City of Elysian Code of Ordinance Chapter 51. §51.08 Repair of Leaks and Installation and Maintenance of Service.

On motion by McBroom, seconded by Westby, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:25 pm.

The purpose of the hearing is to receive public input from citizens on proposed Ordinance No. 125/24 – Regulating Bed and Breakfast Facilities in the City of Elysian.

This Ordinance will repeal and replace that Ordinance known as §156.119 Bed and Breakfast Establishments. The performance standards in this Ordinance are similar to those in the Short Term Rental Ordinance. Items specific to a Bed and Breakfast establishment include:

13. Meals shall be served to guests only. There shall be no separate or additional kitchen facility located in any guest rooms.

15. All Bed and Breakfast facilities must have a Conditional Use Permit and be Licensed by the City of Elysian.

17. The Bed and Breakfast use shall be incidental and secondary to primary residential use of the property. It shall be owner occupied.

The Ordinance requires yearly license renewal with inspection every three years and includes a means for suspension and/or revocation of license.

Public Comment: Leo Brown, 117 Willow Point Drive, noted that he had also submitted his comments in written form. Brown commended the Planning and Zoning Commission and the City Council for seeing the need and the benefit to “mirror the requirements” of the Short Term Rental and Bed and Breakfast Ordinances while recognizing that the Purpose (A) of each are very similar and whatever differences between them being minor overall. Brown noted that the revision now includes all the requirements and suggested that a Conditional Use Permit “CUP” no longer is needed for the Bed and Breakfast. He reported speaking with Andrew Nicolin at Le Sueur County and he is not aware of any other cities that require a CUP for a Bed and Breakfast license. He recommends that Ordinance No. 125/24 be amended to eliminate any / all CUP requirements.

There were no further Public Comments.

Written Comments were received from Leo Brown, 117 Willow Point Drive, as referred to above.

City Attorney Moran stated that he agreed that with this update, there would no longer be a need for a Conditional Use Permit requirement as part of the proposed Ordinance No. 125/24.

On motion by Houlihan, seconded by Schnoor, all voting in favor, to close the Public Hearing and open the Regular Meeting at 6:36 pm.

On motion by Westby, seconded by Suemnick, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:37 pm.

The purpose of the hearing is to allow public input from citizens on proposed Ordinance No. 126/24 – Amending Ordinance No. 115/24 – Short Term Rental Ordinance.

The only proposed Amendment to the Short Term Rental Ordinance is to Section (B) 3. Density. Only one (1) short term rental shall be allowed within 1,000 linear feet of an existing Short Term Rental or Bed and Breakfast in a residential zone and no more than 5% of the City household units (as determined by the most current Census) may hold short term rental license in the City at one time.

There were no public comments. No written comments were received.

On motion by McBroom, seconded by Suemnick, all voting in favor, to close the Public Hearing and open the Regular Meeting at 6:38 pm.

Lee Istvanovich, SEH Engineering, presented W W Blacktopping, Inc. Pay Application No. 11 (final) in the amount of \$29,134.46.

The Council asked when the warranty on the project started. Istvanovich stated that the two (2) year warranty started at the time of substantial completion.

On motion by Westby, seconded by Suemnick, all voting in favor, to accept and approve W W Blacktopping, Inc. Pay Application No. 11 (final) in the amount of \$29,134.46.

Istvanovich reported that the Archaeologist is still hoping to start work at Sunset Park this year.

Ron Greenwald reported that there is a large cottonwood tree in Fourth Street NW intersecting with Lake Avenue NW that has a large area that is rotted. It is a dangerous tree. The homeowner next to the City property has requested that the tree be removed. The tree radius is six feet. The rotted area is six feet high and three and a half feet wide.

Greenwald presented two quotes for removal of the tree and grinding of the stump: Morsching's Tree Service, Inc. in the amount of \$11,000, and Suemnick's Final Cut Tree Service, L.L.C. in the amount of \$9,800.

On motion by Schnoor, seconded by Houlihan, to accept and approve the quote from Suemnick's Final Cut Tree Service L.L.C. in the amount of \$9,800 to remove the tree, grind the stump and replace the black dirt for rotted cottonwood tree at 4th Street NW and Lake Avenue NW. Voting on the motion: Aye – Houlihan, McBroom, Schnoor, Westby. Naye – None. Abstain – Suemnick.

Greenwald reported that the generator at well #2 is installed, has been tested and is running well.

Greenwald reported that there have been issues with the electricity for the Christmas lights on the Main Street streetlights, but everything is working now.

Greenwald reported that the RO Pilot Study is complete, and all tests' results have been forwarded to Wigen.

Councilmember Houlihan introduced Ordinance No. 124/24 and was seconded by Councilmember Suemnick.

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
ORDINANCE NO. 124/24

An Ordinance Amending Section 156.999; Penalty Provision of the Zoning Code to Include an After-the-Fact Penalty for Land Use Violations

Whereas, the City Council for the City of Elysian has the authority under Minnesota Law, to regulate land uses, and penalties for violating the same, within the corporate limits of the City of Elysian; and

Whereas, the current penalty provision of the Zoning Code does not contain what is commonly referred to as an “after-the-fact” penalty provision for violators who violate the Zoning Code and then request a Land Use Permit, Variance, or Conditional Use Permit, to authorize their violation. To deter violations, and encourage adherence, the City Council finds it appropriate to Amend its Penalty Provision to include an “after-the-fact” administrative financial penalty.

NOW THEREFORE, the City Council for the City of Elysian, hereby and herein Ordains as follows:

That Section 156.999 shall be amended to read as follows:

- (A) Any violation of the terms and conditions of this Ordinance shall be deemed a misdemeanor offense punishable by up to 90 days incarceration and a fine of up to \$1,000, or both. Each day that a violation exists shall constitute a separate offense. The city may, in addition to criminal prosecution, seek an injunction to stop any violation of this chapter and may commence an enforcement action to compel removal of unpermitted improvements.
- (B) Any person who violates any provision of this Chapter and then subsequently applies to the City for a Land Use Permit, Land Use Variance, or Conditional Use Permit with respect to the violation shall, in addition to any Permit, Variance, or Conditional Use Permit fee additionally be responsible for the payment to the City of an after-the-fact administrative penalty of \$2,500. Nothing herein shall be construed as a waiver of the City’s right to proceed with an enforcement action compelling the removal of unpermitted improvements or the prosecution of offenses in violation of the City’s Zoning Code. Any such administrative penalty shall be paid at the time of application of the Land Use Permit, Variance or Conditional Use Permit as set by the Council.

Upon motion made the same passed unanimously.

This Ordinance shall be effective upon publication.

Tom McBroom, Sr., Mayor

ATTEST:

Lorri Kopischke, City Administrator

The Council discussed proposed Ordinance No. 125/24 and the need to require a Conditional Use Permit for a Bed and Breakfast License. There was consensus to approve Ordinance No. 125/24 with the requirement for a Conditional Use Permit removed.

Councilmember Schnoor introduced Ordinance No. 125/24 and was seconded by Councilmember Westby.

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
AN ORDINANCE REGULATING BED AND BREAKFAST FACILITIES IN THE CITY OF ELYSIAN
ORDINANCE NO. 125/24

- (A) Purpose. The purpose of this Ordinance is to allow and provide for the Licensing, Inspection, and operation of Bed and Breakfast facilities which consist lodging for over-night stays within a primary residential owner-occupied dwelling.
- (B) Land Use Performance Standards/General Requirements and General Regulations.
1. Maximum capacity.
 - a. Residential Zone: No more than three (3) occupants, excluding children under age three (3), per bedroom shall be allowed to stay on the property onsite overnight (overnight being defined from sunset to sunrise). During the daytime hours, as defined from sunrise to sunset, that maximum capacity shall be no more than 1.5 times the overnight capacity.
 - b. Commercial Zone: No more than four (4) occupants, excluding children under age three (3), per bedroom shall be allowed to stay on the property onsite overnight (overnight being defined from sunset to sunrise). During the daytime hours, as defined from sunrise to sunset, that maximum capacity shall be no more than 1.5 times the overnight capacity.
 2. A maximum of one bed and breakfast per conforming dwelling lot of record in a residential zone. The one (1) rental unit allowed must be the primary structure associated with the lot in question and cannot be an outbuilding, camper, motor vehicle, recreational vehicle, guest house, guest cottage, or any other structure.
 3. Density. Only one (1) Bed and Breakfast shall be allowed within 1,000 linear feet of another Bed and Breakfast or Short Term Rental, as Short Term Rental is defined in Elysian Ordinance 95/19 in a residential zone.
 4. Onsite parking only. Parking must be in designated parking spaces only. This includes all motorized vehicles, fish houses, campers, and trailers. There shall be one (1) designated and dedicated parking space per bedroom. The number and location of parking spaces must be included and clearly defined and delineated on the Bed and Breakfast Application. All parking spaces shall be a minimum of two hundred (200) square feet and be on an impervious surface.
 5. Rentals of motorized watercraft and recreational vehicles are prohibited.
 6. Quiet Hours. Quiet Hours shall be from 10 PM to 7 AM. During this time, excessive or loud noise is prohibited. Excessive or loud noise shall be defined as unreasonably loud, boisterous, obscene, offensive, or abusive language or noise as heard from a neighboring property to the licensed property. It shall include, but not necessarily be limited to the following types of conduct: shouting, yelling, playing loud music, unreasonably loud conversation, or loud partying, all as heard from the neighboring property.
 7. Property lines shall be clearly marked with the applicant submitting a map with clearly delineated property lines on the application.

8. Fireworks shall be prohibited.
9. Garbage and Garbage Removal. All garbage, refuse, or recycling shall be stored completely enclosed in designated garbage containers. The property shall be serviced for garbage removal by a professional removal company per the City's Ordinances. Per City Ordinance §153.19 garbage cans are also to be removed from the boulevards by the day following garbage pickup.
10. Campfires. All campfires shall be confined to a three (3) foot by three (3) foot maximum size. There shall be no unattended campfires. Campfires shall be in designated areas only.
11. Sewage.
 1. The property must have a fully operational and fully complaint subsurface sewage treatment system (SSTS) or be connected to municipal services.
 2. Holding tanks are prohibited.
 3. The property must follow and comply with Le Sueur County's compliance inspection time parameters.
 4. The system must be properly sized for proper use.
 5. The SSTS must be kept in a constant state of compliance and under a valid Operating Permit.
12. The discharge of firearms, including CO2, pellet, or BB guns, is prohibited.
13. Meals shall be served to guests only. There shall be no separate or additional kitchen facility located in any guest rooms.
14. Pets shall be attended to and leashed at all times.
15. All Bed and Breakfast facilities must be Licensed by the City of Elysian.
16. The applicant for a License shall acquire and keep in full force and effect for the duration of the permit, liability insurance in the minimum amount of \$1,000,000 that specifically covers use of the property as a Bed and Breakfast Property.
17. The Bed and Breakfast use shall be incidental and secondary to primary residential use of the property. It shall be owner occupied.
18. An operations Guide shall be available within the premises and provided to users of the property that includes the following information:
 1. Emergency Contact Information for the Owners
 2. Maximum Capacity
 3. Parking Restrictions
 4. Quiet Hours
 5. Campfire Information
 6. Rules of the Bed and Breakfast
 7. Emergency contacts (police, fire, hospital, City Offices)
 8. Boundary Lines

(C) Licenses / Fees.

1. It shall be unlawful for any person, firm, corporation, partnership, or otherwise to operate a lodging establishment herein called for within the City who does not possess a valid Bed and Breakfast License.
2. Application. Applications for the License shall be made through the City Administrator or the City Administrator's Designee.

3. Inspections-Initial Inspection and Thereafter Every Three Years. The property shall initially be inspected by a licensed building inspector and pass such inspection. Inspections, and passage of the same, shall take place upon initial grant of the License with an additional inspection each three (3) years thereafter.
4. Licenses-Renewal. Each license shall be good for one year. Licenses shall be issued during the year and shall expire on December 31 of each and every year. Automatic renewals do not occur. License renewal applications shall be submitted to the City on forms provided by it, with the renewal fee, no later than one month proceeding the date of expiration.
5. Renewal Fee Schedule. Initial and renewal license applications shall be accompanied by the applicable fee. All license fees are non-refundable. License fees shall be established in accordance with the City's Fees Schedule as it may be Amended from time to time.
6. Licenses are Non-Transferable including change of ownership situations.

(D) Inspection/Enforcement.

1. The City shall contract with a professional inspector to verify compliance with the terms and conditions of this Ordinance.
2. The establishment to be regulated hereunder shall fully comply with the Minnesota State Building Code, State Fire Code, State Mechanical Code, City's Ordinances, City's Zoning Code, and the Terms and Provisions of this Ordinance.
3. The person operating an establishment shall, upon request of the City or City's Inspector, permit access to all parts of the establishment at any reasonable time for the purpose of inspecting and shall exhibit and provide such records necessary to ascertain compliance with the provisions of this Ordinance.
4. Any noted deficiencies noted by the inspector shall be remedied timely as determined by the Inspector.

(E) Suspension and/or Revocation of License.

1. Licenses may be suspended temporarily by the City Administrator, at any time for failure of the license holder to comply with the terms and requirements of this Ordinance. Notice of temporary suspension shall be mailed by first class U.S. Mail to the address indicated on the License Application. The Applicant shall be entitled to an opportunity for a hearing before the City Council to address the temporary suspension. Said request for hearing shall be filed with the City Administrator within ten (10) working days of the City Administrator's notice of revocation. In the event that the time parameter set forth herein is not complied with then the License Holder shall be deemed to have waived their right to a hearing on the suspension issue.
2. Emergency Closure. Whenever the City finds that an emergency exists which requires immediate action to protect public health, it may, without notice or hearing, issue an Order reciting the existence of an emergency and require that such action be taken as deemed necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, such Order shall be effective immediately. Any person to whom an Emergency Order is directed

shall comply therewith immediately.

- a. Emergency Closure Procedure. Emergency Closure of an establishment will be ordered if a prohibited activity is occurring or it is determined that the Establishment is an imminent health hazard.
- b. Following an Emergency Closure, the establishment shall not reopen or allow others to be permitted to be on the site, without written permission from the City.
- c. The City must give written permission to reopen upon submission of satisfactory proof that the property condition(s) causing the need for emergency closure have been corrected or removed by the operator(s).

(F) Penalty for Violation. Any violation of the Ordinance, by either the owner, tenant, occupant, manager, or such other person having control over or being present at the establishment is a Misdemeanor Offense punishable by a fine of up to \$1,000 or ninety (90) days imprisonment. The first offense shall be a scheduled fine of \$500, the second offense shall be a scheduled fine of \$750 and the third offense shall be a scheduled fine of \$1,000.

(G) Revocation of License. Upon an license holder's third conviction in two years for any violation of the terms and conditions of this Ordinance or the terms and conditions of any provision of the City's nuisance ordinances, the license shall be reviewed by the City Council for possible revocation and upon a fourth violation in two years it shall be automatically revoked by the City Council. Upon either situation, the Applicant shall be entitled to an opportunity for a hearing before the City Council to address the revocation issue. Said request for hearing shall be filed with the City Administrator within ten (10) working days of the City Administrator's notice of revocation. In the event that the time parameter set forth herein is not complied with then the License Holder shall be deemed to have waived their right to a hearing on the suspension issue.

Effective Date. The Ordinance shall be in full force and effect upon its publication.

Repeal and Replace. This Ordinance, once passed, shall act to repeal and replace that Ordinance known as §156.119 BED AND BREAKFAST ESTABLISHMENTS.

Adopted by the City Council on this 9th day of December, 2024.

Tom McBroom, Sr, Mayor

ATTEST:

Lorri Kopischke
City Administrator

Councilmember Westby introduced Ordinance No. 126/24 and was seconded by Councilmember Houlihan.

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
ORDINANCE NO. 126/24
AMENDING ORDINANCE NO. 115/24
SHORT TERM RENTAL ORDINANCE

- (A) Purpose. The purpose of this Ordinance is to allow and provide for the Licensing, Inspection, and Rental of Short Term Vacation Properties which consist of non-traditional lodging for over-night stays on a daily or weekly basis of thirty (30) days or less of a private single-family dwelling, cabin, or condominium which provides basic living accommodations including sleeping space, toilet, and cooking space. This does not include Bed and Breakfasts, Resorts, Campgrounds, or Hotels/Motels. Attached garages, and accessory structures including, but not limited to, boat houses, detached garages, sheds, and/or barns are not acceptable dwelling units.
- (B) Land Use Performance Standards/General Requirements and General Regulations.
1. Maximum capacity.
 - a. Residential Zone: No more than three (3) occupants, excluding children under age three (3), per bedroom shall be allowed to stay on the property onsite overnight (overnight being defined from sunset to sunrise). During the daytime hours, as defined from sunrise to sunset, that maximum capacity shall be no more than 1.5 times the overnight capacity.
 - b. Commercial Zone: No more than four (4) occupants, excluding children under age three (3), per bedroom shall be allowed to stay on the property onsite overnight (overnight being defined from sunset to sunrise). During the daytime hours, as defined from sunrise to sunset, that maximum capacity shall be no more than 1.5 times the overnight capacity.
 2. A maximum of one (1) rental unit per conforming dwelling lot of record in a residential zone. The one (1) rental unit allowed must be the primary structure associated with the lot in question and cannot be an outbuilding, camper, motor vehicle, recreational vehicle, guest house, guest cottage, or any other structure.
 3. Density. Only one (1) short term rental shall be allowed within 1,000 linear feet of an existing Short Term Rental or Bed and Breakfast in a residential zone and no more than 5% of the City household units (as determined by the most current Census) may hold short term rental license in the City at one time.
 4. Onsite parking only. Parking must be in designated parking spaces only. This includes all motorized vehicles, fish houses, campers, and trailers. There shall be one (1) designated and dedicated parking space per bedroom. The number and location of parking spaces must be included and clearly defined and delineated on the Short Term Rental License Application. All parking spaces shall be a minimum of two hundred (200) square feet and be on an impervious surface.
 5. Rentals of motorized watercraft and recreational vehicles are allowed if they display a valid permit issued by the Minnesota Department of Natural Resources.

6. Quiet Hours. Quiet Hours shall be from 10 PM to 7 AM. During this time, excessive or loud noise is prohibited. Excessive or loud noise shall be defined as unreasonably loud, boisterous, obscene, offensive, or abusive language or noise as heard from a neighboring property to the licensed property. It shall include, but not necessarily be limited to the following types of conduct: shouting, yelling, playing loud music, unreasonably loud conversation, or loud partying, all as heard from the neighboring property.
7. Property lines shall be clearly marked with the applicant submitting a map with clearly delineated property lines on the application.
8. Fireworks shall be prohibited.
9. Garbage and Garbage Removal. All garbage, refuse, or recycling shall be stored completely enclosed in designated garbage containers. The property shall be serviced for garbage removal by a professional removal company per the City's Ordinances. Per City Ordinance §153.19 garbage cans are also to be removed from the boulevards by the day following garbage pickup.
10. Campfires. All campfires shall be confined to a three (3) foot by three (3) foot maximum size. There shall be no unattended campfires. Campfires shall be in designated areas only.
11. Sewage.
 - a. The property must have a fully operational and fully complaint subsurface sewage treatment system (SSTS) or be connected to municipal services.
 - a. Holding tanks are prohibited.
 - b. The property must follow and comply with Le Sueur County's compliance inspection time parameters.
 - c. The system must be properly sized for proper use.
 - d. The SSTS must be kept in a constant state of compliance and under a valid Operating Permit.
12. The discharge of firearms, including CO2, pellet, or BB guns, is prohibited.
13. Pets shall be attended to and leashed at all times.
14. All properties must be Registered and Licensed by the City of Elysian.
15. The applicant for a License shall acquire and keep in full force and effect for the duration of the permit, liability insurance in the minimum amount of \$1,000,000 that specifically covers use of the property as a Short Term Rental.
16. All properties shall have a manager of the property who is capable of effectively handling complaints and issues arising at the property. The rental owner, operator, or manager shall designate a local contact on the license application that meets the following requirements:
 - a. Must be able to respond within ten (10) minutes via phone and within thirty (30) minutes in person.
 - b. Has administrative authority over the property and guests.
 - c. Has knowledge of the vacation rental unit, the property, rental and City rules, standards, and procedures, and effectively handles the same.
17. An operations Guide shall be available within the premises and provided to users of the property that includes the following information:
 - a. Manager Contact Information
 - b. Maximum Capacity

- c. Parking Restrictions
- d. Quiet Hours
- e. Campfire Information
- f. Watercraft Information
- g. Rules of the Rental
- h. Emergency contacts (police, fire, hospital, City Offices)
- i. Boundary Lines

(C) Licenses.

1. It shall be unlawful for any person, firm, corporation, partnership, or otherwise to operate a lodging establishment herein called for within the City who does not possess a valid Short Term Rental license.
2. Application. Any person desiring to operate a property or structure thereon which consists of non-traditional lodging for over-night stays on a daily or weekly basis of thirty (30) days or less of a private single-family dwelling, cabin, or condominium which provides basic living accommodations including sleeping space, toilet, and cooking space shall first be licensed by the City of Elysian. Any such person or entity shall apply for the License through the City Administrator or the City Administrator's Designee.
Inspections-Initial Inspection and Thereafter Every Three Years. The property shall initially be inspected by a licensed building inspector and pass such inspection. Inspections, and passage of the same, shall take place upon initial grant of the License with an additional inspection each three (3) years thereafter.
3. Licenses-Renewal. Each license shall be good for one year. Licenses shall be issued during the year and shall expire on December 31 of each and every year. Automatic renewals do not occur. License renewal applications shall be submitted to the City on forms provided by it, with the renewal fee, no later than one month proceeding the date of expiration.
4. Renewal Fee Schedule. Initial and renewal license applications shall be accompanied by the applicable fee. All license fees are non-refundable. License fees shall be established in accordance with the City's Fees Schedule as it may be Amended from time to time.
5. Licenses are Non-Transferable including change of ownership situations.

(D) Inspection/Enforcement.

1. The City shall contract with a professional inspector to verify compliance with the terms and conditions of this Ordinance.
2. The establishment to be regulated hereunder shall fully comply with the Minnesota State Building Code, State Fire Code, State Mechanical Code, City's Ordinances, City's Zoning Code, and the Terms and Provisions of this Ordinance.
3. The person operating an establishment shall, upon the request of the City or City's Inspector, permit access to all parts of the establishment at any reasonable time for the purpose of inspecting and shall exhibit and provide such records necessary to ascertain compliance with the provisions of this Ordinance.
4. Any noted deficiencies noted by the inspector shall be remedied timely as determined by the Inspector.

(E) Suspension and/or Revocation of License.

1. Licenses may be suspended temporarily by the City Administrator, at any time for failure of the license holder to comply with the terms and requirements of this Ordinance. Notice of temporary suspension shall be mailed by first class U.S. Mail to the address indicated on the License Application. The Applicant shall be entitled to an opportunity for a hearing before the City Council to address the temporary suspension. Said request for hearing shall be filed with the City Administrator within ten (10) working days of the City Administrator's notice of revocation. In the event that the time parameter set forth herein is not complied with then the License Holder shall be deemed to have waived their right to a hearing on the suspension issue.
2. Emergency Closure. Whenever the City finds that an emergency exists which requires immediate action to protect public health, it may, without notice or hearing, issue an Order reciting the existence of an emergency and require that such action be taken as deemed necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, such Order shall be effective immediately. Any person to whom an Emergency Order is directed shall comply therewith immediately.
 - a. Emergency Closure Procedure. Emergency Closure of an establishment will be ordered if a prohibited activity is occurring, or it is determined that the Establishment is an imminent health hazard.
 - b. Following an Emergency Closure, the establishment shall not reopen or allow others to be permitted to be on the site, without written permission from the City.
 - c. The City must give written permission to reopen upon submission of satisfactory proof that the property condition(s) causing the need for emergency closure have been corrected or removed by the operator(s).

(F) Penalty for Violation. Any violation of the Ordinance, by either the owner, tenant, occupant, manager, or such other person having control over or being present at the establishment is a Misdemeanor Offense punishable by a fine of up to \$1,000 or ninety (90) days imprisonment. The first offense shall be a scheduled fine of \$500, the second offense shall be a scheduled fine of \$750 and the third offense shall be a scheduled fine of \$1,000.

(G) Revocation of License. Upon an license holder's third conviction in two years for any violation of the terms and conditions of this Ordinance or the terms and conditions of any provision of the City's nuisance ordinances, the license shall be reviewed by the City Council for possible revocation and upon a fourth violation in two years it shall be automatically revoked by the City Council. Upon either situation, the Applicant shall be entitled to an opportunity for a hearing before the City Council to address the revocation issue. Said request for hearing shall be filed with the City Administrator within ten (10) working days of the City Administrator's notice of revocation. In the event that the time parameter set forth herein is not complied with then the License Holder shall be deemed to have waived their right to a hearing on the suspension issue.

(H) Effective Date. The Ordinance shall be in full force and effect as of upon its publication.

Adopted by the City Council on this 9th day of December, 2024.

Tom McBroom, Sr., Mayor

ATTEST:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 928/24
DESIGNATING POLLING PLACES
FOR YEAR 2025

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 2025:

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, Westby

Council Members voting in the negative: None

Adopted by the City Council of the City of Elysian this 9th day of December, 2024.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 929/24

A RESOLUTION DIRECTING DELINQUENT UTILITY CHARGES BE PLACED ON THE
PROPERTY TAXES PAYABLE IN 2025

WHEREAS, Elysian City Code provides for the City to place utility charges on the succeeding year property tax rolls for the specified properties; and

WHEREAS, the City Council has scheduled the consideration of the certification of such charges and has caused notice to be mailed to the affected property owners; and

WHEREAS, the City Council has considered such charges at its regular council meeting of December 9, 2024 and has made a determination that delinquent utility charges exist for the specified properties set forth in "Exhibit A" attached hereto and made a part hereof.

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

That the Le Sueur County Auditor-Treasurer's Office is hereby authorized to place the delinquent utility charges on the property taxes payable in 2025, against the specified properties as set forth in "Exhibit A".

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 this 9th day of December, 2024.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator

DATE: DECEMBER 9, 2024

SUBJECT: DELINQUENT UTILITY BILLS YEAR 2024 FOR
CERTIFICATION TO TAXES PAYABLE YEAR 2025

Last Name	First Name	Address	PID #	Amount to Certify
		202 Fifth Street NW	R-16.410.0552	\$ 237.00
		112 Park Avenue NE	R-16.440.0480	\$ 905.00
		304 Park Avenue NW	R-16.410.0510	\$ 495.00
			Total	\$ 1,637.00

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA

RESOLUTION NO. 930/24

A RESOLUTION DIRECTING UNPAID MOWING CHARGES
BE PLACED ON THE PROPERTY TAXES PAYABLE IN 2025

WHEREAS Elysian City Code of Ordinance Chapter 96: Native Plants; Maintenance Standards: Turf Grasses § 96. Except for the period from May 1 to June 15 each year for residential properties, turf grasses shall be regularly cut such that no individual plant shall exceed, at any time, six inches in height or length, as measured from its base at the ground to the tip of each stalk, stem or blade consistent with § 91.11; and

WHEREAS, property owners whose grass or weeds on private or commercial property that is longer than six (6) inches have been noticed and have a five (5) day window to have the grass or weeds cut or removed.

WHEREAS, if the property owner ignores the notice and does not cut or remove the grass, the costs and expenses incurred by the city in connection with entering a property and cutting, removing, destroying and eradicating vegetation declared to be a nuisance, shall be paid by the owner or occupant of the property entered pursuant to a notice containing the information and served as prescribed by M.S. § 18.271, subd. 4.

WHEREAS, if the city is not paid the amount stated in the notice within 30 days or before the following October 1, whichever is later, such amount shall become a lien in favor of the city and a penalty of 8% shall be added to the amount due as of that date and the total cost, expenses and penalties shall be certified to the auditor of the county for entry as a tax upon such property for collection as other real estate taxes are collected, all pursuant to the provisions of M.S. § 18.271, subd. 4.

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

That the Le Sueur County Auditor-Treasurer's Office is hereby authorized to place the delinquent mowing charges on the property taxes payable in 2025, against the specified properties as set forth in "Exhibit A".

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 this 9th day of December, 2024.

Approved:

Tom McBroom Sr., Mayor

Attested:

Lorri Kopischke, City Administrator

Resolution No. 930/24
"EXHIBIT A"

DESCRIPTION OF PROPERTY BENEFITTED AND PROPERTY TO BE ASSESSED

LAST NAME	FIRST NAME	ADDRESS	PID#	AMOUNT TO CERTIFY
		112 Park Avenue NE	16.440.0480	\$100.00
		Total for Certification		\$100.00

On motion by Westby, seconded by Suemnick, all voting in favor, to approve the following On Sale, Off Sale, Club, Sunday, and Soft Drink Licenses for 2025:

Fischer's Bar Inc.	On Sale, Off Sale, Sunday, Soft Drink
KRO Bar Inc.	
dba Thirsty Beaver Bar	On Sale, Off Sale, Sunday, Soft Drink
Tuckers Tavern Inc.	On Sale, Sunday, Soft Drink
Ahavah Drops LLC	On Sale, Off Sale, Sunday, Soft Drink
American Legion 311	Club, Sunday, Soft Drink
BT Liquor LLC	Off Sale, Soft Drink
Casey's	Soft Drink
Scoops LLC	Soft Drink

Lolli-Pops Bakery
Elysian Area Chamber of Commerce

Soft Drink
Soft Drink

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 931/24
RESOLUTION ADOPTING THE 2025 FINAL BUDGET
FOR THE CITY OF ELYSIAN
LESUEUR AND WASECA COUNTIES

WHEREAS, the City of Elysian has considered and discussed the budget for the year 2025;
and

WHEREAS, the 2025 FINAL 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 FINAL budget for 2025 marked as "Exhibit A" is hereby adopted.

Upon vote being taken:

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

Councilmembers voting in the negative: None

Whereupon said resolution was declared duly passed and adopted.

Dated this 9th day of December, 2024.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
LE SUEUR AND WASECA COUNTIES, MINNESOTA
RESOLUTION NO. 932/24
RESOLUTION ADOPTING FINAL 2024 TAX LEVY, PAYABLE 2025

BE IT RESOLVED; by the City Council of the City of Elysian, Le Sueur and Waseca Counties, Minnesota, that the following sums of money are levied for the current year, collectible in 2025, upon taxable property in the City of Elysian, for the following purposes:

General Fund	\$597,141
Fire Relief	\$ 15,042
Maintenance Replacement Eq.	\$ 25,000
Storm Sewer	\$ 5,000
Kaplan	\$ 15,000
2016 Local Improvement Levy	\$105,000
2018 Local Improvement Levy	\$107,715
2016 Fire Truck Debt	\$ 18,496
2023 Local Improvement Levy	\$ 20,656
Equipment Street Lights	<u>\$ 15,698</u>
Total Final Levy	\$924,748

Councilmembers voting in the affirmative: Houlihan, McBroom, Schnoor, Suemnick, 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 December 9, 2024.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 933/24
AUTHORIZING THE CITY ADMINISTRATOR
TO FILE AN APPLICATION WITH THE MINNESOTA MANAGEMENT AND BUDGET OFFICE FOR
THE PURPOSE OF REQUESTING FUNDING TO CONSTRUCT A FILTRATION WATER
TREATMENT PLANT

WHEREAS, the Minnesota Management and Budget Office, has released application instructions for local governments and political subdivisions for 2025 capital budget requests; and,

WHEREAS, the City of Elysian has need for and intends to significantly improve its water quality and reliability for the community; and,

WHEREAS, the City of Elysian has identified this project as its number 1 priority.

NOW, THEREFORE BE IT RESOLVED, the City Administrator through actions of the Mayor and City Council, is hereby authorized to execute and file an application on behalf of the City of Elysian, with the Minnesota Management and Budget Office for the projects described above.

Upon vote being taken:

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

Councilmembers voting in the negative: None

Whereupon said resolution was declared duly passed and adopted.

Dated this 9th day of December, 2024.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 934/24
ACKNOWLEDGING A DONATION TO THE FIRE DEPARTMENT
TOWARDS THE PURCHASE OF TRUCK / EQUIPMENT
FROM CANNON VALLEY COMM FOUNDATION

WHEREAS, the City of Elysian has received a donation in the amount of \$5,000.00 from Cannon Valley Comm Foundation toward the purchase of truck / 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 Cannon Valley Comm Foundation in the amount of \$5,000.00 toward the purchase of truck or equipment.

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 this 9th day of December, 2024.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator

The Council considered proposed Ordinance No. 127/24 – Prohibiting Private Wells in the City of Elysian. On motion by Schnoor, seconded by Suemnick, all voting in favor, to schedule a public hearing to receive public input on proposed Ordinance No. 127/24 – Prohibiting Private Wells in the City of Elysian for Monday, January 13, 2025 at 6:05 pm.

On motion by Westby, seconded by Suemnick, all voting in favor, to approve the City of Elysian Full-Time Employee Wage Increase of 3% COLA to be effective the first payroll in January 2025.

The Council reviewed the Blue Earth, Nicollet, and Le Sueur County Mutual Aid Agreement. The intent of the agreement is to make equipment, personnel, and other resources available to political subdivisions from other political subdivisions. The Agreement has been approved by the Fire Chief, the City Attorney and Le Sueur County.

On motion by Houlihan, seconded by Suemnick, all voting in favor, to approve the Blue Earth, Nicollet, and Le Sueur County Mutual Aid Agreement as presented.

On motion by Suemnick, seconded by Westby, all voting in favor, to advertise Land Lease Agreement 2025-2027 for the premises located in the County of Le Sueur, and State of Minnesota as described as consisting of approximately 12 tillable acres (a portion of PID# 16.999.0310 and PID# 16.999.0300) with bid opening on February 10, 2025 at 6:10 pm.

On motion by Schnoor, seconded by Suemnick, all voting in favor, to set the Year End Meeting for Monday, December 30, 2024 at 6:00 pm.

It was noted that a work session was held at 5:00 pm tonight with a representative of Hawk Alarms Services, Inc. to discuss City Hall security. Revised quotes per that discussion will be drafted for Council consideration in January, 2025.

Thank you to all those in the community who made the 2024 Holiday Lights Parade and Winter Fun Event in Elysian a success. Thank you to Lake Area Women for the trees in the pots. Thank you to City Public Works for getting the Christmas lights up this year. It was quite a feat.

City Attorney Jason Moran provided an update on the ongoing zoning violation at 205 Fifth Street NW. This commercial property is being used as a residential property. The owner has tendered notice to vacate and cease living at the site. He will still have his business at this location.

On motion by Westby, seconded by Houlihan, all voting in favor, bills, payroll, and transfers were approved in the amount of \$242,965.95.

Public Comment:

The Council commented on the Holiday Lights Parade and asked if there was anything more the City Council could do to help with the event.

On motion by McBroom, seconded by Schnoor, all voting in favor, meeting adjourned to closed session to develop an offer concerning purchase or sale of real estate per MN Statute 13D.05, Subd. 3(b)3 at 7:23 pm.

On motion by McBroom, seconded by Schnoor, all voting in favor, to reopen the meeting at 7:40 pm.

McBroom summarized the closed session as Council discussion to authorize the City Administrator and City Attorney to proceed with negotiations for land purchase and have a resolution for consideration at the January 13, 2025 meeting.

On motion by Westby, seconded by Houlihan, all voting in favor, to adjourn the meeting at 7:42 pm.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator