

**ELYSIAN CITY COUNCIL
REGULAR MEETING
FEBRUARY 10, 2020**

The Elysian City Council met in regular session on Monday, February 10, 2020 at City Hall at 6:00 pm.

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

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the minutes of the January 13, 2020 Regular Meeting as presented.

On motion by McBroom, seconded by Suemnick, all voting in favor, to approve the agenda of the February 10, 2020 Regular Meeting with the following addition / notation:

1. Add 10(l). February 5, 2020 letter from Teri Roth re: October 25, 2019 Letter of Warning – Completion of Corrective Actions.
2. Note: Agenda Item 11. Approval of bills has been updated to include amount of \$438,293.82.

Le Sueur County Commissioner Steven Rohlfing reported the Ray's Lake Park will receive enhanced walking paths, Fish Lake will have a new dock installed, and County Road 14 between Elysian and Waterville will receive repair. The County Board is considering implementation of a half cent local option sales tax for roads. This will be discussed at a workshop on March 4, 2020. DEED has estimated this will generate \$700,000 to \$750,000 per year which can only be used on road expenses. The Cannon River Valley One Watershed, One Plan draft plan is almost complete and projects resulting from the plan are scheduled to begin Fall of 2020. The County has hired WaterGuards to provide 3,000 hours of watercraft inspection to 13 different accesses in the County this summer. The County Board is considering adoption of the State Building Code in 2021. The County Planning and Zoning Commission is working on the Solar Ordinance and, the Shoreland Permit addressing deterioration caused by high water. The County has allocated funding and is working with the townships to enhance fiberoptic and broadband within the County.

Le Sueur County Chief Deputy Nick Greenig stated all is well in the City of Elysian. He reported that in 2019 the Cannon River Drug and Violent Offender Task Force made 279 arrests with 61 arrests being in Le Sueur County. In Le Sueur County the Task Force confiscated \$470,000 in illicit drugs, \$180,000 in prescription drugs, 9 firearms, and seized 4,000 vehicles. The Cannon River Drug and Violent Offender Task Force has been named the Drug Task Force of the Year in the State of Minnesota.

Public Comment: None.

The Council then considered Ordinance 97/20 – Amending the Zoning Ordinances of the City of Elysian, Le Sueur County, MN thereby effectively rezoning property from Single Family Residential to Multi-Family Residential and calling for a change in the Zoning Map reflecting the rezoning of said property – Hidden Meadows Subdivision Block 1 Lots 2-10 and Block 2 Lots 1 and 2.

The Elysian Planning and Zoning Commission held a Public Hearing on January 21, 2020 to consider the rezoning request. Hidden Meadows Subdivision was platted in 2003 but the property was never developed and has set vacant for 17 years. Suemnick purchased the land and Henninger

Construction is interested in developing the land. The original plat includes 11 lots with small single-family homes. Henninger's concept plan includes 4 – 2 story 4-plex units (60' x 48') and 6 patio slab homes (46' x 50').

The allowed uses in the R1 Residential and R2 Multi-family Zoning Standards are very similar. The difference being that R2 Zoning allows multi-family housing up to four (4) units. It was noted that all that is being considered with this request is the rezone. Any subsequent development plans will be considered separately.

As part of the application process, the applicant has submitted as follows:

"The City of Elysian is in real need of rental properties. The proposed would fill the need of multi-family, multi-unit, new rental properties as well as main floor slab on grade rental properties for the "55 and older" market which is a growing need in all communities. There is currently no land available in which someone can build these units and this land is in an ideal location to provide this very thing. It is currently adjoining the C2 Highway zoning and would fit in well with this.

Jeremy Henninger and Henninger Construction currently has a Purchase Agreement on this land with Bryan Suemnick, pending the approval of the rezoning. There will also need to be some re-platting done based off the current design in order to accomplish the desired rental properties for size, shape and building costs to be involved. Jeremy's home was built on one of the last R2 zones in the city so there is no other area to bring the much-needed rentals into the area."

Todd Piepho, Area Hydrologist, Ecological and Water Resources, Minnesota Department of Natural Resources has commented as follows: "If this is just strictly a re-zone I don't think we will have many comments as long as it still meets the PUD requirements, however I'm cc'ing Dan Petrik in to see if he would have anything to add or correct me if I'm wrong. I'm not familiar with the original subdivision assuming they met the requirements set forth for a PUD at that time."

There was public comment at the Planning and Zoning Public Hearing generally in favor of the rezone. The only concern expressed was the possibility of these being rental units and the properties not being cared for as they would be if the homes were owner occupied.

After discussion, the Planning and Zoning Commission recommended approval of the rezone from R1 General Residential to R2 Multi-Family based on the following findings of fact:

1. This type of development is included in the City's long range and comprehensive plan.
2. Several of the areas within the City limits that are zoned for multi-family residential use have been developed with a single-family use. Rezoning of this parcel would replace some of that intended development that has been lost with those parcels.
3. Rezoning this property to R2 multi-family residential will provide a buffer and transitional zoning between the R1 and C2 zoning in this area.
4. There is a demand for the multi-family living units and currently there is a lack of this type of housing stock in the City of Elysian.
5. In addition, rezoning to R2 multi-family residential will certainly enhance the City's tax base, keep the neighborhood in harmony with the land use comprehensive plan and be in the overall best interest and general welfare of the City of Elysian.

Ordinance No. 97/20 was presented by Mayor McBroom and seconded by Councilmember Houlihan.

ORDINANCE NO. 97/20
CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA

AN ORDINANCE AMENDING THE ZONING ORDINANCES OF THE CITY OF ELYSIAN, LE SUEUR COUNTY, MN THEREBY EFFECTIVELY REZONING PROPERTY FROM SINGLE FAMILY RESIDENTIAL TO MULTI FAMILY RESIDENTIAL AND CALLING FOR A CHANGE IN THE ZONING MAP REFLECTING THE REZONING OF SAID PROPERTY.

The City Council for the City of Elysian, Le Sueur County, Minnesota, does hereby and herein Ordain as follows:

(A) Purpose. The purpose of this Amended Ordinance is to ensure for the well-being and general welfare of the citizens of the City of Elysian. Elysian currently has zoning regulations in place and a zoning map exists whereby zoning and land use control designations are in place. The City of Elysian Planning and Zoning Commission met on January 21, 2020, held a public hearing pertaining to a change in the city's zoning designation and zoning map, and upon majority vote affirmatively recommended the following Amendment to the City's Zoning Designation concerning the following properties:

The property known as Hidden Meadows Subdivision Block 1 Lots 2-10 and Block 2 Lots 1 and 2 (PID # 16.425.0020, 16.425.0030, 16.425.0040, 16.425.0050, 16.425.0060, 16.425.0070, 16.425.0080, 16.425.0090, 16.425.0100, 16.425.0110, and 16.425.0120) would be rezoned to R2 Multi-Family Residential Zone.

The Planning and Zoning Commission determined the following findings of fact:

1. This type of development is included in the City's long range and comprehensive plan.
2. Several of the areas within the City limits that are zoned for multi-family residential use have been developed with a single-family use. Rezoning of this parcel would replace some of that intended development that has been lost with those parcels.
3. Rezoning this property to R2 multi-family residential will provide a buffer and transitional zoning between the R1 and C2 zoning in this area.
4. There is a demand for the multi-family living units and currently there is a lack of this type of housing stock in the City of Elysian.
5. In addition, rezoning to R2 multi-family residential will certainly enhance the City's tax base, keep the neighborhood in harmony with the land use comprehensive plan and be in the overall best interest and general welfare of the City of Elysian.

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF ELYSIAN,
LE SUEUR COUNTY MINNESOTA,
HEREBY AND HEREIN ORDAINS AS FOLLOWS:

1. The property known as Hidden Meadows Subdivision Block 1 Lots 2-10 and Block 2 Lots 1 and 2 (PID # 16.425.0020, 16.425.0030, 16.425.0040, 16.425.0050, 16.425.0060, 16.425.0070, 16.425.0080, 16.425.0090, 16.425.0100, 16.425.0110, and 16.425.0120) would be rezoned to R2 Multi-Family Residential Zone.
2. The City's Zoning Map shall be changed to reflect this re-zone.

This Amended Ordinance shall take effect upon publication.

Passed this 10th day of February, 2020.

The Ordinance was presented by Mayor McBroom, seconded by Councilmember Houlihan with the following vote being taken:

Voting Yes: Houlihan, McBroom, Schnoor

Voting No: None.

Abstain: Suemnick

By: _____
Tom McBroom, Mayor

ATTEST:

Lorri Kopischke, City Administrator

Chris Cavett, SEH Engineering, stated he had learned of the Council's concerns expressed at the January meeting in the Elysian Enterprise. He asked to be allowed to address the concerns.

Schnoor stated his items of concern include:

1. He had it from a good source that the engineer knew there was a sewer main break in the street near the Elysian Bank and paved it anyway. Now the City had to dig up a perfectly good street.
2. The saw and sealing of the bituminous with the 2018 project. There were no inspectors present during that process. The City paid good money to have that inspected and it was not done.
3. The saw and sealing of the curb. He felt this was totally asinine. When he did concrete work areas with breaks were removed and the curb was replaced end to end.

Cavett stated that in regard to the curbs, there are mixed opinions. There is support for both methods. SEH did listen to the concerns expressed previously by Councilmember Schnoor and did perform a full evaluation of the curbs. Depending on the degree and placement of the crack, they have identified which curbs will be removed and replaced and which will be better to leave and repair.

Cavett stated the saw and seal of the pavement is something that has been done since the late 1990s. This has been shown to reduce the cracks in the pavement. The cities of New Prague and Montgomery both manage their pavement with saw and seal. It is Cavett's recommendation to do the saw and seal but if the Council does not feel it is a benefit, it does not need to be included in future projects.

In regard to the force main leak, Cavett stated that on October 15 the contractor was doing the final grading to prepare for paving the next day and a soft spot was discovered near the bend of the force main. Two weeks prior to this, when doing the subgrade there was a soft spot noted by the bank.

There were worries then that it was the force main. But the further the contractor dug, the better the soils were. The contractor dug to the force main and did not find a leak. So, on October 15, it was the same result. The contractor dug down and the ground was good and soil dry. The force main was filled and pumped and pumped and no leak. The decision was made to complete the grading and pave the street. There was not a justified reason to delay the project. Cavett stated he would not have proceeded with paving the street if he believed there was a leak.

Suemnick stated he had the same information about knowledge of the leak from a reliable source.

McBroom stated that when Councilmembers are told that something is not right in the City, they have an obligation to bring that forward to the Council or staff immediately. These issues can't be addressed with rumors and reliable sources. He believed that Cavett has served the City with integrity and continuity.

Ron Greenwald, Public Works Director, stated Lift Station A has the original floats that were installed in 1998-99. The floats are failing, and Minnesota Pump Works has inspected and recommends that three (3) of the five (5) floats be replaced. This would be two (2) floats that turn on and one (1) float that turns off. The existing floats are stainless steel and Minnesota Pump Works recommends replacing with stainless steel floats.

On motion by McBroom, seconded by Suemnick, all voting in favor, to approve the quote from Minnesota Pump Works in the amount of \$985.50 for sale and installation of three (3) stainless steel floats for Lift Station A.

Greenwald reported the Freightliner truck was damaged while plowing. The operator hooked the curb with the plow and the wing jumped up, hit the mirror and damaged the door. There is insurance coverage with a \$1,000 deductible. Two estimates were presented – TNT Body Shop LLC in the amount of \$5,341.09 and Dave's Body Shop, Inc. in the amount of \$2,105.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the estimate and have the Freightliner repaired at Dave's Body Shop in the amount of \$2,105.

Greenwald reported quarterly monitoring for radiochemicals is being conducted on the water system to determine if the system meets the maximum contaminant level (MCL) for gross alpha and combined radium 226+228. Currently, the City's water supply is below the maximum level. Gross alpha and radium 226+228 are naturally occurring contaminants that are found in groundwater throughout central and southern Minnesota. The Minnesota Department of Health will continue to monitor these levels.

Greenwald presented a quote from Dale's Marine in the amount of \$1,850 for a Yacht Club Bunk Style Trailer (P2023) for the pontoon. This amount was discussed and included in the 2020 budget.

On motion by Schnoor, seconded by McBroom, all voting in favor, to approve the quote and purchase the pontoon trailer from Dale's Marine in the amount of \$1,850.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 699/20

RESOLUTION ACKNOWLEDGING A DONATION FROM
ELYSIAN AMERICAN LEGION POST #311

WHEREAS, the City of Elysian has received a donation in the amount of \$10,007.00 from the Elysian American Legion Post #311, toward the Flagpoles and Solar Light for the Veterans Memorial at Sunset 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 the donation from the Elysian American Legion Post #311 in the amount of \$10,007.00 toward the Flagpoles and Solar Light for the Veterans Memorial at Sunset Park.

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 10th day of February, 2020.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 700/20
RESOLUTION ACKNOWLEDGING A DONATION FROM
ELYSIAN AMERICAN LEGION POST #311

WHEREAS, the City of Elysian has received a donation in the amount of \$1,500.00 from the Elysian American Legion Post #311, for tax relief to the Elysian Area Chamber of Commerce for the purpose of funding toward the July 4th Parade during the July 4th Celebration.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian acknowledges and accepts the donation from the Elysian American Legion Post #311 in the amount of \$1,500.00 for the purpose of funding toward the July 4th Parade during the July 4th Celebration.

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 10th day of February, 2020.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 701/20

RESOLUTION TO RATIFY INCREASE AND AMEND THE ELYSIAN FIRE DEPARTMENT RELIEF
ASSOCIATION BENEFIT LEVEL AND BYLAWS

WHEREAS, the Elysian Fire Department Relief Association includes Relief Association Benefit Levels in the *Restated Bylaws of Elysian Fire Department Relief Association (Appendix C)*; and

WHEREAS, Article XII of the Bylaws permits amendments to be made to the document, including the Appendixes; and

WHEREAS, at the February 3, 2020 Relief Association Annual Meeting, the Association approved and is now requesting an increase in the Benefit Level from \$1,300 to \$1,400; and

WHEREAS, amendments to the Bylaws of the Relief Association shall be reviewed and approved by the municipality per Minn. Stat. §424A.092, subd. 6; and

WHEREAS, the current financial status, including the accrued liability and annual accruing liability of the relief association attributable to the amendment, of the Association has been reviewed and found to be financially sound;

NOW, THEREFORE BE IT RESOLVED, that the City Council for the City of Elysian hereby ratifies the increase in Benefit Level to \$1,400.

BE IT FURTHER RESOLVED that the City Council for the City of Elysian approves the amendment to Appendix C of the *Restated Bylaws of Elysian Fire Department Relief Association* reflecting the increase in Benefit level.

Voting in the Affirmative: McBroom, Schnoor, Suemnick

Voting in the negative: None

Abstain: Houlihan

This Resolution shall become effective upon its passage and without further publication.

Dated this 10th day of February, 2020

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 702/20
RESOLUTION APPROVING ELECTION JUDGES
FOR THE 2020 PRESIDENTIAL NOMINATION PRIMARY

BE IT RESOLVED, by the Council of the City of Elysian, County of Le Sueur and County of Waseca, State of Minnesota, that the following persons are appointed as Election Judges for the March 3rd 2020 Presidential Nomination Primary Election contingent upon receiving necessary training hours as required by the MN Secretary of State. Their hourly rate of pay will be \$11.00, and they will receive mileage reimbursement for training if applicable. The City will provide election judges with snacks along with one meal per shift.

Judges for Elections are: Janice Evans, Charlene Howe, Julaine Jacobson, Lorri Kopischke, Patricia Nusbaum, Marie Tuve, and Brian Van Asperen.

BE IT FURTHER RESOLVED, head election judge duties will be performed by Patricia Nusbaum and Lorri Kopischke, Elysian City Clerk/Administrator. Head Election Judge(s) shall have authority to designate additional election judges should an emergency arise.

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 10th day of February, 2020.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

Joe Meixl, 1234 Scenic Hideaway Lane, representing Ray's Lake Association, has submitted a grant request to the DNR to help manage the growth of Eurasian Milfoil in Ray's Lake. Ray's Lake Association does not have a Federal Tax ID Number. Wendy Cromwell, MN DNR, has suggested that the City of Elysian could possibly serve as the fiscal agent or the grantee for the project. The expenditure and grant funding would then have to pass through the City.

On motion by McBroom, seconded by Suemnick, all voting in favor, to serve as the fiscal agent or grantee for Ray's Lake Association to be able to process a DNR grant to manage the growth of Eurasian Milfoil in Ray's Lake.

On motion by McBroom, seconded by Suemnick, all voting in favor, to approve Janice Evans for part-time office help.

On motion by Houlihan, seconded by Suemnick, all voting in favor, to schedule the City-wide Spring Clean Up for Saturday, May 16, 2020.

Craig Beckman, Parks and Trails, Minnesota Department of Natural Resources (MNDNR), has submitted a proposal to transfer to the City of Elysian, the entire block that contains the wayside building, the entire parcel that contains the alley AND the parcels on the block in between the two. This totals approximately 4.8 acres of property. MNDNR Park and Trails would retain ownership of the actual trail corridor which is roughly 14 to 20 feet wide. Outside of the trail corridor, the remainder of this property would be the City's to operate and maintain.

The parcels would be transferred to the City without cost. And, there would be no funds that would come with the parcels. There would be legal fees for title work, recording, etc. The property would need to continue to be operated for its original intent which was outdoor recreation.

The process will require legislative approval so if the City agrees to the proposal, it will not be completed until sometime in year 2021-2022.

The Council discussed the additional mowing and maintenance costs associated with owning this property. Also, at a previous meeting a MNDNR representative had suggested there would be some funds associated with the transfer of the Wayside Rest property.

On motion by McBroom, seconded by Suemnick, all voting in favor, to authorize the City Attorney and City Administrator to continue to negotiate with MNDNR on the terms of a proposal to accept the transfer of the entire block that contains the wayside building, the entire parcel that contains the alley AND the parcels on the block in between the two.

The Council acknowledged the submittal of the Wellhead Protection Plan Implementation Evaluation completed November 19, 2019 and submitted to the Minnesota Department of Health Drinking Water Protection Section.

Reminder of the Le Sueur County Elected Officials Meeting Thursday, February 27, 2020 at 6:30 pm in Le Center. Location TBD.

Reminder of Incident Command Training Wednesday, April 22, 2020 from 9:00 am to noon at South Central College, Mankato. Pre-registration is required.

The Council received notice dated February 5, 2020 from Teri Roth, Minnesota Pollution Control Agency (MPCA), that the City of Elysian has completed the corrective actions described in the MPCA October 25, 2019 Letter of Warning (LOW).

On motion by McBroom, seconded by Houlihan, all voting in favor, bills, payroll, and transfers were approved in the amount of \$438,293.82.

Public Comment: None.

On motion by McBroom, seconded by Schnoor, all voting in favor, to adjourn the meeting at 7:12 pm.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator