

**ELYSIAN CITY COUNCIL
REGULAR MEETING
FEBRUARY 11, 2019**

The Elysian City Council met in regular session on Monday, February 11, 2019 at City Hall at 6:00 pm.

Roll Call: Mayor Tom McBroom; Councilmembers Bobby Houlihan (6:05 pm) and Mary Opsahl; City Administrator Lorri Kopischke; Public Works Worker Don Doehling; City Attorney Jason Moran. Absent: Councilmembers Dennis Schnoor and Bryan Suemnick; Public Works Director Ron Greenwald.

On motion by Opsahl, seconded by McBroom, all voting in favor, to approve the minutes of the January 14, 2019 Regular Meeting as presented.

On motion by McBroom, seconded by Opsahl, all voting in favor, to approve the agenda of the February 11, 2019 Regular Meeting as presented.

Le Sueur County Chief Deputy Nick Greenig reported it has been quiet in the City this past month with the exception of weather related incidents. McBroom asked if the Council could have a tour of the new Justice Center. Greenig replied this can be arranged the end of March or beginning of April.

Public Comment: None.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 657/19

A RESOLUTION TO APPOINT A COUNCILMEMBER
TO FILL A VACANCY

WHEREAS, the Elysian City Council did declare a vacancy on the City Council at their regular meeting on January 14, 2019;

WHEREAS, the vacancy created therein shall be filled by appointment by the City Council pursuant to Minnesota State Statute §412.02 Subd. 2a;

WHEREAS, the City Council shall vote to make the appointment at the February 11, 2019 City Council Meeting;

WHEREAS, the appointed person shall fill the vacancy until the special election held on November 3, 2020 with seating for the same occurring at the first council meeting in January 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELYSIAN, MINNESOTA, to appoint Bobby Houlihan as Councilmember to the Elysian City Council to fill the said vacancy until the special election held on November 3, 2020 with seating for the same occurring at the first council meeting in January 2021.

Upon vote being taken:

Council Members voting in the affirmative: McBroom, Opsahl.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 11th of February, 2019.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

City Clerk/Administrator Kopischke administered the oath of office with Councilmember Bobby Houlihan answering.

June Rezac, Branch Supervisor, Elysian Area Library, presented the “Leaders are Readers Challenge” and invited Councilmembers and the Mayor to participate.

On motion by Opsahl, seconded by Houlihan, all voting in favor, the following designations were approved:

- EDA – Member from Council – Bobby Houlihan – 1 year term
- Park Committee – Member from Council – Bobby Houlihan – 1 year term
- Emergency Management: Director – Jim Tatge; Assistant Director – Derek Westby

Jeremy Henninger, owner of the parcel of land located at 182 Ridge Road NE, Elysian, Minnesota has requested a variance to build a 60 x 80 foot outbuilding with a 30 x 40 foot entertaining room on the front. The lot is 9.22 acres and the applicant is currently building a house on the lot.

The City of Elysian Zoning Ordinance allows an accessory building to be a maximum height of seventeen feet (17’), a maximum side wall height shall not exceed ten feet (10’), and total building area of 1,800 square feet per lot. The proposed Henninger outbuilding will be twenty-six (26’) high with a side wall height of sixteen feet (16’) and a total building area of 6,000 square feet.

The Elysian Planning and Zoning Commission held a public hearing on December 4, 2018 and on January 15, 2019. There were several neighboring property owners in attendance at the December 2018 public hearing who objected to the size, appearance and location of the outbuilding. They were concerned that the building would have a commercial use. The issue was tabled to the January 2019 public hearing with the request that Henninger consider the objections and come back with some possible compromise.

At the January 15, 2019 Planning and Zoning Meeting Henninger proposed to move the shed to the south east corner of the lot. The size and exterior of the shed will remain the same. The Planning and Zoning Commission voted unanimously to recommend approval of the variance request for the shed as presented with it being located in the southeast corner of the lot.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 658/19

A RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS
FOR APPROVAL FOR VARIANCE APPLICATION OF
JEREMY HENNINGER, 182 RIDGE ROAD NE

FACTS

1. Jeremy Henninger is the owner of a parcel of land located at 182 Ridge Road NE, Elysian, Minnesota; and,
2. The subject property is legally described as found on Exhibit A; and,
3. Jeremy Henninger has applied to the City for a variance to build a 60 x 80 foot outbuilding with a 30 x 40 foot entertaining room on the front, and
4. The proposal would vary from the City of Elysian Zoning Ordinance Subd. Q. Accessory Structure Standards, 4. Dimensional Limits: Attached and detached accessory structures are subject to the dimensional limits established below:
 - a. Maximum height: seventeen feet (17') and a maximum side wall height of a detached structure shall not exceed ten feet (10');
 - b. Total number of detached accessory buildings per lot:
 - c. Accessory structure(s) total building area allowed per lot: 1,800 square feet.

In that it would be twenty-six feet (26') high with a side wall height of 16 feet (16') and the total building area would be 6,000 square feet.

5. Following a public hearing on the application, the Elysian Planning Commission has recommended approval of the variance on January 15, 2019.
6. The City Council of the City of Elysian reviewed the requested variance at its Meeting of February 11, 2019.

APPLICABLE LAW

7. Minnesota Statute Section 462.357, subd. 6 provides:
 - a. Variances shall only be permitted (a) when they are in harmony with the general purposes and intent of the ordinance and (b) when the variances are consistent with the comprehensive plan.
 - b. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality.

CONCLUSIONS OF LAW

8. The property owner does propose to use the property in a reasonable manner because the property is 9.2 acres, and in a rural type setting with low density housing abutting up to it. A building that size is less than 3% of the property and would be considered reasonable.
9. There are unique circumstances to the property not created by the landowner because the property is unique in size and setting. Even though it sits in the City, it is in a rural type setting with seasonal cabins abutting up to it and with wildlife running through it. By building one simple outbuilding instead of multiple high density 2 or 4 plex's, he is unique in leaving some of the rural tranquil setting within the City limits.

10. The variance will maintain the essential character of the locality because the shed will match the home. The land currently has a wilderness look and being 9.2 acres the essential character it will still be kind of a wilderness look. He is tucking the shed into the berm and using the topography of the land. He has moved the shed so it will be obscured and will not obstruct the neighboring property owners view of the sunsets. You are keeping more of a rural look with having only two buildings on the lot than having the townhomes.

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Elysian, Minnesota, that the application to issue a variance for Jeremy Henninger for the property located at 182 Ridge Road NE, legally described as: "Exhibit A", Le Sueur County, Minnesota, shall be, and is hereby approved to allow a variance to build a 60 x 80 foot outbuilding with a 30 x 40 foot entertaining room on the front as to deviate from the City of Elysian Zoning Ordinance Subd. Q. Accessory Structure Standards, 4. Dimensional Limits.

Upon vote being taken:

Councilmembers voting in the affirmative: Houlihan, McBroom, Opsahl.

Councilmembers voting in the negative: None.

Whereupon said resolution was declared duly passed and adopted.

Dated this 11th day of February, 2019.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

"Exhibit A"

DESCRIPTION

That part of the Government Lots 5 & 6 in Section 35, Township 109 North Range 24 West, LeSueur County, Minnesota, described as:

Beginning at the most westerly corner of Common Interest Community Number 026, Lakeview Manor Town Homes, according to the plat thereof on file and of record with the LeSueur County Recorder, said point being on the center line of County Highway No. 11; thence North 41 degrees 21 minutes 12 seconds East, (assumed bearing), along the northerly line of said Common Interest Community Number 026, a distance of 298.91 feet; thence North 89 degrees 16 minutes 35 seconds East, along said northerly line, 93.01 feet; thence North 82 degrees 36 minutes 00 seconds East, along said northerly line, 266.07 feet to the point of intersection with the southwesterly line of the plat of Franklin Subdivision, on file and of record with the LeSueur County Recorder; thence North 30 degrees 37 minutes 11 seconds West, along said southwesterly line, 59.06 feet; thence North 45 degrees 37 minutes 11 seconds West, along said southwesterly line, 644.23 feet; thence North 82 degrees 37 minutes 11 seconds West, along said southwesterly line, 600.12 feet; thence South 32 degrees 22 minutes 45 seconds East, 992.51 feet to the point of beginning.

Said parcel contains 9.22 acres, subject to an easement for County Road No. 11 purposes over and across the southwesterly boundary. ALSO subject to any other easements of record.

Public Works Worker Don Doehling reported he, Councilmember Suemnick, Public Works Director Ron Greenwald, and Crysteel Truck Representative Josh Miller had met and gone over the options for the quote of the equipment on the new plow truck.

On motion by Opsahl, seconded by Houlihan, all voting in favor, to accept the quote from Crysteel Truck Equipment for Cooperative Purchase of Equipment from State of Minnesota Bid (11' Tipper Box and Hoist Package, PTO Hydraulics, Trailer Hitch, Tool Box, Boss 10' DXT Snow Plow) in the amount of \$37,302.93 with a trade in value of used 2006 One Ton Chassis with Equipment in the amount of \$10,500.00 for a total after trade allowance in the amount of \$26,802.93.

McBroom opened the bids received for the lease of approximately 12 acres of tillable land (Parcel ID# 16.999.0310, ID# 16.999.0300, and ID# 16.999.0490) for a term of three years ending December 31, 2021.

Bid #1: Roger Lamont, 2016 - \$138 per acre, 2017 - \$138 per acre, and 2018 - \$138 per acre.

Bid #2: Richard Fischer, \$190 per acre.

On motion by Houlihan, seconded by McBroom, all voting in favor, to award the bid for land lease of approximately 12 acres of tillable land (Parcel ID #16.999.0310, ID# 16.999.0300, ID#16.999.0490) for the term of January 1, 2019 through December 31, 2021 to the high bidder of Richard Fischer, PO Box 417, Elysian, MN 56028 in the amount of \$190 per acre.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 659/19
RESOLUTION ALLOWING WIRE/AUTOMATED
BANK TRANSFERS / PAYMENTS

WHEREAS, the City Council of the City of Elysian, Le Sueur County, Minnesota, acknowledges the need for wire and automated bank payments for such things as payroll withholdings, sales tax, bank transfers, and other required payments.

NOW, THEREFORE, BE IT RESOLVED that the City Council shall allow the Clerk/Administrator to make such payments/transfers by wire/automation instead of paper statements/checks. These payments will be approved at the appropriate council meeting.

Upon vote being taken:

Councilmembers voting in the affirmative: Houlihan, McBroom, Opsahl.

Councilmembers voting in the negative: None.

Whereupon said resolution was declared duly passed and adopted.

Dated this 11th day of February, 2019.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

On motion by Houlihan, seconded by McBroom, all voting in favor, to schedule the 2019 City-wide Clean Up for Saturday, May 18, 2019.

Reminder of Le Sueur County Elected Official Meeting, Wednesday, February 27, 2019 at 6:30 pm at the Praha Village in New Prague.

City Attorney Jason Moran reported he had discussed the request from the Waseca Hockey Association for a Lawful Charitable Gambling License to operate at Tucker's Tavern with Josh Lynch, Gambling Manager. Lynch is working on a plan that will blend with the other charitable gambling in Elysian and he will be contacting Moran when he has something to present to the City Council.

Moran presented Resolution No. 660/19 – Approving State of Minnesota Joint Powers Agreements with the City of Elysian on Behalf of its City Attorney and Sheriff's Office. This resolution authorizes a Joint Powers Agreement that will allow the use of e-charging with the DPS Database.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 660/19
A RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS
AGREEMENTS WITH THE CITY OF ELYSIAN ON BEHALF OF ITS
CITY ATTORNEY AND SHERIFF'S OFFICE

WHEREAS, the City of Elysian on behalf of its Prosecuting Attorney and Sheriff's Office desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the City is eligible. The Joint Powers Agreements further provide the City with the ability to add, modify or delete connectivity, systems and tools over the five year life of the agreement and obligates the City to pay the costs for the network connection.

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

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the City of Elysian on behalf of its Prosecuting Attorney and Sheriff's Office, are hereby approved.
2. That the Sheriff, Brett Mason, or his/her successor, is designated the Authorized Representative for the Sheriff's Office. The Authorized Representative is also to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, Chief Deputy Nick Greenig is appointed as the Authorized Representative's designee.

3. That the City Attorney, Jason L. Moran, or his/her successor, is designated the Authorized Representative for the Prosecuting Attorney. The Authorized Representative is also to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, Elysian City Administrator is appointed as the Authorized Representative's designee.

4. That Tom McBroom, Sr., the Mayor of the City of Elysian, and Lorri Kopischke, the City Clerk, are authorized to sign the State of Minnesota Joint Power Agreements.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 11th of February, 2019.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

Moran noted there has been an interest expressed by members of the Elysian City Council to consider a Tobacco 21 Ordinance for the City of Elysian. A Tobacco 21 Ordinance would increase the minimum age to purchase tobacco products within City limits to 21 years of age. Moran will prepare a draft ordinance for the March meeting and the Council can call a public hearing on the Ordinance for their April 2019 meeting.

On motion by Houlihan, seconded by Opsahl, all voting in favor, bills, payroll, and transfers were approved in the amount of \$346,476.91.

Public Comment: None.

On motion by McBroom, seconded by Houlihan, all voting in favor, to adjourn the meeting at 6:28 pm.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator