

**ELYSIAN CITY COUNCIL
REGULAR MEETING
APRIL 8, 2019**

The Elysian City Council met in regular session on Monday, April 8, 2019 at City Hall at 6:00 pm.

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

On motion by Opsahl, seconded by Houlihan, all voting in favor, to approve the minutes of the March 11, 2019 Regular Meeting as presented.

On motion by McBroom, seconded by Opsahl, all voting in favor, to approve the agenda of the April 8, 2019 Regular Meeting as presented.

Le Sueur County Chief Deputy Nick Greenig reported the County Engineer is working on the speed limit inquiry on County Road 14. There are two options to get a reduced speed posted. One is to meet with the regional traffic engineer and order a speed study. The other is if it can be deemed a segment in an urban area, the City would have the jurisdiction to post a speed limit. Updates will be provided as available.

Public Comment: None.

Louise Hager, American Legion Unit 311 Poppy Chairman, requested that the month of May be declared "Poppy Month". She explained the symbolism of the Shepperd's Poppy. The Poppy is worn to remember and honor those who have served and continue to serve. It is not commercially made, not sold, but is distributed and all the donations stay here to help veterans and their families in the community. Poppies are available at the American Legion, Elysian businesses and will also be available in Waterville.

Mayor McBroom then presented the following Proclamation:

The City of Elysian, Minnesota
PROCLAMATION

That the Month of May 2019 be declared "Poppy Month"

WHEREAS, the poppy, as a memorial flower for the American war dead, is a tradition which began in the years following the First World War, and

WHEREAS, Veterans returning to their homes in this Country after World War 1 remembered the wild poppies which lined the devastated battlefields of France and Flanders Field; and

WHEREAS, the poppy is a symbol of hope for all veterans who served in this great country through military service; and

WHEREAS; the American Legion Auxiliary adopted the poppy as its memorial flower to pay tribute to the war dead and aid the living veteran and their family; and

THEREFORE, I, Tom McBroom, Mayor of the City of Elysian, Minnesota, do hereby proclaim the month of May 2019, as

Poppy Month

and urge all citizens to pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy during this month.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of Elysian, Minnesota this 8th day of April 2019.

ATTEST:

Lorri Kopischke, City Administrator

Tom McBroom, Mayor

The Council then considered Resolution No. 663/19 approving an Interim Use Permit for Kristine L Miller, 205 Main Street East, to allow the property to be used for a General Residential R-1 permitted use (residence) while located in the Central Business Commercial C-1 District.

Kris Miller owns the property at 205 Main Street East. The Fitness Center and the house where she resides are located side by side on this property. Miller has had the entire property for sale for quite some time now and she has been unable to sell it. Miller is no longer interested in operating the Fitness Center and is at the point that she is going to close the Center and rent the property for another use. The community would like to see the Center stay open. It is an asset to the City of Elysian.

Brandi Rossow, rents space in the Fitness Center building and operates a Therapeutic Massage and Wellness business from the site. Rossow is interested in buying the Fitness Center building and keeping her business and the Fitness Center portion open. Miller and Rossow have been looking for a way to make this happen.

The property at 205 Main Street East is one parcel with two buildings on it. In order to sell the Fitness Center, separate from the house, there would have to be a parcel split. The parcel is zoned commercial. In order for the house to be allowed to continue to be used as a residence once it is split from the business, an interim permit would need to be issued.

The Planning and Zoning Commission met on April 2, 2019 and considered the application for an interim permit. They are recommending approval of the interim permit based on the following conditions:

1. The lots be split and recordable deeds with updated legal descriptions be filed with Le Sueur County; and
2. A shared water agreement be recorded with Le Sueur County and that both parties agree to hook up to water correctly on Main Street East at such time as Main Street is reconstructed. Said shared water agreement shall be prepared and presented to the City within the next sixty (60) days for pre-approval before the same is recorded; and
3. An easement shall be recorded on the Fitness Center property for the sewer main that runs on the west side of the property. Said easement shall be presented to the City within the next sixty (60) days for pre-approval before the same is recorded; and

4. That the Fitness Center hook up their own individual line to the sewer main within the next ninety (90) days. Said connection shall be built and installed pursuant to City standards and with City approval; and
5. That the interim permit being approved for 205 Main Street East to be used as a residence in a Central Business Commercial C-1 District shall terminate at such time as the current owner, Kris Miller, sells the property.

The Elysian Economic Development Authority also sees the Fitness Center as an asset to the community. They approved a request from Rossow at their April 4, 2019 meeting for assistance with the water / sewer costs and also a revolving loan for gap funding and upgrades to existing equipment and purchase of additional equipment.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 663/19
APPROVING INTERIM USE PERMIT
FOR KRISTINE L MILLER, 205 MAIN STREET EAST

WHEREAS, the City of Elysian has received an application from Kristine L Miller for an interim use permit to allow the property known as 205 Main Street East, Elysian, Minnesota, to be used for a General Residential R-1 permitted use (residence) while located in the Central Business Commercial C-1 District; and

WHEREAS, the subject property is known as Le Sueur County Parcel Identification R16.440.0970, and legally described as “to be inserted once survey is complete and new legal descriptions created”, according to the Plat thereof on file and of record in the Office of the County Recorder, in and for Le Sueur County, and State of Minnesota; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission on April 2, 2019 to receive public comment on the interim use permit; and

WHEREAS, the use proposed by the applicant is a permitted use that conforms to the City of Elysian zoning regulations; and

WHEREAS, the proposal would vary from the City of Elysian’s Zoning Ordinance Section 8.0 Central Business Commercial District C-1 in that the property will be used as a residence which is not allowed in the C-1 District; and

WHEREAS, following the public hearing, the Planning and Zoning Commission recommended approval of the interim use permit, subject to conditions, as the proposed use is within the spirit of the City’s Zoning ordinance; and

WHEREAS, the City Council for the City of Elysian met, discussed the recommendations of the Planning and Zoning Commission, reviewed the application for the Interim Use Permit; and

WHEREAS, considering all of the above:

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Elysian, Minnesota hereby finds that the proposed interim use is within the spirit of the City’s Zoning ordinance, and therefore the City Council for the City of Elysian herein and hereby approves the interim use permit in accordance with, and subject to, the following conditions:

1. The lots be split and recordable deeds with updated legal descriptions be filed with Le Sueur County; and
2. A shared water agreement be recorded with Le Sueur County and that both parties agree to hook up to water correctly on Main Street East at such time as Main Street is reconstructed. Said shared water agreement shall be prepared and presented to the City within the next sixty (60) days for pre-approval before the same is recorded; and
3. An easement shall be recorded on the Fitness Center property for the sewer main that runs on the west side of the property. Said easement shall be presented to the City within the next sixty (60) days for pre-approval before the same is recorded; and
4. That the Fitness Center hook up their own individual line to the sewer main within the next ninety (90) days. Said connection shall be built and installed pursuant to City standards and with City approval; and
5. That the interim permit being approved for 205 Main Street East to be used as a residence in a Central Business Commercial C-1 District shall terminate at such time as the current owner, Kris Miller, sells the property.

These conditions are a requirement of the interim use permit. Should applicant fail to honor any of these conditions then the interim use permit shall be invalidated and revoked with the interim use permit therein becoming null and void. Applicant then must immediately cease any interim use permitted hereunder and shall then and there immediately comply with all zoning ordinances, a violation of which is a misdemeanor offense punishable by a fine of up to \$1,000 and or imposition of a ninety (90) day jail sentence.

Upon vote being taken:

Council members voting in favor: Houlihan, McBroom, Opsahl, Suemnick

Opposed or abstained: None.

Adopted by the City Council of the City of Elysian this 8th day of April, 2019.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

City Attorney Moran reported that Henninger Construction LLC has proposed to purchase two parcels of property the City owns, PID numbers 16.419.0030 and 16.419.0040, and build twin-homes on those parcels. The closing on the property is scheduled for April 10, 2019.

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 662/19

WHEREAS, the City Council for the City of Elysian met on the 8th day of April, 2019, for a scheduled City Council meeting;

WHEREAS, at the aforementioned meeting, a discussion was held regarding two parcels of property the City of Elysian owns, specifically, that real estate legally identified as PID number of 16.419.0030 and 16.419.0040;

WHEREAS, Henninger Construction LLC has proposed to purchase the aforementioned real estate for \$25,000 and build twin-homes on those parcels;

WHEREAS, the City Council met and discussed this proposed sale to Henninger Construction LLC. The City Council understands that this is a good economic opportunity for the City of Elysian. The expansion will help create construction jobs in Elysian. In addition, due to the sale, the property will generate more tax revenue than it is currently generating. In sum, this sale will help to enhance the City's overall tax base and the council met and agreed that it is in the best interest and general welfare of City of Elysian for this sale to occur.

NOW THEREFORE, the City Council for the City of Elysian met this day, discussed this issue, and upon vote taken authorized that parcel numbers 16.419.0030 and 16.419.0040 be sold and deeded to Henninger Construction LLC. The City Administrator and City Attorney are empowered to sign any and all documents necessary to effectuate this transfer. Said motion was made, duly seconded, and passed unanimously.

Dated: _____, 2019

Tom McBroom
Mayor

ATTEST:

Dated: _____, 2019

Lorri Kopischke
City Clerk/Administrator

Public Works Director Greenwald explained the water lines are still being chlorinated to clear up any bacteria residue. The Minnesota Department of Health will be testing the water again and if the water tests clear the chlorination will be discontinued. In the meantime, the Minnesota Department of Health is also requesting that the City resume the fluoridation of the drinking water. Greenwald stated he would like to purchase two new pumps at an approximate cost of \$600 to \$700 each. A quote will be presented at the May Council Meeting.

The Council considered "Elysian Reserve Firefighter Policy". This policy would allow retired firefighters who have retired from the Elysian Area Fire Department and collected their pension to return and respond to calls.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the Elysian Reserve Firefighter Policy. The Policy reads as follows:

ELYSIAN RESERVE FIREFIGHTER POLICY

Reserve Firefighter Members

- A. Definition:** Reserve Firefighters are defined as individuals who have previously served as and have been trained as full-time or volunteer firefighters and are no longer employed or working for another fire department.
- B. Requirements:**
 - 1. Must have been previously employed for a Fire Department
 - 2. Must possess a high school diploma or GED, and be at least 18 years of age
- B. Duties/Responsibilities**
 - 1. Reserve Firefighters have the ability to drive and operate all apparatus, once approved by the Fire Board and Training Officer
 - 2. Operate equipment in an efficient and safe manner
 - 3. Perform all on scene tasks that are within training
 - 4. Will not perform any Interior Attack or have any hands on with Hazardous Materials
 - 5. Will only perform any medical or first-aid procedures as currently certified.
 - 6. Maintain equipment and station
 - 7. Be responsible for all property issued to him/her and any equipment utilized in the performance of his/her duties
 - 8. Be cognizant of, and adhere to department policies and operating procedures
 - 9. Performs other related functions as assigned or apparent.
- C. Training**
 - 1. Must complete initial in-house training of all Rescue, Fire Equipment, SCBA, and Apparatus pertaining to Job Description
 - 2. Qualified as a Driver Operator by the Elysian Fire Board and Training Officer
 - 3. Attend at least two Elysian training annually, including apparatus & pump training
- D. Benefits**
 - 1. Dictated by Elysian
- E. Performance**
 - 1. Reserve Firefighters may be dismissed for any reason involving performance or attitude at the discretion of the Fire Board

If at any time the Reserve Firefighters does not want to respond to emergency calls under this job description, they are under no obligation from the City of Elysian or the Fire Department to continue.

On motion by Opsahl, seconded by Houlihan, all voting in favor, to approve Blake Atherton and Patrick Ely as Emergency Management / Civil Defense employees.

On motion by Houlihan, seconded by Suemnick, all voting in favor, to approve the City administration of the Watercraft Inspection Program at the Lake Francis public access and to approve Randy Tuma as the 2019 Watercraft Inspector.

On motion by Opsahl, seconded by Suemnick, all voting in favor, to advertise for part-time summer public works position at \$10.50 per hour.

On motion by Opsahl, seconded by McBroom, all voting in favor, to approve the 2019 Mosquito Control of Iowa contract in the amount of \$3,250. Information regarding the process including license, insurance and MSDS sheets can be found on their website at <http://mosquitocontrolofiowa.net/>

Reminder of Le Sueur County Elected Official Meeting, Wednesday, April 24, 2019 at 6:30 pm, Montgomery (location to be announced).

Reminder of Severe Weather Awareness Week – April 8 – 12, 2019. State-wide Tornado Drills April 11, 2019 at 1:45 pm and 6:45 pm.

Reminder of Board of Review and Equalization Open Book Meeting for 2018 – Le Sueur County: Tuesday, April 16, 2019 from 10:00 am to 6:00 pm, Le Sueur County Courthouse and Waseca County: Monday, April 15, 2019 from 9:00 am to noon, Waseca County Assessor's Office.

City-wide Garage Sales will be held May 10th and 11th with City-wide Clean Up scheduled for May 18th 2019 at Lake Francis Park.

On motion by Houlihan, seconded by Suemnick, all voting in favor, to appoint Becky Kelley, Kris Miller, and Roger Quiram to the Elysian Park Board for a one-year term.

Staff presented two checks to be included with the bills for consideration: check #24647 payable to VISA in the amount of \$355.28 for Active 911 Subscription and check #24648 in the amount of \$8.00 for parking Ron Greenwald Water and Waste Water Technical Conference. This would result in an amended amount of bills, payroll and transfers of \$75,136.40.

On motion by McBroom, seconded by Houlihan, all voting in favor, bills, payroll, and transfers were approved in the amount of \$75,136.40.

Public Comment: None.

On motion by McBroom, seconded by Opsahl, all voting in favor, to adjourn the meeting at 6:38 pm.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator