

**ELYSIAN CITY COUNCIL
REGULAR MEETING
JUNE 10, 2024**

The Elysian City Council met in regular session on Monday, June 10, 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 and Derek Westby; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald. Absent: Councilmembers Dennis Schnoor and Bryan Suemnick; City Attorney Jason Moran.

On motion by Westby, seconded by Houlihan, all voting in favor, to approve the minutes of the May 13, 2024 Regular Meeting as presented.

On motion by Westby, seconded by Houlihan, all voting in favor, to approve the agenda of the June 10, 2024 Regular Meeting as presented.

Le Sueur County Captain Bruce Collins reported that it has been quiet in the area with just a few additional calls for boat and water incidents. Collins reported that there is no plan for a “no wake” restriction on Lake Francis at this time.

On motion by Houlihan, seconded by Westby, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:05 pm.

The purpose of the public hearing is to receive public input on proposed Ordinance No. 115/24 – An Ordinance Amending Ordinance 95/19 Short Term Rental Ordinance.

The Planning and Zoning Commission has reviewed this ordinance with respect to occupancy and also density of the short term rental use in the City.

The Planning and Zoning Commission is recommending the maximum occupancy in a residential district remain unchanged at three (3) occupants, excluding children under the age of three (3), per bedroom. They recommend a maximum occupancy for the commercial district be defined as: “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.

The Planning and Zoning Commission suggests clarifying the restriction of “one (1) rental unit per conforming dwelling lot of record” be limited to the “residential district”.

The Planning and Zoning Commission recommends maximum density be determined as follows: “Only one (1) short term rental shall be allowed within 1,000 linear feet of an existing short term rental in a residential zone and no more than 5% of the City household units (as determined by the most current Census) may hold a short term rental license in the City at one time.”

There were no public comments.

Written Comments: Written comments were received via email from Leo Brown, 117 Willow Point Drive on June 6, 2024. Written comments were also received via email from Leo Brown, 117 Willow Point Drive on June 10, 2024. Both were printed and distributed to Council for review.

On motion by McBroom, seconded by Houlihan, 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, asked when the City would be sprayed for mosquito control. Staff reported that weather conditions have played a significant role in the lack of spraying this year. Mosquito Control of Iowa has been contacted and staff is awaiting confirmation of the next spraying date.

On motion by Houlihan, seconded by McBroom, all voting in favor, to approve and enact Ordinance No. 115/24 – An Ordinance Amending Ordinance 95/19 Short Term Rental Ordinance as presented.

Steve Hoppe, Elysian Little League, presented a request to update the field at the Elysian School. The fence needs to be replaced. The request is to pull the outfield fence and replace it while moving it closer to homeplate. This would leave room on the west side of the field and a fence would be installed there to create a separate field for play. The fence and the stakes from the Lake Francis beach field would be used. The Little League is fundraising to replace some of the school fence. The Elysian Park Board has approved the plan.

On motion by Houlihan, seconded by Westby, all voting in favor, to approve the plan presented by the Elysian Little League to update the field at the Elysian School.

The Council thanked the Elysian Little League for all the work they are putting in to updating and maintaining the fields for the kids.

Lee Istvanovich, SEH Engineering, presented 2023 Street and Improvement Project (SUIP) Change Order No. 3 from W W Blacktopping, Inc., to repair sanitary sewer in the amount of \$2,423.50. During the televising of the sewer repair completed during the project, it was discovered that a telephone line had been installed across the middle of a sewer line. The contractor was on site so the repair was made and the City will be seeking reimbursement for the cost of the repair.

On motion by Westby, seconded by Houlihan, all voting in favor, to approve W W Blacktopping, Inc. Change Order No. 3 in the amount of \$2,423.50 to repair sanitary sewer included in the 2023 SUIP.

Istvanovich presented W W Blacktopping, Inc. Pay Application No. 8 in the amount of \$8,106.87. This pay application includes concrete work that was not completed last fall and Change Order #2 – Jason Drive curblin.

On motion by Houlihan, seconded by Westby, all voting in favor, to approve and accept W W Blacktopping, Inc. Pay Application No. 8 in the amount of \$8,106.87.

Istvanovich presented 2023 SUIP Change Order No, 4 from W W Blacktopping, Inc. to install drain tile in the Fourth Street SW right of way in the amount of \$4,725. There is a property owner's sump pump that discharges into this area and the turf is fairly flat. As this has been a wet spring, there is water sitting in this area. Installing drain tile would help with that.

Greenwald stated Public Works could install the drain tile for 1/3 of the cost. It is not deep, is a short distance, and would require a small hoe to complete the work. Istvanovich noted that there are no utilities in that area. There may be some topsoil needed.

On motion by Westby, seconded by Houlihan, all voting in favor, to table the consideration of Change Order #4 from W W Blacktopping, Inc, in the amount of \$4,725, to the July 8, 2024 Council Meeting.

There was not enough information available to discuss the item on the agenda in regard to the complaint at 108 First Street South.

On motion by Westby, seconded by Houlihan, all voting in favor, to table discussion of the complaint at 108 First Street South to the July 8, 2024 Council Meeting.

Istvanovich reported he did not know the date for the final paving of the streets in the 2023 SUIP. There is potential that the paving could be done as soon as next week. The final design of the Water Treatment Plant has been submitted to the Minnesota Department of Health for consideration.

Greenwald reported that at the last safety meeting, the City insurer asked that any City vehicle that is backed up in traffic have a backup alarm. The F350 and the New Holland tractor do not have a backup alarm. Greenwald presented a quote from Smiths Mill Implement, Inc. in the amount of \$1,711 to install a backup alarm kit on the tractor.

On motion by McBroom, seconded by Westby, all voting in favor, for staff to research the cost of an aftermarket back up alarm that could be installed on the New Holland tractor.

Greenwald reported the transformer that supplies electricity to Well #2 will be repaired tomorrow. Verizon is responsible for the delay. The power in that area will be off tomorrow until approximately noon.

Greenwald reported that Public Works is preparing for the July 4th Celebration. Mayor McBroom thanked the Public Works Department for the fantastic job they did getting everything prepared for the Memorial Day remembrance.

The Council considered Resolution No. 901/24 – Amending Conditional Use Permit Request of Chuck Budde for 204 Fifth Street SW approved Resolution No. 775/22. Mr. Budde was present at the May 13, 2024 Council meeting to request an amendment to Condition #1 of the original conditional use permit. At that meeting, the Council did make a motion to amend Condition #1 of the Conditional Use Permit to read: 1. Plant deciduous (evergreen) trees of at least (6) six feet in height in a staggered pyramid type scheme along the south property line no closer than (15) fifteen feet to the property line within one year of today’s meeting. The owner, Chuck Budde is responsible for paying all fees associated with the recording of this document. Resolution No. 901/24 will record that action.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 901/24
AMENDING CONDITIONAL USE PERMIT
REQUEST OF CHUCK BUDDE FOR 204 FIFTH STREET SW
APPROVED RESOLUTION NO. 775/22

WHEREAS, on February 14, 2022, the City Council for the City of Elysian approved Resolution No. 775/22 granting a conditional use permit to Chuck Budde for the property of 204 Fifth Street SW, PID# 16.410.1037 to build and operate a storage facility which is a conditional use in the City of Elysian Zoning Ordinance Section 9.0 Highway Commercial District Subd. D. (6); and

WHEREAS, the subject property is known as Le Sueur County Parcel Identification R16.410.1037, and legally described as shown on the attached Exhibit A; and

WHEREAS, the conditional use permit was approved with the following conditions:

- 1) A chain link fence around the facility with the south fence located at the 20 foot setback with arborvitaes planted in the setback to provide a buffer to the neighborhood.
- 2) The motion lights on buildings located on the south side of the parcel be installed only on the front side of the buildings to shine in the direction of State Highway 60.
- 3) Maintain current water drainage on site.
- 4) Crushed asphalt surface
- 5) No on-street parking on either side of Fifth Street SW
- 6) All other requirements of the conditional use permit process to include:
 - a. Site plan – drawn to scale
 - b. Location of all buildings and square footages
 - c. Curb cuts, driveways, access roads, parking spaces
 - d. Finished grading and drainage plan
 - e. Land survey.
- 7) Drainage / Storm Water Management Plan
- 8) Grading and Erosion Control
- 9) Other as deemed necessary by City Engineer.

WHEREAS, the applicant states that he does not believe that the use of the property requires the security of a chain link fence and therefore is requesting that Condition 1 of the conditional use permit be revised; and

WHEREAS, the applicant does intend to plant arborvitaes along the south property line to provide a buffer to the residential neighborhood; and

WHEREAS, the City Council for the City of Elysian met, reviewed the new information, and questioned Chuck Budde regarding the proposed use and reviewed concept plans; and

WHEREAS, considering all of the above:

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Elysian, Minnesota approves amendment of Resolution No. 775/22 Approving a Conditional Use Permit for Le Sueur County PID No. R16.410.1037 aka 204 Fifth Street SW, to remove Condition #1) A chain link fence around the facility with the south fence located at the 20 foot setback with arborvitaes planted in the setback to provide a buffer to the neighborhood. And to replace that with Condition #1) Plant deciduous (evergreen) trees of at least (6) feet in height in a staggered pyramid type scheme along the south property line no closer than fifteen (15) feet to the property line within one year of today's meeting. The owner, Chuck Budde is responsible for paying all fees associated with the recording of this document.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Westby

Council Members voting in the negative: None

Adopted by the City Council of the City of Elysian this 10th day of June, 2024.

Approved:

Tom McBroom Sr., Mayor

Attested:

Lorri Kopischke, City Administrator

Resolution 901/24 – Conditional Use Permit Chuck Budde
Exhibit A

PID# 16.410.1037 – Legal Description

Lot 15-21 of Block 22 and also the North 10 feet of Lots 1-7, Block 27, and vacated road adjacent all in amended City of Elysian, Elysian Elysium amended. Less commencing at the Southwest corner of Lot 15, Block 22; thence North 100.7 feet to the point of beginning; thence Southeast 116.7 feet Southeast 233.55 feet; thence North 90.31 feet; thence Northwest 233.18 feet; thence Northwest 116.75 feet; thence South 104.43 feet to the point of beginning, Le Sueur County, Minnesota.

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 902/24
RESOLUTION ACKNOWLEDGING
A DONATION FROM ROGER AND JUDITH QUIRAM

WHEREAS, the City of Elysian has received a donation in the amount of \$100.00 from Roger and Judith Quiram for the Sunset Park Sports Courts renovation.

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 Roger and Judith Quiram in the amount of \$100.00 for the Sunset Park Sports Courts renovation.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Westby

Council Members voting in the negative: None

Adopted by the City Council of the City of Elysian this 10th day of June, 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 COUNTY, MINNESOTA
RESOLUTION NO. 903/24

RESOLUTION ACKNOWLEDGING A DONATION FROM
ELYSIAN AMERICAN LEGION POST #311

WHEREAS, the City of Elysian has received a donation in the amount of \$6,600.00 from the Elysian American Legion Post #311, for tax relief to the Elysian Area Chamber of Commerce for the purpose of funding toward the Fireworks, Parade, and Kids Bingo 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 \$6,600.00 for the purpose of funding toward the Fireworks, Parade, and Kids Bingo during the July 4th Celebration.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Westby

Council Members voting in the negative: None

Adopted by the City Council of the City of Elysian this 10th day of June, 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 COUNTY, MINNESOTA
RESOLUTION NO. 904/24
RESOLUTION ACKNOWLEDGING
A DONATION FROM RON AND LAURA ROMNES

WHEREAS, the City of Elysian has received a donation of an outdoor bike maintenance station and outdoor bike tire pump for public use from Ron and Laura Romnes.

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 Ron and Laura Romnes of an outdoor bike maintenance station and outdoor bike tire pump for public use.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Westby

Council Members voting in the negative: None

Adopted by the City Council of the City of Elysian this 10th day of June, 2024.

Approved:

Tom McBroom Sr., Mayor

Attested:

Lorri Kopischke, City Administrator

The Council considered Ordinance No. 116/24 – Prohibiting the Sale, Testing, Manufacturing, Cultivating, Growing, Transporting, Delivery, and Distribution of Cannabis Products in the City of Elysian. This Ordinance pertains to products containing more than 0.3% THC.

On motion by Westby, seconded by Houlihan, all voting in favor, to schedule a Public Hearing to receive public input on Ordinance No. 116/24 – Prohibiting the Sale, Testing, Manufacturing, Cultivating, Growing, Transporting, Delivery, and Distribution of Cannabis Products in the City of Elysian for July 8, 2024 at 6:05 pm.

Representatives of the Minnesota Department of Natural Resources will attend the July 8, 2024 Council Meeting to discuss City acquisition of the alley between Main Street and the Sakatah Trail, the Wayside Rest Building, and the block in between.

The Wayside Rest will be utilized as the second Rest Stop on Day 3, Wednesday, July 24th between 6:30 and 10:00 am for MS Ride Across Minnesota 5-day Bike Ride. They are anticipating 350 riders will participate in the event.

Thank you to Lake Area Women for donating the flowers and planting around the City. Thank you to Audene and Jadelyn Greenwald for planting the pots on Main Street. Thank you to Farmers Friends 4H club for planting at the Tourism Center.

The Sports Courts Grand Opening and Pickleball Tournament will be held July 13, 2024, with July 14th as the rain date. There will be food trucks and root beer floats.

The Park Board requested an amount up to \$200 to purchase medals and a banner for the Sports Courts Grand Opening and Pickleball Tournament.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve an amount up to \$200 to purchase medals and a banner for the Sports Courts Grand Opening and Pickleball Tournament.

On motion by Houlihan, seconded by Westby, all voting in favor, bills, payroll, and transfers were approved in the amount of \$317,987.04.

Public Comment: None.

On motion by McBroom, seconded by Westby, all voting in favor, to adjourn the meeting at 6:45 pm.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator