

**ELYSIAN CITY COUNCIL
REGULAR MEETING
APRIL 12, 2021**

The Elysian City Council met in regular session on Monday, April 12, 2021 at City Hall at 6:00 pm.

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

On motion by McBroom, seconded by Westby, all voting in favor, to close the regular session of the meeting and open the closed session of the meeting at 6:04 pm.

On motion by McBroom, seconded by Houlihan, all voting in favor, to close the closed session of the meeting and open the regular session of the meeting at 6:29 pm.

City Attorney Moran summarized action taken during the closed session of the meeting as follows: City Administrator and City Attorney will continue to negotiate with the MN DNR for acquisition of three parcels along State Highway 60 and the City Attorney will continue to attack the issue of the camper on the north side of the city.

On motion by Westby, seconded by Suemnick, all voting in favor, to approve the minutes of the March 8, 2021 Regular Meeting as presented.

On motion by Westby, seconded by Suemnick, all voting in favor, to approve the agenda of the April 12, 2021 Regular Meeting with the following correction:

- 17. Approval of bills, payroll, and transfers - \$101,345.19

Public Comment: None.

Kylie Moravec and Desiree Domonoske, Poppy Princesses, and Mandy Moravec and Brenda Domonoske, Co-Junior Leaders, American Legion Unit 311, requested that the month of May be declared "Poppy Month". The Princesses explained the symbolism of the Shepperd's Poppy. The Poppy is worn to remember and honor those who have served and continue to serve. 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 2021 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 2021, 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 12th day of April 2021.

ATTEST:

Lorri Kopischke, City Administrator

Tom McBroom, Mayor

The Council then considered Ordinance No. 156.123A – An Ordinance to Amend Section 156.123 of the Elysian City Code. During the April 6, 2021 Meeting, the Planning and Zoning Commission voted unanimously to recommend approval of the Ordinance. This ordinance will clarify the intent that no recreational vehicle shall be parked, stored, or allowed on vacant lots or lots which do not contain a separate primary residential dwelling. It also will only allow recreational vehicle parking in the rear yard of a parcel of real estate.

On motion by Houlihan, seconded by McBroom, all voting in favor, to set a public hearing for consideration of Ordinance No. 156.123A for May 10, 2021 at 6:15 pm.

John and Janice Manning, 205 Park Avenue NE, were present to discuss a plan to ultimately reduce the resident goose populations to acceptable levels over multiple years of implementation. The plan would focus on Lake Tustin Park, the sewer treatment plant, and the Lake Francis Beach area, and include 3 phases:

Phase 1: Placement of poultry netting along identified locations to reroute the animals to a new location. The adult geese will fly over the fence, but the babies will be kept out of the fenced area. The fencing will encourage natural predation from other animals.

Phase 2: Use trained canines and training aids to reduce the attractiveness of these identified locations and promote these animals to use other locations.

Phase 3: Use the established Minnesota waterfowl hunting season to target waterfowl within the City limits and on City owned property by a controlled / directed harvest of these animals under Manning’s direction. The harvest would occur on Lake Tustin and would be done within the normal regulations of the MN DNR. The harvested animals would all be used as some sort of food source.

The Council discussed the possibility of adding John and Janice Manning as temporary employees of the City of Elysian. Manning stated he did not expect the hours to exceed 10-15 per week for Phase 1 and 2 for a period which would taper off mid-summer, and then end the year with the controlled harvest in the fall. Expenses should not exceed \$1,000.

On motion by McBroom, seconded by Suemnick, all voting in favor, to hire John and Janice Manning as seasonal employees to perform goose eradication for the 2021 season per submitted plan at an hourly rate of \$25 and reimbursement of expenses not to exceed \$1,000 for a total expenditure not to exceed \$7,500.

Council then considered Resolution No. 742/21 – Adopting Findings of Fact and Reasons for Denial of Variance Application of Kevin and Cherie Berge at 114B Willow Point Drive.

Kevin and Cherie Berge, owners of the property PID # 16.415.0110 and PID #16.411.0255, are requesting to build a detached accessory building (garage) on the property across from their home located at 114B Willow Point Drive. The proposal would require a variance to construct an accessory building on a lot in the shoreland district with less than the required lot area of 20,000 square feet – requested 14,928 square feet and to exceed the allowed 25% lot coverage – requested 37%.

The lakeside lot area is 5,881 square feet and the out lot area is 9,047 square feet resulting in a total lot area of 14,928 square feet. In June 2020, the Berges applied and were granted a variance to construct a home on the lakeside lot. The house and garage met the lot coverage requirements.

During the process of consideration of that variance, it was determined that the out lot consisted primarily of compacted gravel which in some areas was up to 12 inches deep. The variance to allow them to build the house did include a requirement of soil correction to remove 6” of the existing gravel/topsoil and replace with black dirt and seed with grass. This correction was to be made 60 days from completion of the construction project. To date this soil correction has not been completed.

The total lot area is 14,928 square feet. The new home on the lakeside of the lot is 2,732 square feet or 18% lot coverage. The proposed garage is 1,512 square feet and driveway is 1,280 square feet which would result in a total square foot coverage of 5,524 or 37% lot coverage.

The Planning and Zoning Commission held a public hearing on the variance request on April 6, 2021 and is recommending denial of the variance request. The Commissioners cited the ability of the owner to place a smaller accessory building on the property and use a pervious surface for the driveway to meet the 25% maximum lot coverage. The proposed size of the accessory building is owner preference rather than necessity. There are stormwater run-off issues in this area of the Willow Point Subdivision. Allowing more than 25% lot coverage would unnecessarily increase the water runoff issues on the adjacent properties. There are not unique circumstances to the property not created by the landowner. The request is an optional improvement and is entirely self-created.

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 742/21

RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS FOR DENIAL
FOR VARIANCE APPLICATION OF KEVIN AND CHERIE BERGE
AT 114B WILLOW POINT DRIVE

FACTS

1. Kevin and Cherie Berge are the owners of a parcel of land located at 114B Willow Point Drive, Elysian, Minnesota; and,
2. The subject property is legally described as found on Exhibit A; and,

3. Kevin and Cherie Berge have applied to the City for a variance to build a detached accessory building as described on Exhibit B
4. The proposal would vary from § 156.091 GENERAL STANDARDS. (B) (1) (a) Required lot area is 20,000 square feet and actual lot area is 14,928 square feet and maximum allowed Lot Coverage 25% and the proposal would result in 37% Lot Coverage.
5. Following a public hearing on the application, the City of Elysian Planning and Zoning Commission has recommended denial of the variance on April 6, 2021.
6. The City Council of the City of Elysian reviewed the requested variance at its Meeting of April 12, 2021.

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 not propose to use the property in a reasonable manner because a smaller accessory building that will not result in a lot coverage exceeding the maximum 25% allowed can be reasonably located on the property. The proposed size of the accessory building is owner preference rather than necessity. There are stormwater run-off issues in this area of the Willow Point Subdivision. Allowing more than 25% lot coverage would unnecessarily increase the water runoff issues on the adjacent properties.
9. There are not unique circumstances to the property not created by the landowner because the homeowners' request for an accessory building that will result in more than 25% lot coverage is an optional improvement and is entirely self-created. Homeowners can comply with the Zoning Controls with little to no issue by simply downsizing the structure so that it complies with the City's lot coverage requirements. There is nothing unique to this property.
10. The variance will not maintain the essential character of the locality because there are significant stormwater issues in this area of the Willow Point Subdivision. Allowing increased lot coverage may cause flooding on adjacent properties.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elysian, Minnesota, that the application to issue a variance to allow Kevin and Cherie Berge to build an accessory building (garage) so as to deviate from § 156.091 GENERAL STANDARDS. (B) (1) (a) Required lot area is 20,000 square feet and actual lot area is 14,928 square feet and maximum allowed Lot Coverage 25% and the proposal would result in 37% Lot Coverage hereby Denied.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian on this 12th day of April 2021.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

Exhibit A

Exhibit B

<p><u>DESCRIPTION OF RECORD (DOC. NO. 340485)</u> Lot Number Sixteen (16), Block Two (2), of Chesnut's Lakeshore Subdivision, Le Sueur County, Minnesota, and being a part of Government Lot 5, in Section 34, in Township 109 North, Range 24 West, according to the recorded plat on file and of record in the Office of the County Recorder in and for Le Sueur County, Minnesota; and Lot Number Seventeen (17), EXCEPT property described as: Commencing at the northeast corner of said Lot 17; thence South 02°09' West a distance of 50 feet along the East line of said Lot 17; thence in a Southwesterly direction and parallel with the Northwesterly line of Lot 17 to a point on the shore of Lake Frances; thence Northerly along said shore to its point of intersection with the Northwesterly line of Lot 17; thence Northeasterly along the Northwesterly line of said Lot 17 to the place of beginning; being part of Subdivision of Undeveloped Lot "B" of Chesnut's Lakeshore Subdivision in Government Lot Five (5) in Section Numbered Thirty-four (34), Township One Hundred Nine (109) North, Range Numbered Twenty-four (24) West, according to the recorded plats or maps on file and of record in the Office of the County Recorder in and for Le Sueur County, Minnesota, including all riparian rights thereto; AND, All that part of Outlot D, CIC 021, Roemhildts Waters Edge Addition, Le Sueur County, Minnesota; which lies northwesterly of a line which is the northeasterly extension of the lot line between Lots 15 and 16, Block 2, of said Chesnut's Lakeshore Subdivision; together with all hereditaments and appurtenances belonging thereto.</p>	<p>The diagram is a site plan for a property. It shows a large rectangular lot with dimensions 77.00' on the top side and 103.13' on the left side. Inside this lot, there is a smaller rectangular area outlined in pink, labeled 'Garage' with dimensions 40' by 36'. Below the garage is a 'Drive' with dimensions 45' by 37'. To the right of the main lot, there is a 'Proposed Outlot' also outlined in pink, with a width of 19.67'. An 'Approach' is shown leading from the main lot to the proposed outlot. The bottom boundary of the main lot is adjacent to a '20' WIDE BITUMINOUS ROAD'. Dimensions along the road boundary include 86.68', 57.86', 12.00', and 38.45'. Other dimensions shown include 44', 38', 15', 19.00', 15', 39', 19.00', 19.88', and 19.00'.</p>
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Staff provided a COVID 19 update. All public buildings re-opened on March 9, 2021 for regular business hours. There were no other updates at this time.

Greenwald presented a quote from Metering and Technology Solutions in the amount of \$2,662 for a meter at the Well House that will meter the water coming from the ground before it enters the main or the water tower. The current meter is not able to be calibrated which is a requirement of the State of Minnesota. The quote is for the same brand of meter the City is currently using and will work with the current City software.

On motion by Westby, seconded by McBroom, all voting in favor, to approve a quote from Metering and Technology Solutions in the amount of \$2,662 for a new meter at the Well House.

During the March meeting, Council had discussed that it would be a good time to repair the sidewalks this summer since Le Sueur County will be mill and overlaying Main Street. Greenwald presented quotes from Cram Concrete LLC, Clayton Roemhildt & Sons Concrete, and Mader Insulation for removal of concrete with new concrete poured in its place, mud jacking, and also crack filling. The quotes for a 5x9 foot panel are as follows: Clayton Roemhildt & Sons Concrete - \$275, Cram Concrete LLC - \$350, and Mader Insulation (mud jacking) \$250.

On motion by McBroom, seconded by Westby, all voting in favor, to accept the bid of Clayton Roemhildt & Sons Concrete at \$275 per 5x9 foot panel and replace / repair the sidewalk on Main Street that is in the worst condition in an amount up to \$20,000 which will be funded by the General Savings.

Two Councilmembers will meet Greenwald on Main Street this Wednesday to look at the sidewalks and determine which should be prioritized.

Greenwald submitted estimates for 2021 street repair as follows:

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<i>street / alley</i>	M&W Blacktopping		W Blacktopping	
	<i>work being done</i>	<i>cost</i>	<i>work being done</i>	<i>cost</i>
3rd St NE	1 1/2" overlay	\$22,075.00	1 1/2" overlay	\$18,484.50
Frank Ave NE	1 1/2" overlay	\$13,325.00	1 1/2" overlay	\$10,652.25
Lake Ave NE	1 1/2" overlay	\$12,100.00	1 1/2" overlay	\$13,132.75
Park Ave NE	1 1/2" overlay	\$8,700.00	1 1/2 " overlay	\$4,385.95
Lakeview Court	2 - 2" removal	\$14,900.00	2 - 2" removal	\$21,919.50
*Maple Avenue	2 - 2" removal	\$26,775.00	2" overlay	\$11,575.00
5th St SW	2" overlay	\$25,025.00	2" overlay	\$17,313.50
5th St NE	2 - 2" grade	\$43,475.00	2 - 2" grading & shouldering	\$59,680.00
Fischers Alley	14' wide	\$16,375.00	14' wide	\$15,585.00
Fischers Alley	24' wide	\$29,800.00	24' wide	\$26,746.00
Scoops Alley	14' wide	\$14,975.00	14' wide	\$13,869.00
Scoops Alley	24' wide	\$27,175.00	24' wide	\$23,757.20

Lake Ave NE	did not bid	2" overlay	\$16,401.30
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*Maple Avenue should be engineered.

Remaining streets: 1 block Frank Ave NE 1 block 2nd St NE 2 blocks Lake Ave NE	WW Blacktopping requires \$5,500 mobilization and traffic control added to cost no matter how many streets are done.
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Greenwald reported the worst three streets are Third Street NE, Lake Avenue NE, and Lakeview Court. Council discussed the damage that is done to Lakeview Court by the West Central Sanitation trucks. It was noted that if Lakeview Court is repaired the residents will need to bring their garbage and recycle containers to the shoulder of State Highway 60.

On motion by Houlihan, seconded by Westby, all voting in favor, to accept and approve the estimate from M&W Blacktopping in the amount of \$49,075 for 1 1/2" overlay to Third Street NE, for 1 1/2" overlay to Lake Avenue NE, and 2 – 2" removal to Lakeview Court.

As two quotes were not obtained for gutters on the Lake Francis Park Pavilions, this item was not discussed and will be revisited at the May 2021 Council Meeting.

On motion by McBroom, seconded by Houlihan, all voting in favor, to advertise for a summer seasonal worker at \$11.50 per hour 40 hours per week for 12 weeks.

Greenwald presented information related to Elysian Dayz to be held at Lake Francis Park June 18 and 19, 2021. There is concern that the park does not have enough amps available. If necessary, the organizer will have to supply a generator. The organizer will supply the porta pots. They have asked the City to provide 40 carts and 2 – 40 yard roll-offs. West Central has quoted the cost of the garbage service at \$1,000 and has offered to donate \$500 of that expense. At this point, this is a walk event only. There are no shuttles arranged. The organizer has requested that there be parking on one side of the street only for a 6 block radius of the event. He requested Third Street NW be closed from Frank Avenue NW to the lake to be used for handicapped parking. The organizer has also requested that City staff work at the event on both June 18 and 19th. Greenwald asked if there would be parking allowed at Sunset Park. It was suggested that if extra help was needed the WEM Football team may be interested.

Greenwald asked the Council to take a look at the waterway at the end of the cul-de-sac on Second Street SW.

Council accepted an email from Peter Harff, PE, PMP, MnDOT, stating that MnDOT will not add lighting to the State Highway 60 project in Elysian. He suggested the City request funding through the Local Partnership Program.

Discussions with MN DNR had been covered in the closed session by the City Attorney. No further update is available.

On motion by Houlihan, seconded by Westby, all voting in favor, to approve firefighter candidates Daniel Schlueter and Ryan Frederick, subject to occupational medical exam results.

On motion by Westby, seconded by Houlihan, all voting in favor, to approve the Enhanced Full Program Ground Mosquito Control Bid 2021 from Mosquito Control of Iowa in the amount of \$3,250.

Severe Weather Awareness Week – April 12 – 16, 2021. Tornado Drill Day April 15th. Sirens at 1:45 pm and 6:45 pm.

Board of Review and Equalization Open Book Meeting for Le Sueur County April 13, 2021 from 10 am to 6 pm at the Le Sueur County Courthouse and Waseca County April 12, 2021 from 9 am to Noon at the Waseca County Courthouse.

Le Sueur County Elected Officials Meeting Wednesday, April 28, 2021 7:00 pm at Le Sueur County Justice Center. Speaker: Ann Traxler on Severe Weather.

Elysian Area Chamber sponsored City-Wide Garage Sales May 7 and 8, 2021.

Elysian City-Wide Clean Up at Lake Francis Park – May 22, 2021 8:30 to 11:00 am.

Kopischke explained the correct amount for bills, transfers and payroll is \$101,345.19 which includes the total of the EFT Check transactions in the amount of \$20,879.74.

On motion by McBroom, seconded by Houlihan, all voting in favor, bills, payroll, and transfers were approved in the amount of \$101,345.19.

Public Comment: None.

On motion by McBroom, seconded by Houlihan, all voting in favor, to adjourn the meeting at 8:17 pm.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator