

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

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

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

On motion by Westby, seconded by Houlihan, all voting in favor, to approve the minutes of the June 14, 2021 Regular Meeting.

On motion by McBroom, seconded by Westby, all voting in favor, to approve the agenda of the July 12, 2021 Regular Meeting with the following addition:

1. Le Sueur County Captain Bruce Collins

Steve Rohlfing, Le Sueur County Commissioner, reported the County is almost fully staffed including the new County Administrator Joe Martin. County Highway Engineer is working with MnDOT District 7 to see if the speed limit on County Road 14 between County Road 11 and the sewer ponds can be lowered to 30 MPH. Rohlfing noted the extra traffic with the County Road 11 detour and commented that the mill / overlay on Main Street looks good.

Rohlfing reported the County will be receiving 5.5 million dollars with the American Rescue Plan Act and is currently determining how to allocate the funds. The Commissioners are configuring a remodel to the County Courthouse, drafting a telework policy, updating the Shoreland Rules, and working on budgets.

Rohlfing reported the 1 Watershed 1 Plan is complete and the Cannon Valley Watershed will receive \$585,000 from BOWSER for this biennium to be used for outreach and education.

Bruce Collins, Le Sueur County Captain, reported there were no criminal offense charges related to either Elysian Dayz or the July 4th Celebration. Both events were successful in that respect. He would still like to meet and debrief with the organizers of the events.

Collins noted the second half of the State Hwy 60 detour will be bringing more traffic to the County roads on this side of the city. He reported that the County will continue to work toward a reduced speed limit for County Road 14 going east from County Road 11.

Public Comment:

Mark Sybilrud, 514 Lake Avenue NW, stated that when Lake Avenue NW was redone, the engineer had stated that the rest of Lake Avenue NW would be completed once the Carpenter/Nelson property was developed. He asked what was happening with that project.

Sybilrud questioned the status of the new dock by the Lake Francis access.

Sybilrud noted there is not a public use basketball hoop in the city. He suggested one be placed at Lake Francis Park on the tarred area by the little pavilion.

There was no further Public Comment.

Staff provided an update on COVID-19. The City of Elysian will receive approximately \$80,000 as part of the American Rescue Plan Act. The funds are projected to be released late July / early August. The rules will allow the funds to be used for various COVID related expenses and also water, sewer and broadband expenses not related to COVID 19. The funds have to be allocated prior to December 30, 2024.

Council considered Resolution 749/21 – Adopting Findings of Fact and Reasons for Approval for Variance Application of Ellen Baynes, 114A Willow Point Drive.

The Planning and Zoning Commission held a Public Hearing to consider the variance request of Ellen Baynes for 114A Willow Point Drive on July 6, 2021. Baynes is requesting to build a new home which would require the following: Required setback from the OHW 75 feet – requested 65 feet, required lot width at OHW 75 feet, requested 65 feet, and to allow the attached garage to be located within the platted drainage and utility easement 16 feet on one side and 20 feet on the other.

Baynes owns PID# 16.415.0100 (lakeside) and PID# 16.411.0250 (across the road). The total square footage of both lots is 20,800 lot area. The proposed home / garage is 34 by 72 feet – 2,448 square feet. There will also be a driveway, sidewalk, and some type of patio. The lot coverage of the home / garage is 11.8%.

There is a 65-foot drainage and utility easement between the two lots. The 20-foot-wide bituminous road is located in the northern portion of the easement. The sewer main, water and gas are located in or to the north of the bituminous road. Electrical is located overhead. The variance request would place the proposed garage 20 feet into the easement on the south side.

On the lakeside the variance request allows the home to be located 74 feet from the OHW on the east side and 65 feet on the west side. The required setback is 75 feet. The homes on the adjacent properties are located approximately – 115 WP (50 feet), 114B (50 feet), 113 WP (77 feet), and 112 WP (55 feet) from the OHW mark.

The proposal meets all other setback and lot coverage requirements.

The Planning and Zoning Commission recommends approval of the variance request based on the following findings of fact:

1. The property owner does propose to use the property in a reasonable manner because the home has been designed and placed on the lot to line up with the adjacent homes on the lake and roadside to blend in with the existing homes / garages.
2. There are unique circumstances to the property not created by the landowner because the lot is small and was platted prior to the requirements of the current code. The narrowness of the lot and the location of the easement makes for a longer home to be fit for the property.
3. The variance will maintain the essential character of the locality because the proposed location of the house is the best possible match to the setback of the neighbors on the waterfront and the driveway. The home will blend with the other homes and not alter the character of the area.
4. And with the condition that: The swale between 113 Willow Point Drive and 114A Willow Point Drive that was installed per the fill permit dated 11/5/2019 be maintained / replaced to move the water from the road to the lake.

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 749/21

RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS
FOR APPROVAL FOR VARIANCE APPLICATION OF
ELLEN BAYNES AT 114A WILLOW POINT DRIVE

FACTS

1. Ellen Baynes is the owner of a parcel of land located at 114A Willow Point Drive, Elysian, Minnesota; and,
2. The subject property is legally described as found on Exhibit A; and,
3. Ellen Baynes has applied to the city for a variance to build a new home as described on Exhibit B.
4. The proposal would vary from § 156.091 GENERAL STANDARDS. (B) (1) (a) 75 foot required setback from OHW, 75 foot required lot width at OHW, and allowing to locate a structure in the recorded drainage and utility easement in that the home would be located 65 feet from the OHW, the lot width at the OHW is 66 feet and to allow the attached garage to be located within the recorded drainage and utility easement 16 – 20 feet as described in above referenced Exhibit B.
5. Following a public hearing on the application, the City of Elysian Planning and Zoning Commission has recommended approval of the variance on July 6, 2021.
6. The City Council of the City of Elysian reviewed the requested variance at its Meeting of July 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.
8. City Ordinance allows variances where the literal provisions would cause hardship because of physical circumstances unique to an individual property.

CONCLUSIONS OF LAW

9. The property owner does propose to use the property in a reasonable manner because the home has been designed and placed on the lot to line up with the adjacent homes on the lake and roadside to blend in with the existing homes / garages.

10. There are unique circumstances to the property not created by the landowner because the lot is small and was platted prior to the requirements of the current code. The narrowness of the lot and the location of the easement makes for a longer home to be fit for the property.
11. The variance will maintain the essential character of the locality because the proposed location of the house is the best possible match to the setback of the neighbors on the waterfront and the driveway. The home will blend with the other homes and not alter the character of the area.
12. And with the condition that: The swale between 113 Willow Point Drive and 114A Willow Point Drive that was installed per the fill permit dated 11/5/2019 be maintained / replaced to move the water from the road to the lake.
13. NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elysian, Minnesota, that the application to issue a variance to allow Ellen Baynes to build a new home so as to deviate from § 156.091 GENERAL STANDARDS. (B) (1) (a) 75 foot required setback from OHW, 75 foot required lot width at OHW, and allowing to locate a structure in the recorded drainage and utility easement in that the home would be located 65 feet from the OHW, the lot width at the OHW is 66 feet and to allow the attached garage to be located within the recorded drainage and utility easement 16 – 20 feet as described in above referenced Exhibit B is hereby Approved.

Upon vote being taken:

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

Council Members voting in the negative: None.

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

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

**EXHIBIT "A"
LEGAL DESCRIPTION**

File No.: 1215598

Lot 14 in Block 2, Chesnut's Lakeshore Subdivision, EXCEPT: Commencing at the easternmost corner of Lot 14; thence North 29 degrees 29 minutes West, a distance of Eighteen and Twenty-five Hundredths (18.25) feet along the Northeasterly line of said Lot 14; thence South 53 degrees 21 minutes 14 seconds West to a point on the shore of Lake Francis; thence Southeasterly along the shore of Lake Francis to its point of intersection with the Southeasterly line of said Lot 14; thence in a Northeasterly direction along the Southeasterly line of said Lot 14 to the point of beginning; all located in Chesnut's Lakeshore Subdivision in Government Lot 5, Section 34, Township 109 North, Range 24 West, Le Sueur County, Minnesota.

AND

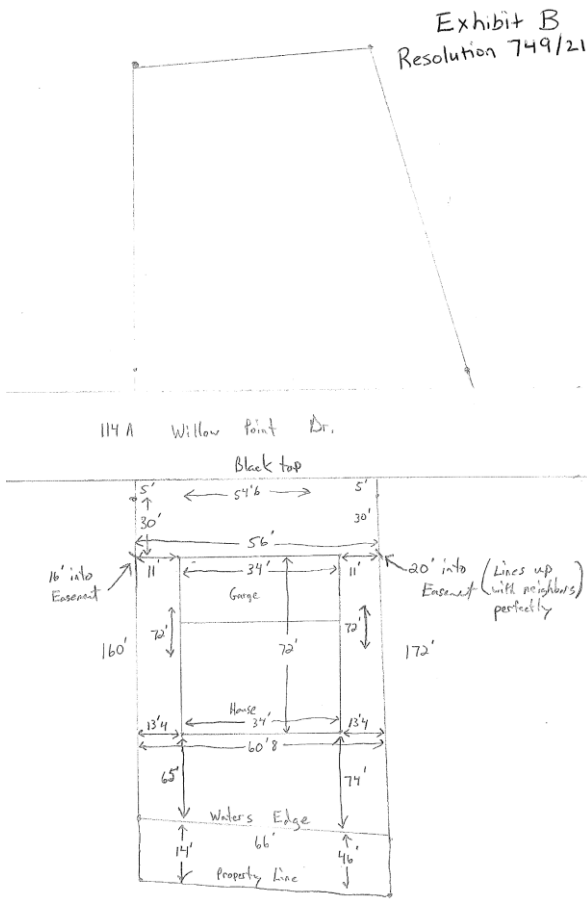
Also, Lot 15 in Block 2, Chesnut's Lakeshore Subdivision, Le Sueur County, Minnesota, and being a part of Government Lot 5, in Section 34 and of Government Lot 7 of Section 35, in Township 109 North, Range 24 West, according to the recorded plat on file and of record in the office of the County Recorder in and for Le Sueur County, Minnesota.

16.415.0100

AND

Outlot D, CIC 021, Roemhildts Waters Edge Addition, Le Sueur County, Minnesota; EXCEPT that part 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.

16.411.0250



The Council then considered Ordinance 99.21 – Amending the Zoning Classification for PID# 16.410.1037 and Resolution No. 750/21 – Approving a Conditional Use Permit for Rick and Cheryl Galewski.

The Planning and Zoning Commission held a Public Hearing to consider the requests on July 6, 2021 and is recommending approval. However, since that Public Hearing, the applicant has requested that the request be tabled to allow him to further investigate a tiling issue on the lot.

On motion by Schnoor, seconded by Westby, all voting in favor, to table consideration of Ordinance 99.21 – Amending the Zoning Classification for PID# 16.410.1037 and Resolution No. 750/21 – Approving Conditional Use Permit for Rick and Cheryl Galewski, and that in accordance with Minn. State. 15.99, Subd. 3(f), the City is extending the maximum 60-day decision period for no more than an additional 60 days. The time period is extended to September 25, 2021. The reason for the extension is to allow the applicant time to further investigate a tiling issue on the lot.

Jeff Ledin, SEH Engineering, presented the Pilot Study for the Removal of Radium, Iron, and Manganese. Ledin noted the radium issue at Well #2 and the iron bacteria issue at Well #3. The proposal would be to bring the two water sources to a single location and treat.

Westby asked if Reverse Osmosis (RO) was recommended. Ledin stated the water would meet the regulations without RO. RO would be additional but would remove the hardness in the water supply. Westby asked if the capacity for RO could be roughed into the water treatment facility for future use. Ledin stated it could. Ledin explained that some communities build in RO because they have a problem with chloride in the wastewater.

The Council asked that SEH hold a workshop event with the Council to better explain the whole process. Ledin will organize that workshop and advise of date.

Sybilrud explained he is a resident of Elysian and asked if he should be filtering the radium out of his water. Ledin explained there is no effective device for radium and there has been no health advisory for the community water from the State of Minnesota Health Department. A RO unit would reduce the amount of radium in the water below the maximum allowed amount.

Westby asked if the amount of radium in the community water system today poses a health risk. Ledin stated he did not believe it does. The Minnesota Health Department has not given any more direction than for the City of Elysian to start a plan to reduce the level of radium in the community water supply. No health advisories have been issued.

Mark Sybilrud, Lake Francis Lake Association, presented the Minnesota Department of Natural Resources (DNR) Technical Memo re: Effects of modifying Frances Lake outlet on water surface elevations, City of Elysian Lakes, Le Sueur County. Sybilrud reported that Todd Piepho stated that Lake Francis is currently twelve (12) inches above normal. As it is a spring fed lake, there will continue to be flowage in. Le Sueur County is now maintaining the culvert. The new landscaping at the Lake Francis beach will help to reduce the amount of sand that is washed into that culvert.

Public Works Director Ron Greenwald reported the total spent on the repair / replacement of sidewalks on Main Street is \$18,700. The repairs to sidewalks on Main Street West between 2nd Avenue NW and 3rd Avenue NW have not been completed. Council considered a proposal from Clayton Roemhildt & Sons Concrete to replace that section of sidewalk in the amount of \$7,408.80. There was Council consensus to NOT repair the sidewalks in that area at this time.

Greenwald reported there is an issue with traffic on Third Street SW between State Highway 60 and Maple Avenue SW. The street is narrow and if there are cars parked on both sides of the street it is difficult to get through. There are also difficulties on Maple Avenue SW between 2nd Street SW (vacated) and 3rd Street SW.

On motion by Schnoor, seconded by McBroom, all voting in favor, to post "No Parking" on the west side of Third Street SW between State Highway 60 and Maple Avenue SW and to post "No Parking" on the north side of Maple Avenue SW between 2nd Street SW (vacated) and 3rd Street SW.

Greenwald reported he had talked with several companies about alley dust control. They no longer use soybean oil. They now apply sodium chloride. Freeborn County Cooperative charges \$.80 per foot or approximately \$800 for each alley. Valley Dust Control charges \$.90 per foot or approximately \$900 per alley. Valley Dust Control is more available and only charge \$.40 per foot for the 2nd application.

As it was late in the season, there was Council consensus to consider this application for next year.

Greenwald reported there is a dilapidated shed located on City owned property PID# 16.991.0110 between 360 Auto and 205 Third Street SW. Greenwald asked if staff could tear it down and remove the debris.

On motion by Schnoor, seconded by Houlihan, to allow Public Works staff to tear down the dilapidated shed located on City owned property PID# 16.991.0110 as long as it can be done safely.

Greenwald reported the total daily water usage has lowered to below 100,000 gallons. The recent heavy rains have helped a lot. He did not recommend any water conservation requirements at this time.

John Manning reported the goose eradication program is going well. The current lake levels are down, and vegetation is up so the birds are not coming in. Manning suggested the brush pile be closed on the two Saturdays in September during the early hunting season. The dates of that hunting season should be released prior to the August Council meeting.

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 751/21

WHEREAS, Le Sueur County has presented an agreement relating to the maintenance of County State Aid Highways within the corporate limits of the City of Elysian for the calendar year of 2021 for total mileage of 1.35 miles at a rate of \$7,310.72 per mile per year for a total payment of \$9,869.47 per year, and;

WHEREAS, the City of Elysian will perform maintenance and snow removal on the County State Aid Highways. The maintenance and snow removal will be according to Minnesota State Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the Municipal Maintenance Agreement between Le Sueur County and the City of Elysian for calendar year of 2021 is approved.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 12th day of July, 2021.

Approved:

Attested:

Thomas McBroom Sr.
Mayor

Lorri Kopischke
City Administrator

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 752/21

RESOLUTION ACKNOWLEDGING A DONATION FROM
ELYSIAN AMERICAN LEGION POST #311

WHEREAS, the City of Elysian has received a donation in the amount of \$3,600.00 from the Elysian American Legion Post #311, for tax relief to the Elysian Area Chamber of Commerce for the purpose of funding toward the July 4th Parade, Fireworks 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 \$3,600.00 for the purpose of funding toward the July 4th Parade, Fireworks and Kids Bingo during the July 4th Celebration.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 12th day of July, 2021.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 753/21

RESOLUTION ACKNOWLEDGING A DONATION
TO THE FIRE DEPARTMENT FOR TURN OUT GEAR
FROM CANNON VALLEY COMM FOUNDATION

WHEREAS, the City of Elysian has received a donation in the amount of \$5,000.00 from Cannon Valley Comm Foundation toward the purchase of Turnout Gear.

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 Cannon Valley Comm Foundation in the amount of \$5,000.00 toward the purchase of Turnout Gear.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 12th day of July, 2021.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

Council discussed the State Hwy 60 Project and the associated detours. Any questions or concerns regarding the project should be directed to Todd Kjolstad, Construction Supervisor, MnDOT: 507-381-0307 or todd.kjolstad@state.mn.us.

On motion by McBroom, seconded by Westby, all voting in favor, to schedule a Budget Workshop Meeting for August 2, 2021 at 6:00 pm.

National Night Out Event will be held at Lake Francis Park on Tuesday, August 3, 2021 from 5:30 to 7:30 pm.

Thank you to the Chamber of Commerce and all the volunteers for a fun and successful Fourth of July Celebration.

Thank you to the City Employees, especially Public Works, for all their extra efforts for Elysian Dayz and Fourth of July Celebration. The city looks amazing.

City Attorney Moran reported the owner of the property located at 402 Frank Avenue NW with the nuisance in the form of a dilapidated mobile home has stated the nuisance will be removed within two weeks.

On motion by Westby, seconded by McBroom, all voting in favor, bills, payroll, and transfers were approved in the amount of \$268,021.99.

Public Comment:

John Manning, 205 Park Avenue NE, thanked the Public Works Department for one heck of a job over recent celebrations. The city looked beautiful and clean up was complete and fast.

Manning discussed the possibility of utilizing an area at the sewer ponds to qualify for the Waterville Police Department two times this fall. Council will discuss a formal request at the August 2021 Council Meeting.

There was no further Public Comment.

On motion by McBroom, seconded by Houlihan, all voting in favor, to adjourn the meeting at 7:30 pm.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator