

**ELYSIAN CITY COUNCIL
REGULAR MEETING
OCTOBER 11, 2021**

The Elysian City Council met in regular session on Monday, October 11, 2021 at City Hall at 6:00 pm.

Roll Call: Mayor Tom McBroom; Councilmembers Bobby Houlihan and Dennis Schnoor; City Administrator Lorri Kopischke; Public Works Worker Ron Greenwald; Utility Clerk Nicole Lamont; City Attorney Jason Moran. Absent: Councilmembers Bryan Suemnick and Derek Westby.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the minutes of the September 13, 2021 Regular Meeting as presented.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the agenda of the October 11, 2021 Regular Meeting as presented.

On motion by McBroom, seconded by Houlihan, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:01 pm.

Sonia Ziemer, owner of 136 Willow Point Drive and 138 Willow Point Drive (PID# 16.417.0050 and 16.417.0051) has petitioned the City of Elysian to vacate the 66 foot wide roadway and utility easement (PID# 16.991.0110) that is directly east and adjacent to her property. The purpose of said vacation will be to allow the applicant Chris LaCombe to build a single family home on 136 Willow Point Drive.

LaCombe has a pending purchase agreement for 136 Willow Point Drive and would like to construct a 1,688 square foot single family home on the lot. The lot sits up on a tall bluff. There is a required setback of 30 feet from the bluff line on the lakeside (west side) of the property in addition to the 75 setback from the OHW. There is also a recorded 66 foot roadway and utility easement on the east side of the property.

LaCombe has requested the easement vacation to provide adequate area to build the proposed home while adhering to the bluff setback requirements. There are service lines within the easement that will have to be moved. And a new dedicated / recorded easement for the utilities will be granted to the City as part of this process. LaCombe will bear the expense of the relocation of the utilities and the recording of the new easement.

The previous easement would then become a driveway and the homeowners would need some type of agreement drafted to grant the property owner of 138 Willow Point Drive perpetual access. Also, the City will no longer be responsible for snowplowing of that property.

Notice of the public hearing was published in the Life Enterprise Newspaper and all property owners within 350 feet of the property were notified. The MN Department of Natural Resources was also notified of the request. The City Engineer, City Attorney and the Public Works Director have reviewed the proposed plan.

There was no public comment.

Written Comment:

“Wednesday, September 22, 2021

Good morning Lorri. I don't have any additional comments to add to this variance. It is good to see the bluff setback and the OHWL setback are being met. Thanks for the notification.

Todd Peipho, Area Hydrologist, MN Department of Natural Resources”

There was no further written comment.

On motion by McBroom, seconded by Schnoor, all voting in favor, to close the Public Hearing and open the Regular Meeting at 6:07 pm.

Le Sueur County Commissioner Steve Rohlfing reported that on September 7, 2021, the Le Sueur County Board did pass a resolution asking the State of Minnesota to complete a Speed Study on County Road #11 and County Road #14 in Elysian.

Rohlfing reported on staffing issues, bonding, broadband initiatives, and a possible EDA Director or some type of facilitation in that area, and projected use of the County's \$6.2 million ARPA monies.

Bruce Collins, Le Sueur County Captain, noted the recent vandalism in the Lake Francis Park bathrooms. He also reported he was contacted by a representative of the Lakeview Manor Townhome Association regarding moving their docks out of Lake Francis and across County Road #11. They plan to move the docks on October 23rd and are concerned about the increased traffic with the State Highway 60 detour.

Chad Lebert and Jim Baker, representing Lakeview Manor Townhomes, explained they plan to move the docks on October 23rd starting at 7:30 am. They hope to be done within 3-4 hours. They are concerned about safety and wanted the City Council to be aware of their plan.

Public Comment: None.

The Council considered Resolution No. 758/21 – Vacating and Releasing a Portion of a Public Easement.

Councilmember Schnoor introduced the resolution and was seconded by Councilmember Houlihan. Voting on the motion: Aye: Houlihan, McBroom, Schnoor. Nay: None. Motion Passed.

**CITY OF ELYSIAN
ELYSIAN, MINNESOTA**

RESOLUTION NO.: 758/21

A RESOLUTION VACATING AND RELEASING A PORTION OF A PUBLIC EASEMENT

THE CITY COUNCIL FOR THE CITY OF ELYSIAN, LE SUEUR COUNTY,
MINNESOTA, DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the City Council for the City of Elysian called for a hearing by notifying its interest in vacating and releasing a portion of an Easement pursuant to Minnesota Statute §412.851; and

WHEREAS, Willow Point Drive is a platted private drive; and

WHEREAS, the City has a 66 foot wide roadway and utility easement along Willow Point Drive, hereinafter termed “dominant Easement;” and

WHEREAS, this dominant Easement runs along the eastern boundary of Parcel Identification Numbers 16.417.0050 and 16.417.0051, known as 138 Willow Point Drive, Elysian, Le Sueur County, Minnesota and 136 Willow Point Drive, Elysian, Le Sueur County, Minnesota, respectively, hereinafter termed "subject property. Said Subject property is legally described as Lot 5, Chestnut's Lakeshore Subdivision No. 3;" and

WHEREAS, the property owner of this subject property has petitioned the City for a release of a portion of this Easement, the same has been heard by the Elysian City Council, and the Council now finds it necessary to release a portion of the Easement from the subject property; and

WHEREAS, a public hearing was set to consider the release of a portion of the Easement; and

WHEREAS, a public hearing on this matter was held on October 11, 2021 before the City Council at City Hall. Further, all property owners adjacent to said Easement and all affected persons were given notice of said public hearing, and all were given an opportunity to be heard and voice their concerns regarding the partial release of the

Easement. Finally, notice of the hearing was published in the City's legally designated newspaper for the requisite time parameters called for in Minnesota Statutes §412.851; and

WHEREAS, the City Council, in its discretion, has determined that the release of a portion of the Easement will benefit the public interest because the Easement area to be released is not used by the City and vacation of the subject Easement area will provide an opportunity for the homeowner to further develop the subject property, which will further enhance the City's tax base, and;

WHEREAS, four-fifths of all members of the Elysian City Council concur in this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF ELYSIAN, LE SUEUR COUNTY, MINNESOTA, that the 66 foot wide by 175 foot long Easement area identified on the attached Survey labeled Exhibit A be released from the dominant Easement and the remainder of the Easement remaining in full force and effect.

BE IT FURTHER RESOLVED, that the Mayor and City Administrator are hereby authorized to sign all documents necessary to effectuate the intent of this Resolution.

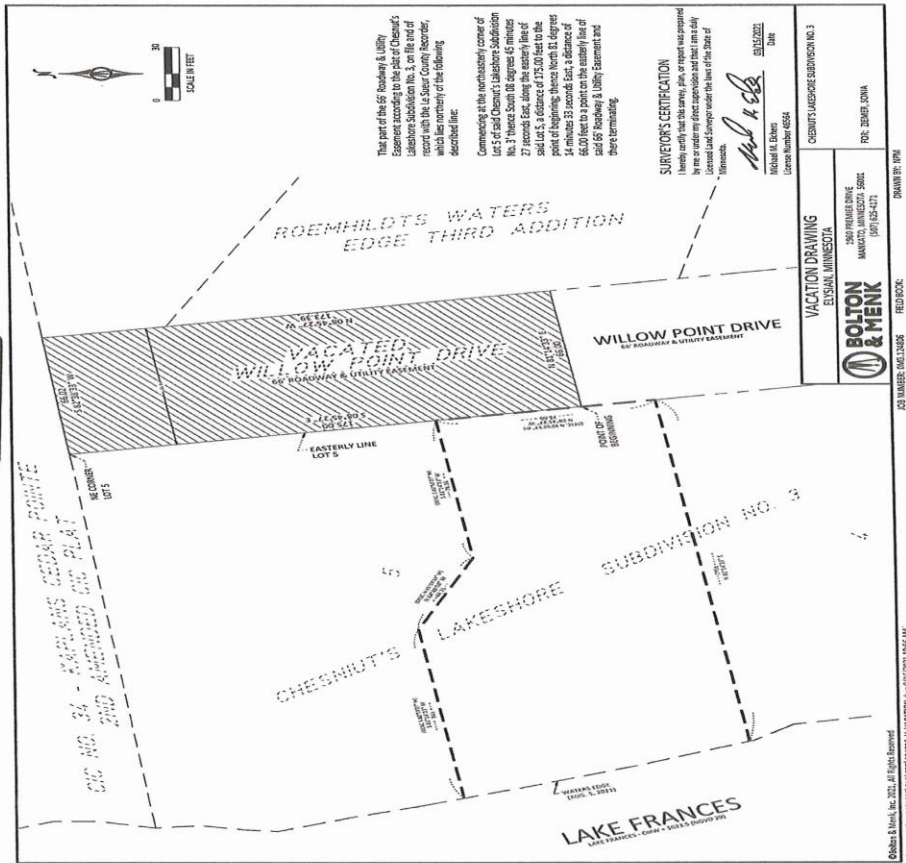
Adopted by the Council this 11th day of October, 2021.

Approved:

Tom McBroom, Sr., Mayor

ATTEST:

Lorri Kopsichke, City Administrator



The Council considered Resolution No. 759/21 – Adopting Findings of Fact and Reasons for Approval for Variance Application of Chris LaCombe at 136 Willow Point Drive.

Mr. LaCombe is requesting to build a new home on the property of 136 Willow Point Drive. The proposal would require a variance to allow the porch to extend into the (8) eight foot side / (20) twenty foot rear setback in the amount of 62 square feet.

With the previous requested easement vacation, LaCombe will be able to build the home and meet all other setback requirements. The lot coverage also meets shoreland requirements at 18.1%.

A public hearing to consider the request was held by the Planning and Zoning Commission on October 5, 2021.

Leo Brown, 117 Willow Point Drive, spoke in favor of the request during public comment at the Planning and Zoning meeting.

Written comment in favor of the request was received from Todd Piepho, Area Hydrologist, MN Department of Resources and Mark and Julia Berg, 134 Willow Point Drive.

Planning and Zoning Commission recommended approval of the variance request for Chris LaCombe, 136 Willow Point Drive based on the following:

1. The requested variance is in harmony with the purposes and intent of the ordinance.

2. The requested variance is consistent with the comprehensive plan.
3. The property owner does propose to use the property in a reasonable manner because the home is being placed in this location to adhere to the building limitation created by the bluff line setback requirement.
4. There are unique circumstances to the property not created by the landowner due to the location of the bluff line and the small amount of usable top ground. This house is being proposed to be up against the 30 foot bluff setback pushing the home into the side/rear setbacks requiring a variance.
5. The variance will maintain the essential character of the locality because it will enhance the character of the area by placing an attractive home on a difficult lot.

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 759/21

RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS
FOR APPROVAL FOR VARIANCE APPLICATION OF
CHRIS LACOMBE AT 136 WILLOW POINT DRIVE

FACTS

1. Chris LaCombe is the applicant for a variance for a parcel of land located at 136 Willow Point Drive, Elysian, Minnesota (PID# 16.417.0051); and,
2. The subject property is legally described as found on Exhibit A; and,
3. Chris LaCombe has applied to the City for a variance to build a new home as described on Exhibit B.
4. The proposal would vary from §156.065 R-1 GENERAL RESIDENTIAL ZONE (E) R-1 Standards (2) Side Yard Standards: minimum of eight (8) feet and (4) Rear yard, principal building: minimum twenty (20) feet, in that it would be located within the side and rear setback for a total of 62 square feet.
5. Following a public hearing on the application, the City of Elysian Planning and Zoning Commission has recommended approval of the variance on October 5, 2021.
6. The City Council of the City of Elysian reviewed the requested variance at its Meeting of October 11, 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 requested variance is in harmony with the purposes and intent of the ordinance.
10. The requested variance is consistent with the comprehensive plan.
11. The property owner does propose to use the property in a reasonable manner because the home is being placed in this location to adhere to the building limitation created by the bluff line setback requirement.
12. There are unique circumstances to the property not created by the landowner due to the location of the bluff line and the small amount of usable top ground. This house is being proposed to be up against the 30 foot bluff setback pushing the home into the side/rear setbacks requiring a variance.
13. The variance will maintain the essential character of the locality because it will enhance the character of the area by placing an attractive home on a difficult lot.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elysian, Minnesota, that the application to issue a variance to allow Chris LaCombe to build a new home so as to deviate from §156.065 R-1 GENERAL RESIDENTIAL ZONE (E) R-1 Standards (2) Side Yard Standards: minimum of eight (8) feet and (4) Rear yard, principal building: minimum twenty (20) feet, in that it would be located within the side and rear setback for a total of 62 square feet is hereby Approved. Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of Elysian on this 11th day of October 2021.

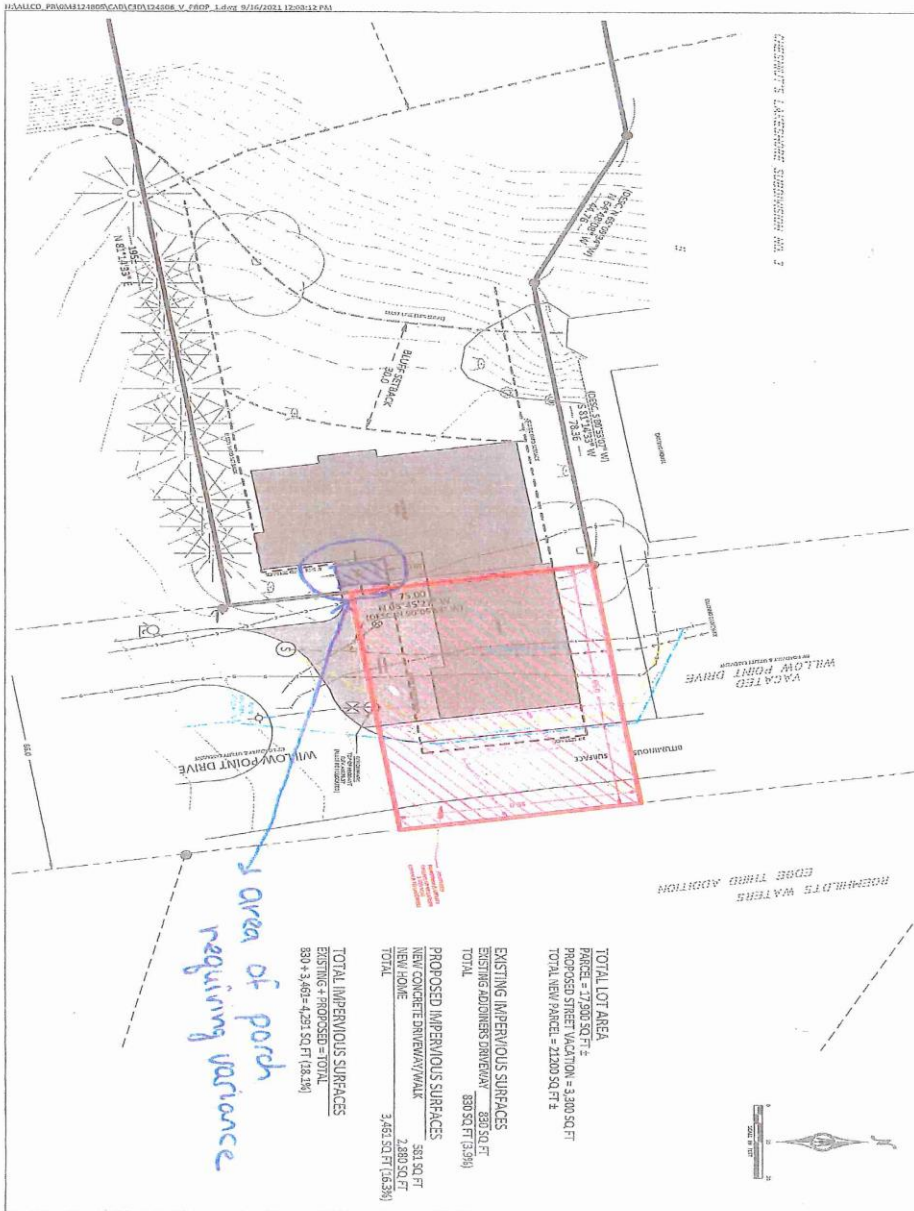
Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

All that part of Lot 5 of the plat of CHESTNUTS LAKESHORE SUBDIVISION NO. 3 in the City of Elysian, Minnesota, lying Southerly of the following described line; Commencing at the southeast corner of said Lot 5; thence on an assumed bearing of North 09 degrees 06 minutes 53 seconds West along the East line of said Lot 5 a distance of 75.00 feet to the point of beginning of said Line to be described; thence South 80 degrees 53 minutes 07 seconds West 78.35 feet; thence North 65 degrees 09 minutes 34 seconds West 44.76 feet; thence South 80 degrees 53 minutes 07 seconds West 120.66 feet, more or less, to the shoreline of Lake Francis and said line there terminating. This tract contains 20,011 square feet of land, more or less, and is the subject to any and all easements of record.



COVID – 19 Updates: The City has received American Rescue Plan Act Fund dollars in the amount of \$40,495. Some options for these monies would be purchase of the generator for the Well or to pay toward the preliminary design costs of the Water Treatment Plant. Council will discuss at the next budget meeting.

Jeff Ledin, Engineer, SEH Engineering, provided a response to Council questions on the cost of the preliminary design work for the Water Treatment Plant as follows: “Regarding our costs.... The contract for preliminary design is setup hourly, plus expenses, with a not to exceed limit. We have the ability for this preliminary work to reduce the hourly rates by 10% versus the normal rates for this type of work. We will commit to Elysian to do this for this project. Is this acceptable?”

The SEH Engineering labor fee amount is quoted at \$123,000. A 10% reduction would be an amount of \$12,300. This would result in the total amount not to exceed \$113,900.

Staff reported that Elysian Bank has agreed to provide interim financing for the preliminary design of the Water Treatment Plant at an interest rate of 2.25%.

On motion by McBroom, seconded by Houlihan, all voting in favor, to accept the 10% SEH fee reduction for services related to preliminary design of the Water Treatment Plant and to accept and authorize interim financing to pay for those services from the Elysian Bank.

John Manning reported on the October 9-10, 2021 controlled / direct harvest of geese at the sewer treatment plant. It was a challenging weekend with individuals entering the area during the harvest on both Saturday and Sunday. Harvest results were dramatically lower than anticipated with (8) eight geese and (3) three ducks. In the event of another harvest this fall, a second lock will be used on the gate. The City may also need to discuss building an apparatus at the sewer pond on ground level or beneath to harvest the geese.

Manning reported there also was a truck that went around the locked gate at Tustin Park and launched a boat at the City-owned access and was discharging firearms.

Ron Greenwald, Public Works Director, reported the Minnesota Department of Health is now requiring a chlorine residual test be taken at a spot closest to the source and farthest from the source. The first sample will be collected on October 18, 2021.

Greenwald reported vandalism on the generator located at Lift Station A on September 13, 2021. The muffler was sawed off and the cost to repair is \$3,154 plus labor.

Greenwald reported vandalism at the Lake Francis Park bathroom that was reported on October 3, 2021. The damage includes sink, toilets, urinal, mirrors, soap and toilet paper dispensers. The amount of damage is in excess of \$1,700.

Council discussed solar motion lights at the park and security cameras on all City-owned buildings.

Greenwald reported his attendance at the Equipment Expo last week. He did not see anything cheaper or with newer technology than the tractor he was suggesting from Smith’s Mill. He suggested the City look at purchasing a 2022 New Holland tractor with a package that includes a snow blower on the front. Council asked Greenwald to obtain (3) three bids for the next council meeting.

Parking on Third Street SW in front of Hidden Meadows 4-plexes was discussed. The west side of Third Street SW between State Highway 60 and Maple Avenue SW has been signed “no parking”. There are still complaints of cars being parked on the east side of the street resulting in difficult

travel on the roadway. Also, there is a car that has been parked there for at least one week. There was concern for snowplowing of the street.

After much discussion, there was consensus to install “No 24-Hour Parking” on both sides of Third Street SW and Maple Avenue SW. A resolution will be considered at the November Council Meeting.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 760/21
DESIGNATING POLLING PLACES
FOR YEAR 2022

WHEREAS, Minnesota Statutes 204B.16, sub 1 requires the City Council, by ordinance or by resolution, to designate polling places for the upcoming year; and

WHEREAS, changes to the polling places locations may be made at least 90 days before the next election if one or more of the authorized polling places becomes unavailable for use; and

WHEREAS, changes to the polling locations may be made in the case of an emergency when it is necessary to ensure a safe and secure location for voting; and

NOW THEREFORE, BE IT RESOLVED:

That the Elysian City Council hereby designates the following polling place for elections conducted in the city in 2022:

PRECINCT: ELYSIAN 0020 - All Properties within the corporate limits of the City of Elysian, County of Waseca

Polling Place: Elysian: Mail Ballot, 307 N State Street, Waseca, MN 56093.

PRECINCT: ELYSIAN 0025 – All properties within the corporate limits of the City of Elysian, County of Le Sueur

Polling Place: Elysian City Hall, 110 W Main Street, Elysian, MN 56028.

AND BE IT FURTHER RESOLVED, that the Administrator-Clerk is hereby authorized to designate a replacement polling place meeting the requirement for the Minnesota Election Law for any polling place designated in this Resolution that becomes unavailable for use by the City;

AND BE IT FURTHER RESOLVED, that the Administrator-Clerk is hereby authorized to designate an emergency replacement polling place meeting the requirement of the Minnesota Election Law for any polling place designated in this Resolution when necessary to ensure a safe and secure location for voting;

AND BE IT FURTHER RESOLVED, that the Administrator-Clerk is directed to send a copy of this resolution and any subsequent polling place designations to the Le Sueur County Elections Office and the Waseca County Elections Office.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 11th day of October, 2021.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

Motion by Schnoor, seconded by Houlihan, all voting in favor, to close Main Street from Third Street NW to the Fire Hall for the Spook Trail on Saturday, October 20, 2021 from 5:00 to 7:30 pm.

Council received the April 1, 2020 counts from the U.S. Census Bureau:

City/County Parts:	Whole City	Le Sueur	Waseca
Total Population:	708	704	4
Household Population:	682	678	4
Group Quarters Population:	26	26	-
Total Housing Units:	393	391	2
Occupied Housing Units (Households):	301	301	-
Vacant Housing Units:	92	90	2

On motion by Schnoor, seconded by McBroom, all voting in favor, to schedule a Budget Workshop Meeting for Monday, November 15, 2021 at 6:00 pm.

Thrifty White Flu Clinic Tuesday, October 12, 2021 from 3:30 to 5:30 pm at the Tourism Center.

Le Sueur County Elected Official's Meeting Wednesday, October 27, 2021 at 6:30 pm. Location TBD.

City of Elysian 2021 employee evaluations are in progress.

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.

Kyle Short, Elysian Little League Association, proposed changes to the ballfield at the Lake Francis Park. The Little League Association would like to see a little league fence in the outfield, the lime removed, and sod installed in the infield, and a possible batting cage. They would provide the fundraising and the labor for these changes. Most all the fields the teams play on are built to Little League standards and it would be beneficial to the players to have these changes made. Possibly Elysian could host more tournaments here if the field was to standard.

On motion by McBroom, seconded by Houlihan, all voting in favor, to authorize the Elysian Little League Association to begin work on the Lake Francis ballfield to include installation of a Little League fence in the outfield, the lime removed, and sod installed in the infield, and a possible batting cage.

The ballfield and the tennis courts at the Elementary School were discussed. Short stated it would be beneficial to have two fields for the Little League. Greenwald reported the foundation of the tennis courts is in good condition and when last checked the overhead lights were in working condition.

There was Council consensus for Mayor McBroom to discuss the City acquisition of the Elementary School ballfield and tennis courts with the WEM School Board.

Nicole Lamont, Park Board, reported the Park Board has been discussing installing a shower at the Lake Francis Park to rinse after using the beach. The Park Board is requesting the City request an estimated cost from SEH Engineering to design a shower for that park. The shower could be on the bathroom or stand alone and would be push button. It would need to be ADA compliant.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to request an estimated cost from SEH Engineering to design a shower, on the bathroom wall or stand alone, for the Lake Francis Park.

City Attorney Jason Moran reported he is still negotiating a letter agreement and franchise agreement with MetroNet. He hopes to have something for consideration at the November 2021 Council meeting.

Moran reported the nuisance building located at 402 Frank Avenue NW has been partially removed. The Building Inspector is working with the owner to complete several items.

Mayor McBroom reported the City Administrator evaluation was conducted earlier this evening. Overall Kopischke met or exceeded the expectations of her job requirements.

Mayor McBroom stated the American Legion 311 is still discussing the issue of upkeep of the Veterans Memorial at Sunset Park. They will bring some ideas and a written agreement will be drafted for Council approval.

On motion by McBroom, seconded by Houlihan, all voting in favor, bills, payroll, and transfers were approved in the amount of \$124,210.05.

Public Comment: None.

On motion by McBroom, seconded by Schnoor, all voting in favor, to adjourn the meeting at 7:33 pm.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator