

**ELYSIAN CITY COUNCIL
REGULAR MEETING
NOVEMBER 8, 2021**

The Elysian City Council met in regular session on Monday, November 8, 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 Schnoor, seconded by Houlihan, all voting in favor, to approve the minutes of the October 11, 2021 Special Meeting and the October 11, 2021 Regular Meeting as presented.

On motion by McBroom, seconded by Schnoor, all voting in favor, to approve the agenda of the November 8, 2021 Regular Meeting as presented.

Nick Greenig, Le Sueur County Chief Deputy, reported that Ann Traxler is retiring, and the County Administrator and County Board have asked the Sheriff Department to develop a proposal to take the Emergency Management Department under their authority. The County Board will consider the proposal at the November 16 meeting. There are no updates on the recent vandalism in the City. Waseca County does have a suspect in custody for the recent burglaries that affected some residents in the area. Property has been recovered and returned.

Public Comment: None.

The Council considered Resolution No. 761/21 – Regulating Street Parking in a Residential Area.

The installation of no 24 hour parking signs was discussed at the October 11, 2021 Council Meeting. Staff was directed to order the signs and draft a resolution for consideration.

Schnoor stated the parking in this area has improved over the past month. He would like to table consideration of Resolution No. 761/21 and see how the snowplowing goes this winter.

Houlihan expressed concern with the snowplowing in the area and noted that if the resolution was passed there would be a mechanism in place to enforce the extended parking if people would park there.

McBroom asked if the purchase order for parking signs could be cancelled. Greenwald will check.

On motion by Schnoor, seconded by McBroom, all voting in favor, to table consideration of Resolution No. 761/21 – Regulating Street Parking in a Residential Area until the summer of 2022.

The Council considered Resolution No. 762/21 - Adopting Findings of Fact and Reasons for Approval for Variance Application of Josh and Molly Froman at 710 Lakeside Drive NW.

Josh and Molly Froman are requesting to build a 30 by 60 foot shed on their property of 710 Lakeside Drive NW (PID# 16.460.0060). This proposal would require a variance to allow them to place the 1,800 square foot building on the lot with 10 foot side yard setbacks when 15 foot side yard setbacks are required.

This is a residential lot in the R-1 Shoreland District. It is 50 feet wide by 600 feet long and divided by a private drive. The house is located on the lake side and the shed would be located on the south

side of the private drive. There is an existing shed that encroaches onto the lot to the east by (2) feet. That shed will be removed if the new shed is built.

The proposed shed would meet the rear setback and lot coverage requirements. Todd Piepho, Area Hydrologist, MN Department of Natural Resources, commented as follows: "Since the lot coverage and OHWL setbacks are being met I see no negative impact to the lake with this one."

The Planning and Zoning Commission voted unanimously to approve the variance request based on the following:

1. The variance is in harmony with the purposes and intent of the ordinance.
2. The variance is consistent with the comprehensive plan.
3. Practical Difficulties:
 - a. Reasonableness: The lot is unique in that it is 50 x 600 feet. There is room for the shed on the south side of the lot and it meets all other setback requirements including maximum lot coverage. The existing garage will be removed which will eradicate an existing encroachment onto the property to the east (708 Lakeside Drive NW).
 - b. Uniqueness: The uniqueness is the narrowness of the lot at only 50 feet.
 - c. Essential Character: There are several sheds, similar in both size and location, on the neighboring lots. The trees on the south property line will limit the visibility of the shed to the cul-de-sac to the south.

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 762/21

RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS FOR
APPROVAL FOR VARIANCE APPLICATION OF JOSH AND MOLLY FROMAN
AT 710 LAKESIDE DRIVE NW

FACTS

1. Josh and Molly Froman are the owners of a parcel of land located at 710 Lakeside Drive NW, Elysian, Minnesota (PID# 16.460.0060); and,
2. The subject property is legally described as found on Exhibit A; and,
3. Josh and Molly Froman have applied to the City for a variance to build an 1,800 square foot shed as described on Exhibit B.
4. The proposal would vary from City of Elysian Ordinance § 156.065 R-1, GENERAL RESIDENTIAL ZONE. (3) Side yard, accessory building: If the accessory building is larger than 1,200 square feet, the required side yard setback is a minimum of 15 feet in that it would require that the side yard setbacks be 10 feet.
5. Following a public hearing on the application, the City of Elysian Planning and Zoning Commission has recommended approval of the variance on November 2, 2021.
6. The City Council of the City of Elysian reviewed the requested variance at its Meeting of November 8, 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 requested variance is in harmony with the purposes and intent of the ordinance.
- 9. The requested variance is consistent with the comprehensive plan.
- 10. The property owner does propose to use the property in a reasonable manner because the lot is unique in that it is 50 x 600 feet. There is room for the shed on the south side of the lot and it meets all other setback requirements including maximum allowable lot coverage. The existing garage will be removed which will eradicate an existing encroachment on to the property to the east (708 Lakeside Drive NW).
- 11. There are unique circumstances to the property not created by the landowner because of the narrowness of the lot at only 50 feet.
- 12. The variance will maintain the essential character of the locality because there are several sheds, similar in both size and location, on the neighboring lots. The trees on the south property line will limit the visibility of the shed to the cul-de-sac to the south.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elysian, Minnesota, that the application to issue a variance to allow Josh and Molly Froman to build an 1,800 square foot shed so as to deviate from City of Elysian Ordinance § 156.065 R-1, GENERAL RESIDENTIAL ZONE. (3) Side yard, accessory building: If the accessory building is larger than 1,200 square feet, the required side yard setback is a minimum of 15 feet in that it would require that the side yard setbacks be 10 feet is hereby Approved.

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

Councilmember voting in the negative: None.

Adopted by the City Council of Elysian on this 8th day of November 2021.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

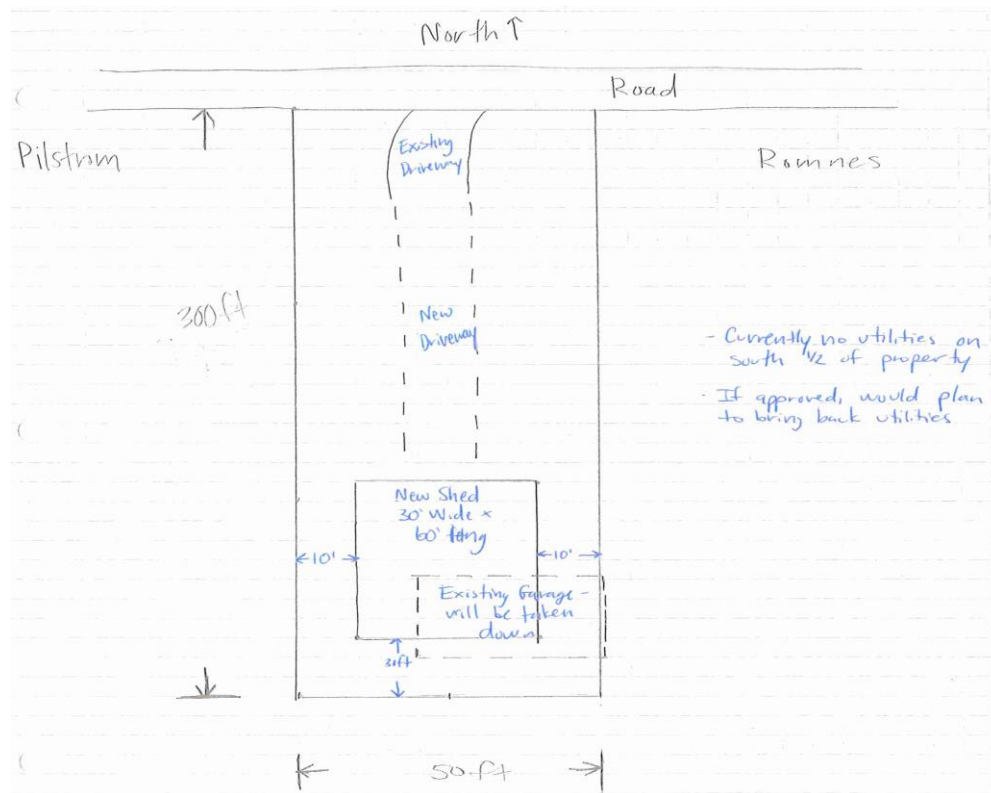
EXHIBIT A

The East 50 feet of the West 385 feet of the North 8 acres of the unplatted portion of Government Lot 8, Section 35, Elysian City, being more specifically described as:

The East 50 feet of the West 385 feet of the following described real estate:
Commencing at the Northwest Corner of Government Lot 8, Section Thirty-five (35), Township One Hundred Nine (109) North of Range Twenty-four (24) West; thence running South along the section line between Section Thirty-four (34) and Section Thirty-five (35) of said Township to a point directly West from the South line of the street known as Lake Street according to the present plat of the Village of Elysian; thence East parallel with the South line of said street to the West line of said plat of the Village of Elysian; thence North to the shore of Lake Francis; thence Westerly along the shore of Lake Francis to the place of beginning according to the recorded maps or plats on file and of record in the Office of the County Recorder in and for Le Sueur County, Minnesota. Together with and subject to that certain easement dated June 4, 1953, filed July 16, 1953 and recorded in Book 105 of Deeds at page 505.

16.440.0000

Exhibit B



COVID – 19 Updates: As the City of Elysian has less than 100 employees, the recently proposed OSHA Emergency Temporary Standard for COVID19 Testing and Vaccination would not apply.

A Water Treatment Plant Kick Off Meeting will be held at City Hall on November 9, 2021 at 10:00 am.

John Manning was not available to attend the meeting but provided the following update: "The birds are not currently using the sewage plant. There is currently no harvesting of birds there. He will continue to evaluate as there is quite a bit of season left. The effort is to keep the cost to the City as low as possible."

Public Works Director Ron Greenwald presented (2) two quotes for tractor / loader with PTO and snowblower. Smiths Mill (New Holland) \$72,000 after trade in allowance. John Deere \$103,031 after trade in allowance. Council directed Greenwald to request financing / lease program options for both units.

Greenwald reported that due to construction and large equipment on the cul-de-sacs, there are large cracks on Tustin Circle South and Jill Lynn Circle. He would like to have the cracks filled before winter as the snow and ice will result in the worsening of the cracks. A quote was provided from Barga Incorporated in the amount of \$3,200 – Tustin Circle South and \$4,500 - Jill Lynn Circle.

On motion by Houlihan, seconded by Westby, all voting in favor, to approve the quote for crack repair from Barga Incorporated in the amount of \$3,200 – Tustin Circle South and \$4,500 – Jill Lynn Circle.

Greenwald noted that Lake View Court received a (4) four inch lift this season and he would like to have it seal coated. He presented a quote from Barga Incorporated in the amount of \$3,000. There was no Council action on this item.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 763/21
REQUEST FOR OFF SITE LAWFUL GAMBLING

WHEREAS: the Elysian City Council was presented with a request from the Elysian Fire Department Relief Association for one day off site lawful gambling, December 4, 2021.

WHEREAS: State Laws of Minnesota require approval be granted by the local governing body, thus the City of Elysian.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the Elysian City Council grants approval for a one day off site lawful gambling license for December 4, 2021 to the Elysian Fire Department Relief Association.

Upon vote being taken:

Councilmembers 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 8th day of November, 2021.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator

Employee evaluations are complete. All employees met or exceeded the requirements of their job description. Kopischke thanked all employees for their service and commitment to the City of Elysian.

The Land Lease Agreement for the 12 acres at the sewer ponds will expire on February 28, 2022. On motion by Schnoor, second by Houlihan, all voting in favor, to advertise for bids for Land Lease for crop years 2022, 2023, 2024 with bid opening at the City Council Meeting on February 14, 2022.

Reminder of Budget Workshop Meeting Monday, November 15, 2021 at 6:00 pm.

On motion by McBroom, seconded by Westby, to close City Hall Friday, November 26, 2021. Voting on the motion: Aye: Houlihan, McBroom, Westby. Nay: Schnoor. Motion passed. Employees are required to use vacation, floating holiday, or comp time.

Reminder Truth in Taxation Hearing, December 13, 2021 at 6:01 pm.

Thank you to all the volunteers, businesses, Elysian Area Chamber members, Elysian Area Fire Department and City staff who contributed to the 2021 Spook Trail. It was a beautiful night and there was a huge turnout. The firefighters served 480 hot dogs and ran out of food at 6:45 pm.

Reminder of Small Business Saturday in Elysian on November 27, 2021.

Reminder Christmas in Elysian on December 4, 2021 which will include Shopping with Claus with pancake breakfast, Holidayz parade and fireman's bingo.

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 December 2021 Council meeting.

Moran reported the nuisance issues located at 402 Frank Avenue NW are still being addressed. The contractor is expected to clean up the property January 2022.

McBroom reported that he and Kyle Short will be meeting with the WEM School Board and School District to discuss City acquisition of the little league field and the tennis courts at the Elysian Elementary School.

McBroom reported he had reviewed all employee evaluations and he thanked Staff for all they have done over the last year. He is extremely proud of City Staff and the City could not function or operate without them.

On motion by Houlihan, seconded by Westby, all voting in favor, bills, payroll, and transfers were approved in the amount of \$236,569.58.

Public Comment:

Sue Quiram, 305 Fourth Street NW, questioned the procedures for passing resolutions and asked if it would be possible to install parking signs on Third Street SW similar to Waterville where there is

“no parking” for certain times of the day. She stated when she drives by the Hidden Meadow Apartments there are always cars parked on the street. This will make it difficult for snowplowing.

Houlihan explained this was discussed at last month’s Council meeting. The building has the amount of parking spaces required by City Ordinance, but certain people have two cars. The problem is cars being parked for long periods of time without moving them. There was one car in particular there that had been an issue, but it sounds like that has been better.

Quiram stated she was concerned for plowing snow. Moran stated there is a snow emergency ordinance in place. The ordinance requirement is included in the City newsletter and on the website all winter.

Lori Trostem, 108 First Street South, asked if the City had received complaints from West Central of cars parking in front of the Hidden Meadows Apartment garbage dumpster. A lot of times there are cars parked in front of the dumpsters where it is marked off, across the lines where they shouldn’t be parking, and vehicles parked in the handicapped that are not handicapped. So, they do not have enough parking. There are boats parking on the grass. There are other parking issues than just parking on the street. Trostem stated she has had trouble in her own parking lot, trouble with their dogs, trouble with theft this year. They bring in their lawn service and park in her parking lot.

Julie Blackburn, 43958 45th Street, Janesville Township, and Quiram questioned the procedure used to approve the construction of the Hidden Meadows Apartment. Blackburn stated the approval did not go through the appropriate procedure for shoreland ordinance.

The Council thanked Blackburn and Quiram for their input.

On motion by McBroom, seconded by Westby, all voting in favor, to adjourn the meeting at 7:03 pm.

Approved:

Tom McBroom, Mayor

Attested:

Lorri Kopischke, City Administrator