

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
OCTOBER 10, 2022**

The Elysian City Council met in regular session on Monday, October 10, 2022 at City Hall at 6:00 pm.

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

On motion by Houlihan, seconded by Schnoor, all voting in favor, to approve the minutes of the September 12, 2022 Regular Meeting and September 21, 2022 Special Workshop Meeting as presented.

On motion by Houlihan, seconded by Suemnick, all voting in favor, to approve the agenda of the October 10, 2022 Regular Meeting with the following additions:

1. Under Public Works: Tennis Court Status
2. Under Mayor McBroom: Comment

Le Sueur County Chief Deputy Nick Greenig reported all is good in the City. McBroom asked that the City be contacted prior to SWAT trainings in the area so residents can be made aware.

Public Comment: None.

Allen Aukes, President, Midwest IT Systems, Inc. provided a background on himself and his company. His focus is small business cyber security. Galactic Advisors is a third-party partner who performs penetration tests to determine risks. This penetration test was performed on the City of Elysian IT system and there were 14 high risks and 4 moderate risks detected.

Aukes presented a proposal to provide IT support and a cyber security package for 6 computers within the City network. This will include 4 laptops and 2 desktop computers. The cost is \$517 per month. Additional PC support will be provided at the rate of \$150 per hour. This would be a one-year agreement and the rate would be guaranteed for that year.

Aukes noted he has worked with small cities such as Trimont and Blue Earth and he is familiar with the city financial software Banyon.

On motion by McBroom, seconded by Suemnick, all voting in favor, to approve and accept the proposal from Midwest IT Systems, Inc. for cyber security services and PC support in the amount of \$517 per month for one year.

Charles Varacka and Deborah Schleh, owners of the property at 108 Shoreview Drive (PID# 16.411.0040) have requested a variance to build a 32 x 24 foot detached garage and a 12 x 18 foot patio. The current lot coverage is 29.3% and the proposal would result in a lot coverage of 35.3%.

The applicant has responded to the Practical Difficulties test as follows:

1. Reasonableness: Patio is needed as it's a sunken patio designed with the basement. Garage is needed to store boat, snowmobiles, and other stuff (boat is too long for attached garage).
2. Uniqueness: N/A

3. Essential Character: Other properties have detached garages and appear to be above 25%, so I think it will fit in with other properties.

The Planning and Zoning Commission held a public hearing on October 4, 2022 and is recommending denial of the variance request to build a 32 x 24 detached garage based on the following findings of fact:

1. The variance is not in harmony with the purposes and intent of the ordinance.
2. The variance is not consistent with the comprehensive plan.

Practical Difficulties:

1. Reasonableness: While the garage is desirable to the property owner it is beyond the scope of the ordinance. There is an attached garage on the house for storage.
2. Uniqueness: There is nothing unique about the property that would require a detached garage. The request is based on the owner's desire to have additional storage.
3. Essential Character: Granting a variance to build the garage would detract and not be consistent with the surrounding area.

The Planning and Zoning Commission is recommending approval of the variance request to build a 12 x 18 foot (216 square foot) patio based on the following findings of facts:

3. The variance is in harmony with the purposes and intent of the ordinance.
4. The variance is consistent with the comprehensive plan.

Practical Difficulties:

4. Reasonableness: Patio is needed as it is sunken and designed with the basement. The ramp is necessary for special needs son in motorized wheelchair. It is a safety issue for son to be able to get out of the house on the backside.
5. Uniqueness: The patio provides access to the house for special needs son and allows him access to the backyard.
6. Essential Character: The patio would blend in with surrounding area and structure.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 812/22

RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS FOR DENIAL FOR VARIANCE  
APPLICATION TO BUILD A DETACHED GARAGE AND APPROVAL TO BUILD A PATIO OF  
CHARLES VARACKA AND DEBORAH SCHLEH AT 108 SHOREVIEW DRIVE, ELYSIAN,  
MINNESOTA, LE SUEUR COUNTY

FACTS

1. Charles Varacka and Deborah Schleh are the owners of a parcel of land located at 108 Shoreview Drive, (PID# 16.411.0040), Elysian, Minnesota; and,
2. The subject property is legally described as Lot 4, Block 1, Common Interest Community No. 21, Roemhildts Waters Edge Addition, Le Sueur County, Minnesota; and,

3. Varacka and Schleh have applied to the City for a variance to build a 32 x 24 foot detached garage and a 12 x 18 foot patio as described on Exhibit A.
4. The proposal would vary from City of Elysian Code of Ordinance §156.091 General Standards (B) (1) (a) Lot Coverage 25% maximum in that it would result in a lot coverage of 35.3%.
5. Following a public hearing October 4, 2022, on the application, the City of Elysian Planning Commission has recommended denial of the variance request to build a 768 square foot detached garage and approval of the variance request to build a 216 square foot patio.
6. The City Council of the City of Elysian reviewed the requested variance at its meeting of October 10, 2022.

#### 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. Recommend City Council denial of a variance request to build a 32 x 24 foot (768 square feet) detached garage based on the following findings of fact:
  - a. Reasonableness: While the garage is desirable to the property owner it is beyond the scope of the ordinance. There is an attached garage on the house for storage.
  - b. Uniqueness: There is nothing unique about the property that would require a detached garage. The request is based on the owner's desire to have additional storage.
  - c. Essential Character: Granting a variance to build a garage would detract and not be consistent with the surrounding area.
9. Recommend City Council approval of a variance request to build a 12 x 18 foot (216 square feet) patio based on the following findings of fact:
  - a. Reasonableness: The patio is needed as it is sunken and designed with the basement. The ramp is necessary for special needs son in motorized wheelchair. It is a safety issue for son to be able to get out of the house on the backside.
  - b. Uniqueness: The patio provides access to the house for special needs son and allows him access to the backyard.
  - c. Essential Character: The patio would blend in with surrounding area and structure.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elysian, Minnesota, that the application to issue a variance to allow Charles Varacka and Deborah Schleh to build a detached garage that exceeds the allowed 25% lot coverage so as to deviate from City of Elysian Code of Ordinance §156.091 is hereby denied and that the application to issue a variance to allow Charles Varacka and Deborah Schleh to build a 12 x 18 (216 square feet) patio resulting in 30.6% lot coverage so as to deviate from City of Elysian Code of Ordinance §156.091 is hereby approved. The City Council does not approve of any further lot coverage beyond the 30.6% required to construct the proposed patio. No other building on the lot is approved.

Upon vote being taken:

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

Council Members voting in the negative: None

Adopted by the City Council of Elysian on this 10<sup>th</sup> day of October, 2022.

Approved:

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Tom McBroom, Mayor

Attested:

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Lorri Kopischke, City Clerk / Administrator

Greenwald presented a proposal from Bargaen, Inc. for RePlay Procedure (clear seal coat) for Lakeview Court in the amount of \$3,000 and for Alleyway behind businesses on east Main Street in the amount of \$3,892. Bargaen is offering these projects at the 2021 prices.

Greenwald presented a proposal from Bargaen, Inc. for Maxwell Mastic Gap (widened crack repair) for work to be completed on Shoreview Drive East, Shoreview Drive, Shoreview Drive West, and James Avenue in the amount of \$18,000. Jim Johnson will paint the areas to be completed with Greenwald's approval. This procedure will fill in the depressions in the road.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the proposal from Bargaen, Inc. for RePlay Procedure for Lakeview Court in the amount of \$3,000 and the alley behind the businesses on east Main Street in the amount of \$3,892 and the Mastic Gap Repairs on Shoreview Drive East, Shoreview Drive, Shoreview Drive West, and James Avenue in the amount of \$18,000.

Greenwald reported that Silvers Mobile Home Park, Trostem's Home/Shower House, and Trostem's Campgrounds are all serviced by the same water line. There is one 2-inch line to Trostem's Home/Shower House that splits three ways inside the house. The owner of Silvers Mobile Home Park is requesting that the line for that property be split off and have its own curb stop and service

line. The would be done at no cost to the City. Council acknowledged the need for the water service line to be split with installation of new water service line for the Silver Mobile Home Park at no cost to the City.

Greenwald reported that Jake Morsching had hired a contractor to have the tile from his property at 105 Lake Avenue NE jettted and located. Public Works has dug up the line at the outlet by the park and the line is full of water and it is not moving. The issue appears to be between where they dug and County Road 11. The line is plugged or broken. The line is deeper than can be dug by hand. Greenwald requested to rent an excavator and do the work themselves to determine what is holding up the tile.

Greenwald reported he has seeded the area next to the new sidewalk at the Veteran's Memorial at Sunset Park three times. He would like to install a hydrant on that side of the street so that it would be easier to water the grass, trees, and gardens within the park. He requested to rent an excavator for this work as well. Between the two projects he should only need the excavator for one day.

Suemnick offered Public Works the use of his mini excavator to continue digging to determine what is causing the tile to malfunction of the tile and to install a hydrant at Sunset Park.

Greenwald reported the Park Board would like to plant a row of 6-7 foot tall Techny Arborvitae along the south side of Sunset Park for screening. They will need to be moved in with a tree spade. It will require approximately 24 trees at a cost of \$300 each - \$7,200. This will probably not be done now until Spring of 2023.

Greenwald presented the Minnesota Department of Health Sanitary Survey Report for Elysian Public Water System (PWS).

Greenwald reported the update of the tennis courts is near completion. There is a rubberized surfacing that cushions the players on the court and the striping that still needs to be done. The lights are working but the timer is not yet installed.

The Planning and Zoning Commission has been discussing an update to the Elysian Comprehensive Land Use Plan. The Plan was approved by City Council September 9, 2013. Minnesota Valley Council of Governments will assist with the community surveys and demographic details. There may be a small cost involved if new maps are required, etc. The Plan serves as a guide for the Council and other committees within the City. Many of the items in the Plan have been completed and the demographics of the City of Elysian have changed in the last ten years. It is good practice to update the Plan every ten years.

On motion by Suemnick, seconded by McBroom, all voting in favor, to proceed with the process of updating the City of Elysian Comprehensive Land Use Plan.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 813/22  
DESIGNATING POLLING PLACES  
FOR YEAR 2023

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 2023:

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, Suemnick

Council Members voting in the negative: None

Adopted by the City Council of the City of Elysian this 10<sup>th</sup> day of October, 2022.

Approved:

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Tom McBroom, Sr., Mayor

Attested:

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Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 814/22  
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 3, 2022.

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 3, 2022 to the Elysian Fire Department Relief Association.

Upon vote being taken:

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

Councilmembers voting in the negative: None

Adopted by the City Council of the City of Elysian this 10<sup>th</sup> day of October, 2022.

Approved:

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Tom McBroom, Sr., Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by Schnoor, seconded by McBroom, all voting in favor, to NOT WAIVE the monetary limits on municipal tort liability established by Minn. Stat. § 466.04.

Motion by Suemnick, seconded by Houlihan, all voting in favor, to close streets for the Spook Trail October 29, 2022 as follows: Main Street from just east of the Fire Hall to Third Street NW and Second Street NE from Main Street south to State Highway 60.

Motion by McBroom, seconded by Suemnick, all voting in favor, to close the Wayside Rest Building from dusk to dawn on Halloween night, October 31, 2022.

Representatives of SEH Engineering will hold a Neighborhood Meeting to discuss the proposed 2023 Street and Utility Improvement Project on October 25, 2022 at City Hall. Time of Meeting TBD.

On motion by McBroom, seconded by Suemnick, to close City Hall Friday, November 25, 2022. Voting on the motion: Aye: Houlihan, McBroom, Schnoor, Suemnick. Nay: Schnoor. Motion passed. Employees taking the day off are required to use vacation or comp hours.

Annual Employee Performance Evaluations are in progress.

John Manning was not available to attend the meeting but has reported that the Goose Control Program is going well. The goose population is down.

Garbage and Recycling rates increasing 2% per contract on October 1, 2022.

Le Sueur County Officials Association Meeting Wednesday, October 26, 2022 at 7:00 pm, Le Center. Location TBD.

The Council thanked Kristy Sybilrud for planting and maintaining the Minnesota Garden at Sunset Park.

Mayor McBroom stated that he had heard some talk that the Council does not have much discussion at meetings. He explained that Council receives their packet on Friday before the meeting and has the weekend to review and Monday prior to the meeting to ask any questions.

McBroom reported the City Administrator performance evaluation was held tonight at 5:30 pm. The Administrator meets or exceeds job expectations.

On motion by McBroom, seconded by Suemnick, all voting in favor, bills, payroll, and transfers were approved in the amount of \$170,469.80.

Public Comment:

Ron Greenwald, Public Works Director, reported that Donald Doehling has passed the test and is now a Licensed Class C Water Operator.

Bruce Childs, 203 Park Avenue NE, asked if the City Councilmembers knew about the May 25, 2022 abatement of nuisance trees at 203 Park Avenue NE. He stated there was no due process. No hearing in front of the City Council.

City Attorney Jason Moran explained that when the City receives a nuisance complaint it is investigated. The City Council is only involved in the process if the City is going to abate the nuisance themselves. That means if the owner does not remedy the situation within the timeframe given by the City Administrator, then it goes to the City Council and they decide if the City is going to spend money to remove the nuisance and if they do, the costs can be special assessed to the owner. At that point, the owner can challenge. Moran stated that since Childs had removed the nuisance trees there was not a process to challenge. Moran stated the standard operating procedure was followed. The owner acknowledged there were hazard trees and they have been removed.

Childs stated he had an issue with ordinance compliance to do with a neighbor's fence on his property. Mayor McBroom stated that was another issue.

There was no further public comment.

On motion by McBroom, seconded by Schnoor, all voting in favor, to adjourn the meeting at 7:09 pm.



Approved:

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Tom McBroom, Sr., Mayor

Attested:

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Lorri Kopischke, City Administrator