

**ELYSIAN CITY COUNCIL
REGULAR MEETING
SEPTEMBER 9, 2024**

The Elysian City Council met in regular session on Monday, September 9, 2024, at City Hall at 6:00 pm.

The meeting opened with the Pledge of Allegiance to the US Flag.

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

On motion by Westby, seconded by Suemnick, all voting in favor, to approve the minutes of the August 12, 2024 Regular Meeting as presented.

On motion by Houlihan, seconded by Suemnick, all voting in favor, to approve the agenda of the September 9, 2024 Regular Meeting with the following addition:

1. 1238/1250 Scenic Hideaway Lane NE Storm Run Off Issues

Le Sueur County Captain Bruce Collins reported that things in the community are going well. Of the August calls for service, 50% were traffic related.

On motion by McBroom, seconded by Suemnick, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:05 pm.

The purpose of the public hearing is to receive public input on the proposed updated Elysian Comprehensive Land Use Plan.

The last update to the Elysian Comprehensive Land Use Plan (Comp Plan) was completed in 2013. The Planning and Zoning Commission began discussions to update the Comp Plan in the Fall of 2022. With the help of Minnesota Valley Council of Governments (MVCOG), a community survey was developed and was delivered to all residents and business owners in the City of Elysian in the Spring/Summer of 2023. One hundred and thirty surveys were completed. Over the next year, the Planning and Zoning Commission held numerous meetings, and joint meetings with the EDA and City Council members, to discuss the survey results. With the assistance of MVCOG, updates were made to the 2013 Comp Plan. A proposed revision of the Comp Plan was finalized in July 2024 and in August 2024 the Planning and Zoning Commission hosted a Community Open House to discuss the updates with members of the public.

McBroom stated that a lot of effort has gone into this process. The updated Comp Plan is a good document that will serve as a road map for the City in its decision-making process.

Public Comments: Leo Brown, 117 Willow Point Drive, asked if the city's drinking water issues are addressed in the Comp Plan.

Written Comments: None were received.

On motion by McBroom, seconded by Suemnick, all voting in favor, to close the Public Hearing and open the Regular Meeting at 6:10 pm.

Public Comment: Barbara Eggers, 213 East Main Street reported that she uses the trail a lot and she has trimmed back the branches on two of the benches along the trail so that they are able to be used. She asked that whoever is responsible for those benches maintain them.

On motion by Suemnick, seconded by Houlihan, all voting in favor, to adopt the 2024 Amended Elysian Comprehensive Land Use Plan as Official City Policy.

The Council considered Ordinance No. 117/24 – Amending the Zoning Ordinance to Rezone 213 East Main Street from C-1 Central Business Commercial to R-1 General Residential.

Richard Shaw owns and lives in a home on the property located at 213 East Main Street (PID# 16.440.0960). The house was built in the year 1910. The property is being used as a residence which is not an allowed use in the C-1 Zoning District. As the house is a non-conforming use, it can be continued but cannot be expanded.

Shaw has requested to build a garage on the property. That request was denied due to the zoning of the property. Shaw is requesting that the property be rezoned from C-1 Central Business Commercial to R-1 General Residential.

City Attorney Moran recommends approval of the rezone from commercial to residential. This makes good sense as the property to the north and south is residential and the land going east all the way to Highway 60 is zoned residential. The property has a residential structure located on it and has, for a very long time, been used as residential. Moran also provided the opinion that rezoning this property to residential would not constitute spot zoning.

The Planning and Zoning Commission held a public hearing on the request on September 3, 2024. Public comment included one in support of the request and one in opposition.

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

1. The property has been used as a residential property for many years, even prior to the adoption of the zoning ordinance.
2. The property is surrounded by residential properties and the residential zoning continues east all the way to State Highway 60.

Ordinance No. 117/24 was presented by Mayor McBroom, seconded by Councilmember Suemnick.

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
ORDINANCE NO. 117/24

AN ORDINANCE AMENDING THE ZONING ORDINANCES OF THE CITY OF ELYSIAN, LE SUEUR COUNTY, MN THEREBY EFFECTIVELY REZONING PROPERTY FROM C-1 CENTRAL BUSINESS COMMERCIAL TO R-1 GENERAL RESIDENTIAL AND CALLING FOR A CHANGE IN THE ZONING MAP REFLECTING THE REZONING OF SAID PROPERTY.

WHEREAS, The City Council for the City of Elysian, Le Sueur County, Minnesota, does hereby and herein Ordain as follows:

- (A) Purpose. The purpose of this Amended Ordinance is to ensure for the well-being and general welfare of the citizens of the City of Elysian. Elysian currently has zoning regulations in place and a zoning map exists whereby zoning and land use control

designations are in place. The City of Elysian Planning and Zoning Commission met on September 3, 2024, held a public hearing pertaining to a change in the city's zoning designation and zoning map, and upon majority vote affirmatively recommended the following Amendment to the City's Zoning Designation concerning the following properties:

The property known as lots one (1), two (2), and three (3), and that part of lots eighteen (18), nineteen (19), and twenty (20), lying North of Railroad Right of Way, all in Block nineteen (19), in the City of Elysian, formerly Logan, Le Sueur County, Minnesota (PID# 16.440.0960 – 213 East Main Street) would be rezoned to R-1 General Residential.

WHEREAS, the City of Elysian Planning and Zoning Commission determined the following findings of fact:

1. The property has been used as a residential property for many years, even prior to the adoption of the City of Elysian Zoning Ordinance.
2. The property is surrounded by residential properties and the residential zoning continues east all the way to State Highway 60.
3. In addition, rezoning to R-1 General Residential will keep the neighborhood in harmony with the land use comprehensive plan and be in the overall best interest and general welfare of the City of Elysian.

WHEREAS, the City Council of the City of Elysian did review the proposed change in zoning classification at their September 9, 2024 meeting.

WHEREAS, the City Council of the City of Elysian, does believe this change in zoning classification has taken into consideration existing conditions, conservation of property values, the direction of building development to the best advantage of the entire City and for the uses to which the property affected is being devoted at the time, and will benefit the public good.

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF ELYSIAN,
LE SUEUR COUNTY MINNESOTA,
HEREBY AND HEREIN ORDAINS AS FOLLOWS:

1. The property known as lots one (1), two (2), and three (3), and that part of lots eighteen (18), nineteen (19), and twenty (20), lying North of Railroad Right of Way, all in Block nineteen (19), in the City of Elysian, formerly Logan, Le Sueur County, Minnesota (PID# 16.440.0960 – 213 East Main Street) would be rezoned to R-1 General Residential.
2. The City's Zoning Map shall be changed to reflect this re-zone.

This Amended Ordinance shall take effect upon publication.

Passed this 9th day of September, 2024.

The Ordinance was presented by Mayor McBroom, seconded by Councilmember Suemnick with the following vote being taken:

Voting Yes: Houlihan, McBroom, Suemnick, Westby

Voting No: None

By: _____
Tom McBroom, Sr., Mayor

ATTEST:

Lorri Kopischke, City Administrator

The Council considered Ordinance No. 118/24 – Amending the Zoning Ordinance to Rezone 205 East Main Street from C-1 Central Business Commercial to R-1 General Residential.

Christopher T Short owns the property at 205 East Main Street (PID# 16.440.0970). The house on the property was built in 1885. The property is being used as a residence which is not an allowed use in the C-1 Zoning District.

Miller-Short owned the property and was operating a business next door and living in the house (both buildings were located on the same property). Miller-Short split the lot and sold the business property and applied for an Interim Use Permit to continue to live in the house which was still zoned as a commercial property. The Interim Use Permit is set to expire when the property is sold. The property would then revert to a commercial use.

The Shorts have not been able to sell the property with the commercial zoning designation. The Shorts are requesting that the property of 205 East Main Street be rezoned from C-1 Central Business Commercial to R-1 General Residential.

City Attorney Moran recommends approval of the rezone from commercial to residential. This request is similar to the prior one and makes good sense as the property to the north is residential and the Short property has a residential structure located on it, and has, for a very long time, been used as a residential property. With regards to spot zoning, this rezone would not constitute spot zoning.

The Planning and Zoning Commission held a public hearing on the request on September 3, 2024. There was one written comment in opposition.

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

1. The property is in very close proximity to residential property with the property to the north being zoned residential.
2. The property has been used as a residential property for many years, even prior to the adoption of the zoning ordinance.

Westby expressed concern with rezoning this property. This is being used as a commercial rental property. There are commercial properties on both sides of this property and to the south. A rezone could affect the future expansion of the City. Westby stated he is not in favor of rezoning this property due to its placement.

Suemnick noted the property is set up as a residential building. It would be a good starter home for someone.

Moran stated that the majority of Elysian's commercial properties will be along the highway corridor.

Westby noted that there is not one vacant building on Main Street. To have an option for someone to purchase a property that is already zoned commercial would be beneficial for the City. And this property is located between two commercial properties.

Christopher T Short, owner of 205 East Main Street, stated that he had put a lot of money into this house. There is a new roof, stucco, modern electrical system. This house could not be used as a commercial. It is not ADA compliant and would not meet commercial qualifications. Over the years, many businesses have tried to maintain a business there and couldn't do it. This home would serve a small family who is growing into affordable housing.

Ordinance No. 118/24 was presented by Councilmember Houlihan, seconded by Councilmember Suemnick.

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
ORDINANCE NO. 118/24

AN ORDINANCE AMENDING THE ZONING ORDINANCES OF THE CITY OF ELYSIAN,
LE SUEUR COUNTY, MN THEREBY EFFECTIVELY REZONING PROPERTY FROM
C-1 CENTRAL BUSINESS COMMERCIAL TO R-1 GENERAL RESIDENTIAL
AND CALLING FOR A CHANGE IN THE ZONING MAP REFLECTING THE REZONING OF SAID
PROPERTY.

WHEREAS, The City Council for the City of Elysian, Le Sueur County, Minnesota, does hereby and herein Ordain as follows:

- (A) Purpose. The purpose of this Amended Ordinance is to ensure for the well-being and general welfare of the citizens of the City of Elysian. Elysian currently has zoning regulations in place and a zoning map exists whereby zoning and land use control designations are in place. The City of Elysian Planning and Zoning Commission met on September 3, 2024, held a public hearing pertaining to a change in the city's zoning designation and zoning map, and upon majority vote affirmatively recommended the following Amendment to the City's Zoning Designation concerning the following properties:

The property known as Logan Elysian Block 019 .20 AC Lots 7 & 14 lying N of Sakatah Singing Hills St Trl, Less East 1 ft of Lots 7 & 14 in the townsite of Logan, now a part of the City of Elysian, in Le Sueur County, MN (PID# 16.440.0970 – 205 East Main Street) would be rezoned to R-1 General Residential.

WHEREAS, the City of Elysian Planning and Zoning Commission determined the following findings of fact:

1. The property is in very close proximity to residential property with the property to the north being zoned residential.
2. The property has been used as a residential property for many years, even prior to the adoption of the City of Elysian Zoning Ordinance.
3. In addition, rezoning to R-1 general residential will keep the neighborhood in harmony with the land use comprehensive plan and be in the overall best interest and general welfare of the City of Elysian.

WHEREAS, the City Council of the City of Elysian did review the proposed change in zoning classification at their September 9, 2024 meeting.

WHEREAS, the City Council of the City of Elysian, does believe this change in zoning classification has taken into consideration existing conditions, conservation of property values, the direction of building development to the best advantage of the entire City and for the uses to which the property affected is being devoted at the time, and will benefit the public good.

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF ELYSIAN,
LE SUEUR COUNTY MINNESOTA,
HEREBY AND HEREIN ORDAINS AS FOLLOWS:

1. The property known as Logan Elysian Block 019 .20 AC Lots 7 & 14 lying N of Sakatah Singing Hills St Trl, Less East 1 ft of Lots 7 & 14 in the townsite of Logan, now a part of the City of Elysian, in Le Sueur County, MN. (PID# 16.440.0970 – 205 East Main Street)
2. The City's Zoning Map shall be changed to reflect this re-zone.

This Amended Ordinance shall take effect upon publication.

Passed this 9th day of September, 2024.

The Ordinance was presented by Councilmember Houlihan, seconded by Councilmember Suemnick with the following vote being taken:

Voting Yes: Houlihan, McBroom, Suemnick

Voting No: Westby

By: _____
Tom McBroom, Sr., Mayor

ATTEST:

Lorri Kopischke, City Administrator

The Council considered Resolution No. 917/24 adopting findings of fact and reasons for approval of variance application of Louis and Mary Schaar for 111 North Shore Drive. Councilmember Suemnick stepped away from the table as he is a representative of the Schaars.

The Planning and Zoning Commission held a public hearing to consider the request on September 3, 2024. The Schaars presented a request to build a home on a substandard non-conforming lot in the shoreland zone of Lake Elysian with a lot coverage of 43% and a 35-foot setback from the OHWL at 111 North Shore Drive.

The lot is 10,500 square feet. The proposed house/garage is 2,210 square feet and the deck is 340 square feet. There is a private drive that runs through the property. And the proposed driveway is 1,410 square feet.

The neighbors to the east (113 North Shore Drive) were present with the following concerns:

1. Side Yard Setbacks must be 8 feet as required by Elysian City Code.
2. To preserve their existing view, the proposed 10-foot deck not extend beyond the existing upper deck on the cabin to the west (109 North Shore Drive).
3. The height of the property be single level to preserve the roof line.

4. Any changes needed to the 113 North Shore Drive property require advance notice.

Todd Piepho, Area Hydrologist, MN DNR commented as follows: "This is a tough one to recommend anything other than denial. This proposal is going to require a variance for nearly everything in your shoreland ordinance for a new build:

1. The lot size is substandard and does not meet minimum size requirements.
2. The impervious surface coverage will exceed the 25% allowed by nearly double at 43%.
3. The 75' setback from the OHWL will not be met and the proposal is essentially half of what would be required. I understand adjoining properties are set at this distance (35'), however they are already built, a new build should adhere to current regulations.

When the board decides on this one please send through the outcome, it would be hard to justify that this proposal is in harmony with your local ordinance and consistent with the current comp plan, at least in my opinion. If alternatives are possible – moving back the home to meet the OHWL setback, which seems possible, limiting size of structure to get closer to the 25% impervious limit, they should be looked at in order to approve this request."

After further discussion with the Planning and Zoning Commission, the Schaars agreed to move the house back 10 feet on the lot to provide a 45-foot setback and to install a pervious driveway which will result in a 30% lot coverage.

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

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 property owner does propose to use the property in a reasonable manner. The lot is substandard. The owner did work with the Planning and Zoning Commission to reduce the impervious surface requested from 43% to 30% by providing a pervious driveway, the house will be moved back on the lot from the proposed 35 feet setback to a 45 foot setback, and runoff will be addressed with a gutter system and grading.
 - b. Uniqueness: There are unique circumstances to the property not created by the landowner as the lot is substandard at one half of the size required by the shoreland ordinance. The lot was platted many years ago and cannot be changed.
 - c. Essential Character: The variance will maintain the essential character of the locality because the home will be a walkout, will have a rustic look, and will be setback similar to the homes on the adjoining lots.
4. And with the requirements that the driveway be constructed of pervious materials and the home be moved back an additional ten feet from the OHWL.

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

CITY OF ELYSIAN
LE SUEUR, MINNESOTA
RESOLUTION NO. 917/24

RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS FOR APPROVAL OF VARIANCE

APPLICATION OF LOUIS AND MARY SCHAAR
AT 111 NORTH SHORE DRIVE

FACTS

1. Louis and Mary Schaar are the owners of a parcel of land located at 111 North Shore Drive, Elysian, Minnesota; and,
2. The subject property is legally described as found on Exhibit A; and,
3. Louis and Mary Schaar have applied to the City for a variance to build a new home as described in Exhibit B.
4. The proposal would vary from the Elysian Code of Ordinances §156.091 General Standards B (1) Lot Area Requirement 20,000 square feet, Lot Coverage Requirement not more than 25%, and Setback from OHW of 75 feet in that the lot is 10,500 square feet, the lot coverage is 30% and the setback from the OHW is 45 feet.
5. Following a public hearing held on September 3, 2024 on the application, the City of Elysian Planning and Zoning Commission has recommended approval of the variance with the requirement that the driveway be constructed of pervious materials and the home be moved back an additional (10) ten feet from the OHWL.
6. The City Council of the City of Elysian reviewed the requested variance at its meeting of September 9, 2024.

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/is not) consistent with the comprehensive plan.
10. The property owner does propose to use the property in a reasonable manner. The lot is substandard. The owner did work with the Planning and Zoning Commission to reduce the impervious surface requested from 43% to 30% by providing a pervious driveway, the house will be moved back on the lot from the proposed 35 feet setback to a 45 foot setback, and runoff will be addressed with a gutter system and grading.
11. There are unique circumstances to the property not created by the landowner as the lot is substandard at one half of the size required by the shoreland ordinance. The lot was platted many years ago and cannot be changed.

12. The variance will maintain the essential character of the locality because the home will be a walk out, will have a rustic look and will be setback similar to the homes on the adjoining lots.
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 Louis and Mary Schaar to build a new home so as to deviate from Elysian Code of Ordinances §156.091 General Standards B (1) Lot Area Requirement 20,000 square feet, Lot Coverage Requirement not more than 25%, and Setback from OHW of 75 feet in that the lot is 10,500 square feet, the lot coverage is 30% and the setback from the OHW is 45 feet is hereby approved with the requirement that the driveway be constructed of pervious materials and the home be moved back an additional (10) ten feet from the OHWL.

Upon vote being taken:

Councilmembers voting in the affirmative: Houlihan, McBroom, Westby

Councilmembers voting in the negative: None

Councilmembers voting to abstain: Suemnick.

Adopted by the City Council of the City of Elysian on this 9th day of September 2024.

Approved:

Tom McBroom Sr., Mayor

Attested:

Lorri Kopischke, City Administrator

Resolution No. 917/24
Louis and Mary Schaar

EXHIBIT A

PARCEL 1:

THE EAST THIRTY-FOUR (34) FEET OF LOT NUMBERED NINETEEN (19), AND THE WEST SIXTEEN (16) FEET OF LOT NUMBERED TWENTY (20), ALL. THEREOF BEING IN BLOCK NUMBERED SEVENTEEN (17) IN THE VILLAGE OF ELYSIAN, FORMERLY CALLED LOGAN, ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE REGISTER OF DEEDS IN AND FOR LE SUEUR COUNTY, MINNESOTA

PARCEL 2:

RIGHT TO USE THE PRIVATE ROADWAY RUNNING IN AND EASTERLY AND WESTERLY DIRECTION ALONG THE NORTH LINE OF THE PROPERTY HEREIN DESCRIBED AND NORTHERLY TO TRUNK HIGHWAY NO. 60. THE RIGHT TO USE SUCH DRIVEWAY TO BE IN COMMON WITH OTHERS TO WHOM A SIMILAR RIGHT HAS BEEN, OR MAY BE GIVEN. AND ALL USERS THEREOF SHALL JOINTLY MAINTAIN THE SAME.

The Council considered Resolution No. 918/24 approving a Conditional Use Permit for Leo Brown at 117 Willow Point Drive to operate a Bed & Breakfast Establishment.

The Planning and Zoning Commission held a public hearing to consider the request on September 3, 2024. The use is allowed under §156.119 of the Elysian Code of Ordinance. Under the Ordinance, Brown will be allowed to rent up to three rooms per night. Two parking spaces for the owners and five parking spaces for guests plus spaces for any campers, boats, or trailers will be required. The building must be occupied by the owner/operator of the bed and breakfast. Brown is still working out some of the details such as age restrictions. There will be no pets allowed.

Brown has applied to Le Sueur County Community Health for their portion of the licensing and has been approved.

The conditional use permit is a yearly permit that is issued to the property owner and is non-transferable.

One representative was present and spoke at the public hearing. He expressed concerns about parking and speed of cars traveling on the road. He also noted that there is less of a chance of problems with renters when the owner is onsite.

The Planning and Zoning Commission recommends approval of the Conditional Use Permit with the following conditions:

1. That there be no on-street parking and that there is 24/7 access available for fire and rescue vehicles.
2. That quiet times are established and posted in a conspicuous place.

Westby asked if the Bed and Breakfast would be open year-round. Brown stated he was not sure. He and his wife are still working out some of the details.

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 918/24
APPROVING CONDITIONAL USE PERMIT
FOR LEO BROWN AT 117 WILLOW POINT DRIVE
TO OPERATE A BED & BREAKFAST ESTABLISHMENT

WHEREAS, the City of Elysian has received an application from Leo Brown for the property located at 117 Willow Point Drive to operate a Bed and Breakfast Establishment in his home which is a conditional use in the Elysian City Code of Ordinance §156.065 R-1 General Residential (D) (10) §156.119 Bed and Breakfast Establishments; and

WHEREAS, the subject property is known as Le Sueur County Parcel Identification R16.415.0160 and R16.415.0170, and legally described as shown on the attached Exhibit A; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission on September 3, 2024 to receive public comment on the conditional use permit; and

WHEREAS, the use proposed by Brown is a conditionally permitted use; and

WHEREAS, following the public hearing, the Planning and Zoning Commission recommended approval of the conditional use permit, subject to conditions, as the proposed use is within the spirit

of the City's Zoning ordinance, it is beneficial to the City's tax base, the use makes good use of the land in issue, the proposed use does comply with the City's existing Zoning Ordinance, and is in the best interest and general welfare of the City of Elysian; and

WHEREAS, the City Council for the City of Elysian met, discussed the recommendations of the Planning and Zoning Commission, reviewed the application for the Conditional Use Plan, questioned Leo Brown regarding the proposed use and reviewed concept plans; and

WHEREAS, considering all of the above:

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Elysian, Minnesota hereby finds that the proposed use is within the spirit of the City's Zoning ordinance, it is beneficial to the City's tax base, the use makes good use of the land in issue, the proposed use does comply with the City's existing Zoning Ordinances, and is in the best interest and general welfare of the City of Elysian, and therefore the City Council for the City of Elysian herein and hereby approves the conditional use permit in accordance with and subject to the following conditions:

- 1) That there be no on-street parking and that there is 24/7 access available for fire and rescue vehicles.
- 2) That quiet times are established and posted in a conspicuous place.

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 this 9th day of September, 2024.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator

Resolution No. 918/24 – Conditional Use Permit Leo Brown
Exhibit A

LEGAL DESCRIPTION

16.415.0160

16.415.0170

Lot 23, and Lot 22, and North ½ of Lot 21 that joins said Lot 22, of the SUBDIVISION OF UNDEVELOPED LOT B OF CHESNUT'S LAKESHORE SUBDIVISION, which Subdivision is a part of Government Lot 5, Section 34, and of Government Lot 7 of Section 35, in Township 109 North, Range 24 West, Fifth P.M.; and

That part of the following described real estate:

Commencing at the Northwest Corner of Lot 17 of CHESNUT'S LAKESHORE SUBDIVISION OF UNDEVELOPED LOT B, thence in a Northeasterly direction on an extension of the West lot line of Lot 17 to a point on the Northeast right-of-way line of the driveway and utility easement, the place of beginning; thence in a Northeasterly direction on an extension of the Westerly lot line of Lot 17, a distance of 100 feet; thence in a Northwesterly direction and parallel to the Northeasterly right-of-way line of the driveway and utility easement, to a point which bears from the Southeast Corner of Lot 33 of CHESNUT'S LAKESHORE SUBDIVISION OF UNDEVELOPED LOT B, which is an extension of the Southeast lot line of Lot 33 to a point on the driveway and utility easement, and thence on a further extension of said line a distance of 100 feet; thence in a Southwesterly direction over the previous description line a distance of 100 feet to the Northeasterly right-of-way line of the driveway and utility easement. Thence in a Southeasterly direction on the Northeasterly right-of-way line of the driveway and utility easement to place of beginning. Said Tract located in Government Lot 5, Section 34, Township 109 North, Range 24 West, lying adjacent to and Easterly of Lots 23, 22 and the North ½ of Lot 21, CHESNUT'S LAKESHORE SUBDIVISION, LeSueur County, being more specifically described as that portion of the above described parcel lying between the easterly extension of the North line of Lot 23 and the easterly extension of the South line of the North ½ of Lot 21.

Lee Istvanovich, SEH Engineering, reported that the owner of PID# 16.435.0020, a vacant lot on Lewis Lane cul-de-sac, was removing a tree on the lot that is unrelated to the 2023 Street Project in that area. In the course of this tree removal, the worker operating the Lull tore up the pavement and the equipment had a hydraulic leak that compromised the integrity of the pavement in the cul-de-sac, caused severe damage with wheel ruts into the pavement, smashed a shut off valve, and a sump box, and tore up the road right of way.

Repair to this damage will require a 2" mill and overlay to ensure that all of the hydraulic fluid is removed, remove and replace the damaged curb stop and verify the condition of the water service stub, reinstall the sump box, and grade surface, restore and add top soil and establish turf in the road right-of-way.

On motion by Westby, seconded by Houlihan, all voting in favor, to authorize the City Administrator, City Attorney and City Engineer to develop a solution to repair the damages and to obtain quotes for said repair.

Istvanovich reported that all the major reviews have been received with regard to the Sunset Park Local Trail Connection Grant. The State Historic Preservation Office (SHPO) has responded and is requiring a Phase 1 Archeological Survey be performed. SEH Engineering does not provide this service.

On motion by Suemnick, seconded by Houlihan, all voting in favor, to pre-authorize SEH Engineering to solicit quotes to hire an archeological firm to perform a Phase 1 Archeological Survey for the Sunset Park Local Trail Connection Grant as required by the MN Department of Administration State Historic Preservation Office.

Istvanovich reported he has been in contact with the contractor to request the turf establishment for the 2023 Street and Utility Improvement Project.

Greenwald reported that he had viewed the wash out at 1250 Scenic Hideaway Lane per the request of the owner Tom Mutch. Mutch has requested that the City require the adjoining property owner, Joe Meixl to make two improvements to reduce the storm run off onto Mutch's property.

1. Install field stone on the north side of the storm pond outlet that runs down the property line of the two lots to reduce the spray coming onto Mutch's property and causing a wash out.
2. Add rocks around the intake in the pond to reduce the amount of silt that comes out of the pond and goes into the lake.

The Councilmembers discussed this request. They reviewed the August 27, 2024 email from SEH Engineer Brent Kavitz stating that the pond and outlet design is approved as it complies with City requirements for the design standards of the Minnesota Stormwater Manual. There was Council consensus that this is a private drainage dispute between two property owners. The City will not be taking any additional action on this matter.

Greenwald reported that the street light project on Main Street is complete. Although the new lights are LED, they do not seem to increase the amount of light on the street. Staff will be checking with Xcel to see if the bulbs could be replaced, or the lights could be redirected to provide more light.

Bob and Nancy Traxler, 209 Tustin Circle South, have made a donation to the City of Elysian Emergency Management Department in appreciation for their assistance during the heavy rains this summer.

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 919/24
RESOLUTION ACKNOWLEDGING A DONATION
FROM BOB AND NANCY TRAXLER

WHEREAS, the City of Elysian has received a donation in the amount of \$200.00 from Bob and Nancy Traxler to the Elysian Emergency Management Department.

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 in the amount of \$200.00 from Bob and Nancy Traxler to the Elysian Emergency Management Department.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 9th day of September, 2024.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator

The Council has met in Budget Session and reviewed the proposed budget and levy. The budget includes a 3% COLA for all full-time employees. Some of the additional increases presented were insurance, computer, generators at City Hall and Lift Station 2, additional security at the Wayside Rest Building, street sweeper refurbish, small tractor, trail system, playground equipment, exhaust fan for concession building, clean/paint water tower, Lift Station #2 start up drives, manhole rehabilitation, and a pontoon motor.

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 920/24
ADOPTING THE 2024 PROPOSED BUDGET FOR THE CITY OF ELYSIAN
LESUEUR AND WASECA COUNTIES

WHEREAS, the City of Elysian has considered and discussed the budget for the year 2025; and

WHEREAS, the 2025 proposed budget is attached to this Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELYSIAN, MINNESOTA:

1. That the attached proposed budget for 2025 marked as "Exhibit A" is hereby adopted.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Whereupon said resolution was declared duly passed and adopted.

Dated this 9th day of September, 2024.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator

The preliminary 2024 Tax Levy, payable 2025 results in a 5.9% increase over last year. The main increase is to the General Fund Levy with small increases to the debt service amounts.

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

RESOLUTION NO. 921/24
RESOLUTION ADOPTING PRELIMINARY 2024 TAX LEVY, PAYABLE 2025
CITY OF ELYSIAN
LE SUEUR AND WASECA COUNTIES

WHEREAS, the City of Elysian has adopted the proposed budget for the year 2025; and

WHEREAS, the City of Elysian has determined the tax levy for taxes payable in the year 2025 to be in the amount of \$924,748.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY ELYSIAN, MINNESOTA; that the following sums of money are levied for the current year, collectible in 2025, upon taxable property in the City of Elysian, for the following purposes:

General Fund	\$597,141
Fire Relief	\$ 15,042
Maintenance Replacement Eq.	\$ 25,000
Storm Sewer	\$ 5,000
Kaplan	\$ 15,000
2016 Local Improvement Levy	\$105,000
2018 Local Improvement Levy	\$107,715
2016 Fire Truck Debt	\$ 18,496
2023 Local Improvement Levy	\$ 20,656
Equipment Street Lights	<u>\$ 15,698</u>
Total Preliminary Levy	\$924,748

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

Councilmembers voting in the negative: None

The City Administrator is hereby instructed to transmit a certified copy of this resolution to the County Auditor for Le Sueur County and Waseca County, Minnesota.

Adopted by the Elysian City Council on September 9th 2024.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator

On motion by Westby, seconded by Suemnick, all voting in favor, to set the Truth in Taxation Hearing for Monday, December 9, 2024 at 6:05 pm. Public comment will be taken on the 2025 proposed budget and the 2024 tax levy payable in 2025.

Performance reviews of full-time employees are underway.

On motion by Houlihan, seconded by Westby, all voting in favor to schedule the City Administrator performance review for Monday, October 14, 2024 at 5:30 pm.

The Reverse Osmosis Test Pilot is underway. The Wigen trailer is set up by the west well. Public Works staff is required to start the test site up in the morning seven days a week. They are also required to perform several tests prior to shutting down the system seven days a week. On Tuesdays there are multiple tests that need to be taken and delivered to UC Labs in Janesville, Minnesota. This is resulting in additional overtime hours for the Public Works staff. The council is invited to visit the trailer. Public Works staff will provide a tour and explain the system.

The Elysian City-Wide Garage Sales will be held September 13 and 14, 2024.

Greenwald reported that he had visited with the Opsahl Family and they do not have a preference for the memorial tree for Mary Opsahl. Greenwald will discuss the type of tree to purchase with the Park Board at their next meeting.

On motion by McBroom, seconded by Houlihan, all voting in favor, bills, payroll, and transfers were approved in the amount of \$124,919.46.

Public Comment: None.

On motion by McBroom, seconded by Westby, all voting in favor, to adjourn the meeting at 7:28 pm.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator