

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
OCTOBER 8, 2018**

The Elysian City Council met in regular session on Monday, October 8, 2018, at City Hall at 6:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan, Tom McBroom, Mary Opsahl, and Dennis Schnoor; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald; City Attorney Jason Moran. Absent: City Utility Clerk Nicole Lamont.

On motion by McBroom, seconded by Schnoor, all voting in favor, to approve the minutes of the September 10, 2018 Regular Meeting and September 21, 2018 Emergency Meeting as presented.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve the agenda of the October 8, 2018 Regular Meeting with the following additions:

1. Part time public works worker
2. Request to close Main Street for Spooky Trick-or-Treating Trail
3. County rural broadband survey.

Nick Greenig, Le Sueur County Chief Deputy, reported the Sheriff's Office was able to locate, get a confession and charge the individual who broke into several bars in the City. Greenig noted that the Cannon River Drug Task Force was involved in one of the potentially largest methamphetamine seizures (over 170 pounds) in the State of Minnesota. Greenig also reported he had kept in contact with City staff during the September 20<sup>th</sup> storm and had provided a deputy for the overnight hours until the power in the City was restored.

Public Comment: None.

Joel Whitehurst, Superintendent, Waterville-Elysian-Morristown Schools, thanked the Council for their hard work and dedication to making this a great place to live and stay.

Whitehurst presented the concept plan for the proposed GO School Building Bond that will be voted on the November 6, 2018 ballot. The proposed Bond is \$19,296,875 and will fund updates to the building infrastructure, improve safety and security, address ADA Code compliance issues, and provide educational improvements. An analysis of Tax Impact for the proposed Bond Issue and more information is available on the website at <https://www.wem.k12.mn.us/>. Public Meetings will be held this week in the cities of Waterville, Elysian, and Morristown.

The Council then considered a request from William and Sally Davis, owners of property located at 130 Willow Point Drive, to remove their current structure and build a new home within the required 75-foot setback from the Ordinary High Water (OHW) mark. The request is to place the house 37.5 feet from the OHW.

All other setback requirements are met. The lot coverage as shown is 16%. There will most likely be a sidewalk added and there is a shed showing on the survey with no dimensions listed. But even with those additions, the lot coverage would be below the 25% maximum allowed.

The surrounding home setbacks from the OHW mark are: 132 Willow Point Drive – 37 feet, 128 Willow Point Drive – 39 feet, and 127 Willow Point Drive – 33 feet.

The Planning and Zoning considered the request at their October 2, 2018 meeting. Elde Kretlow, 128 Willow Point Drive spoke in favor of the request. Written comment in favor of the request was received from Dave and Lynn Boeck, 123 Willow Point Drive. Todd Peipho, Area Hydrologist,

Minnesota Department of Natural Resources, requested that the home be located 37.5 feet from the OHW, asked if the request was in compliance with the lot coverage requirements, and recommended they be required to plant a row of trees to screen the home from view when on the lake.

The Planning and Zoning Commission voted unanimously to recommend approval of the variance request for William and Sally Davis, 130 Willow Point Drive, based on the following findings of fact:

1. Reasonableness: The proposed position of the new home improves the setback from the OHW compared to the current cabin.
2. Uniqueness: The steep bank to the lake. The walkout basement makes sense and to move the cabin back will help with the bank retention.
3. Essential character: The new home will conform with the shoreline and the existing cabins around it. The homeowner will do landscaping and some type of screening from the lake.

And with the following condition:

1. That landscaping be provided to screen the home from view when on the lake.

Councilmembers discussed the request. McBroom stated it looked like a good plan. Houlihan noted the new home would be further back from the lake than the existing home and they will be improving the lakeshore. Stoen stated this is a better plan than is currently there. Schnoor questioned the type of screening that would be done. Opsahl was in favor of the plan.

Jerel Holloway, contractor for the new home, stated a landscaping plan has not been developed. The lakeside currently has some small shrubs and cottonwood trees. They will not be removing many mature trees with the new construction.

The Council agreed that the suggested condition regarding landscaping be revised to state: "That landscaping be provided to screen the home from view when on the lake **within one year.**"

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
LE SUEUR COUNTY, MINNESOTA  
RESOLUTION NO. 636/18  
RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS  
FOR APPROVAL FOR VARIANCE APPLICATION OF  
WILLIAM AND SALLY DAVIS, 130 WILLOW POINT DRIVE

FACTS

1. William and Sally Davis are the owners of a parcel of land located at 130 Willow Point Drive, Elysian, Minnesota; and,
2. The subject property is known as Le Sueur County Parcel Identification R16.417.0010, and legally described as: Lot 1 Chesnuts Subdivision #3 and,
3. William and Sally Davis have submitted a variance request to remove their current structure and build a new home within the required 75-foot setback from the Ordinary High Water (OHW) mark. The request is to place the house 37.5 feet from the OHW.

4. The proposal would vary from the City of Elysian's Zoning Ordinance Section 13.0 Shoreland Overlay Zone – Shoreland Standards General – Residential (R1 & R2) Recreational Development Lakes – Sewered Areas, Setback from OHW required 75 feet.
5. That following a public hearing on the Application held on October 2, 2018 the Elysian Planning Commission has recommended Approval of the Variance.
6. That the City Council for the City of Elysian reviewed the requested Variance at its Meeting on October 8, 2018.

#### 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

1. The property owner does propose to use the property in a reasonable manner as the proposed position of the new home improves the setback from the OHW compared to the current cabin.
2. There are unique circumstances to the property not created by the landowner because of the steep bank to the lake. The walkout basement makes sense and to move the cabin back to help with the bank retention.
3. Finally, the Variance will maintain the essential character of the locality as the new home will conform with the shoreline and the existing cabins around it.

And with the following condition:

8. The homeowner will do landscaping to screen the home from the lake within one year.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Elysian, Minnesota, that the application to issue a variance to William and Sally Davis for the property at 130 Willow Point Drive, legally described as: Lot 1 Chesnuts Subdivision #3, Le Sueur County Minnesota, shall be, and is hereby granted a Variance to allow them to remove their current structure and build a new home within the required 75 foot setback from the Ordinary High Water (OHW) mark – to place the house 37.5 feet from the OHW.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Whereupon said resolution was declared duly passed and adopted.

Dated this 8<sup>th</sup> day of October, 2018.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Chris Cavett, SEH Engineering, Inc. reported the 2018 Street Utility and Improvement Project (SUIP) continues to move forward. The contractor has incurred many weather challenges but is creatively finding a way to get things done.

Public Works Director Greenwald discussed the quotation from Crane Creek Asphalt to install a 1.5" bituminous overlay on Lake Avenue NE from First Street North for 203' stopping at manhole. The Engineer has suggested putting this project under the construction that is occurring this year to obtain the bid price included with the 2018 SUIP. The cost would be paid from the street fund rather than the project fund.

On motion by Stoen, seconded by Opsahl, all voting in favor, to approve Crane Creek Asphalt Option #1, to install a 1.5" overlay on Lake Avenue NE from First Street North for 203' stopping at manhole and to include it in the 2018 Street Utility and Improvement Project with the cost being paid from the street fund.

Greenwald reported that the part-time Public Works Worker has submitted his resignation effective October 26, 2018. On motion by Opsahl, seconded by Houlihan, all voting in favor, to approve advertising for part-time Public Works Worker up to 30 hours per week at \$13.50 per hour.

McBroom expressed appreciation to the Public Works staff for their cleaning of the EDA owned building at 118 East Main Street. The building is impeccable, and this is a tribute to Greenwald and his staff. The Council and the City appreciate their hard work.

The Council received a report of the September 20, 2018 Storm Event. The high wind event occurred at approximately 6:30 pm. This resulted in heavy tree damage, loss of power, several homes / garages damaged, and boats, lifts, lawn furniture damaged.

Minnesota Valley Electric power was restored September 20<sup>th</sup> at approximately 11:30 pm. Xcel Energy power was restored September 22<sup>nd</sup> at approximately 3:30 pm. Homes with poles or lines down were not restored until later on September 22<sup>nd</sup> and some were not restored until September 23<sup>rd</sup>.

Emergency Management Team Response:

The Tourism Center was Emergency Response Center. This was staffed from daylight to dusk on September 21<sup>st</sup> and 22<sup>nd</sup> and from 9 am to noon on September 23<sup>rd</sup>. The City did not have an imposed curfew, but Le Sueur County Sheriff's Office did staff the City with a deputy from sundown to daylight on the nights the City was without power.

Le Sueur County Emergency Management arranged to have a warm lunch and supper provided by the Salvation Army on Saturday, September 22<sup>nd</sup> at the DNR wayside rest area. Homebound residents were contacted, and meals were delivered to them as needed.

The Fire Hall was opened to the public to provide hot showers for those without hot water.

The evening of September 21<sup>st</sup>, the Fire Hall and Civil Defense teams were paged out, and they along with city staff and volunteers, went door to door to update residents who were without power and to check for any medical needs or other needs in the community. They also delivered door hangers to inform residents what services were available and update them on the status of power restoration.

The City of Mankato provided a large generator to run the City water tower. They also worked in the City on September 22<sup>nd</sup> and 23<sup>rd</sup> chipping the tree limbs / branches that were placed on the curbs. The mulch was then transported to the brush pile.

Residents have been encouraged to report damage to City Hall. Emergency Management Director has estimated twelve homes and one business were damaged and the preliminary cost of the debris clean-up to be \$16,262. Other costs include a generator that failed at the Fire Department in the amount of \$18,410 and lift pump damage of approximately \$1,000.

The Council would like to express their gratitude to Emergency Management Director Jim Tatge, Le Sueur County Emergency Management Team, Le Sueur County Sheriff's Office, City of Mankato Public Works Department, The Salvation Army, Elysian Fire Department, Elysian Civil Defense Team, Elysian City Staff, and City residents who volunteered their time.

Three items have been identified with regards to emergency response that need to be addressed: 1. The Tourism Center basement is the designated storm shelter for Elysian. There are so many items in storage in the basement that there would not be room for this area to be utilized as a shelter. The basement needs to be cleaned up. 2. There is not access provided for people to get in and out of the window in the basement. Some sort of step / ladder system needs to be installed. 3. A city notification system needs to be established so the City is able to contact all residents when emergency events occur.

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

CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA  
RESOLUTION NO. 637/18

A RESOLUTION AUTHORIZING THE DEFERRAL OF SPECIAL ASSESSMENT

WHEREAS, the City Council for the City of Elysian, Le Sueur County, Minnesota, met this 8<sup>th</sup> day of October, 2018, and;

WHEREAS, Marlene Zimprich, resident of the City of Elysian, having real estate located at 101 State Highway 60 East, Elysian, Le Sueur County, Minnesota, identified as parcel identification number 16.440.1080 and legally described as Lots Numbered Two and Three (2 & 3) in Block Numbered Twenty-one (21), all in the Village of Elysian, formerly called Logan, except that portion of said Lots deeded and conveyed or taken by the State of Minnesota for Highway purposes, in Le Sueur County, Minnesota, according to the recorded Plat on file and of record in the Office of the County Recorder in and for Le Sueur County, Minnesota, and;

WHEREAS, Zimprich's real estate set forth above is a part of the City's 2018 street and utility improvement project and Zimprich's assessment is \$1,650 as set forth in greater detail in the City's Assessment Roll, and;

WHEREAS, Zimprich requested the City defer the collection of the special assessment associated with the City's 2018 road and improvement project based upon the City's Assessment Policy which grants a deferment of assessments to those persons 65 years of age or older.

NOW THEREFORE, THE CITY COUNCIL FOR THE CITY OF ELYSIAN HEREIN RESOLVES AS FOLLOWS:

1. That the 2018 Special Assessment associated with Zimprich's real estate shall be deferred until the occurrence of any one of the following triggering events:
  - a. The sale, transfer, or subdivision of any or any part of the subject property, or
  - b. The loss of homestead status of the property, or
  - c. The death of the owner.
  
2. Upon the occurrence of any one of the triggering events set forth at Section 1 above, then the deferred assessment shall then become immediately due and payable and assessable to the City pursuant to this Resolution and the Special Assessment Policy in effect at the time of the triggering event's occurrence.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 8<sup>th</sup> day of October, 2018.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 638/18  
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 1, 2018.

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 1, 2018 to the Elysian Fire Department Relief Association.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 8<sup>th</sup> day of October, 2018.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 639/18  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN FIRE RELIEF ASSOCIATION

WHEREAS, the City of Elysian has received a donation in the amount of \$14,400.00 from the Elysian Fire Relief Association toward the purchase of an Automated CPR Device;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian acknowledges and accepts a donation from the Elysian Fire Relief Association in the amount of \$14,400.00 toward the purchase of an Automated CPR Device.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 8<sup>th</sup> day of October, 2018.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

The Council considered an updated job description for the position of Firefighter / First Responder. The job description was created by Minnesota Valley Council of Governments and has been approved by Fire Chief James. On motion by Opsahl, seconded by Houlihan, all voting in favor, to approve the job description for Firefighter / First Responder.

Annual Employee Evaluations have been completed. All employees meet / exceed the requirements of their job position.

Le Sueur County Elected Official Meeting, Wednesday, October 24, 2018 at Knotty Bar & Grill, Elysian – 6:30 Social / Meal, 7:00 Meeting.

The Elysian Area Chamber of Commerce (EACC), has requested that the portion of Main Street from Third Street NW to the Fire Hall be closed on October 31, 2018 from 4:30 to 7:30 pm to accommodate the Spooky Trick-or-Treating Trail. On motion by Schnoor, seconded by McBroom, all voting in favor, to close Main Street from Third Street NW to the Fire Hall on October 31, 2018 from 4:30 to 7:30 pm to accommodate the Spooky Trick-or-Treating Trail.

The Le Sueur County Board of Commissioners has approved an initiative to study and hopefully implement some sort of resolution for rural broadcast in the County. A link will be added to the City website that has a survey where information will be gathered to determine the next steps in the process. Residents are encouraged to visit and provide their input to the process.

[http://www.co.le-sueur.mn.us/le\\_sueur\\_county\\_broadband\\_initiative.php](http://www.co.le-sueur.mn.us/le_sueur_county_broadband_initiative.php)

Derek Westby, Economic Development Authority (EDA), stated the EDA would like to recognize Ron Greenwald and the City team for cleaning the building at 118 East Main Street. The building is open and ready to be shown and the EDA is looking for a prospect to locate a business there. The building has a lot of history and it is hoped it will be used in a creative and interesting way.

City Attorney Moran had no report.

On motion by Schnoor, seconded by McBroom, all voting in favor, bills, payroll, and transfers were approved in the amount of \$361,190.19.

Public Comment: None.

On motion by Stoen, seconded by Houlihan, all voting in favor, to adjourn to closed session to perform employee evaluation of City Administrator at 6:38 pm.

On motion by Stoen, seconded by Schnoor, all voting in favor, to reopen the meeting at 6:56 pm.

Stoen stated that during the closed session the City Administrator Employee Evaluation was performed. Administrator met or exceeded all expectations of the position. This will be reported at the November 13, 2018 City Council Meeting.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 6:57 pm.

Approved:



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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator