

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
NOVEMBER 13, 2018**

The Elysian City Council met in regular session on Tuesday, November 13, 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; Absent: Public Works Director Ron Greenwald; City Utility Clerk Nicole Lamont; City Attorney Jason Moran.

On motion by Schnoor, seconded by McBroom, all voting in favor, to approve the minutes of the October 8, 2018 Regular Meeting as presented.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the agenda of the November 13, 2018 Regular Meeting with the following additions:

1. Various Garbage Updates.
2. Le Sueur County Parks Board Meeting Tuesday, November 20, 2018.

Public Comment: None.

The Council then considered a request from Mark and Shelly Hansen, owners of property located at 100 Willow Point Drive, for a variance to allow them to remove the existing 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 34.9 feet from the OHW. Their current home is 18 feet from the OHW.

All other setbacks are met. The lot coverage will be 22.8% which is an improvement from the current lot coverage of 24.8%.

The Planning and Zoning Commission considered the request at their November 5, 2018 meeting. Written comment was received from Todd Peipho, Area Hydrologist, Minnesota Department of Natural Resources as follows: "Like the others where the structure is being set farther away from the lake than the current, if the variance is granted the Department would recommend that a screening condition be added. Trees screening the property from view while on the lake is a benefit for public using the lake and for privacy to the homeowners."

The Planning and Zoning Commission voted unanimously to recommend approval of the variance request for Mark and Shelly Hanson, 100 Willow Point Drive, based on the following findings of fact:

1. Reasonableness: The property owner does propose to use the property in a reasonable manner as the proposed location of the new house will improve the setback to the OHW from the current 18 feet to 34.9 feet. This will also improve the lot coverage from the current 24.8% to a reduced coverage of 22.8%.
2. Uniqueness: There are unique circumstances to the property not created by the landowner because of the odd shape of the lot. There also is existing bituminous and a garage on the lot which precludes moving the home back away from the lake.
3. Essential character: The Variance will maintain the essential character of the locality as the new home will align with the other homes and cabins in the area.
4. Finally, there is no requirement for additional screening as the lot is populated with many trees and the intent of the property owner is to retain all trees except two apple trees.

Councilmembers discussed the request. They agreed that this is an improvement and will reduce the impact to the shoreline. Schnoor questioned the lack of a screening requirement. The location and number of trees shown on the site plan was noted.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
LE SUEUR COUNTY, MINNESOTA  
RESOLUTION NO. 640/18  
RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS  
FOR APPROVAL FOR VARIANCE APPLICATION OF  
MARK AND SHELLY HANSEN, 100 WILLOW POINT DRIVE

FACTS

1. Mark and Shelly Hansen are the owners of a parcel of land located at 100 Willow Point Drive, Elysian, Minnesota; and,
2. The subject property is known as Le Sueur County Parcel Identification R16.415.0010, and legally described as: See attached "Exhibit A" and,
3. Mark and Shelly Hansen have submitted a variance request to remove the existing structure and build a new home 34.9 feet from the Ordinary High Water (OHW) mark within the required 75-foot setback from the Ordinary High Water (OHW) mark.
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 November 5, 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 November 13, 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 location of the new house will improve the setback to the OHW from the current 18 feet to 34.9 feet. This will also improve the lot coverage from the current 24.8% to a reduced coverage of 22.8%.

2. There are unique circumstances to the property not created by the landowner because of the odd shape of the lot. There also is existing bituminous and a garage on the lot which precludes moving the home back away from the lake.
3. The Variance will maintain the essential character of the locality as the new home will align with the other homes and cabins in the area.
4. Finally, there is no requirement for additional screening as the lot is populated with many trees and the intent of the property owner is to retain all trees except two apple trees.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Elysian, Minnesota, that the application to issue a variance to Mark and Shelly Hansen for the property located at 100 Willow Point Drive, legally described as: See "Exhibit A", Le Sueur County Minnesota, shall be, and is hereby approved to allow a variance for 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 34.9 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 13<sup>th</sup> day of November, 2018.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

*Legal Description 100 Willow Point Drive Exhibit A:*

*Lots 1, 2, and 3, in Block 1 of Chestnut's Lakeshore Subdivision, Section 35, Township 109 North, Range 24 West, Elysian Township, County of Le Sueur, according to the plat thereof on file of record in aforesaid County and State, subject to and with the benefits of restrictions and provisions on file and of record in the office of the Register of Deeds in and for said County and State.*

ALSO,

*Commencing at the Northeast corner of Lot 1: in a Northwesterly direction on a line extending the East boundary line of the Driveway-Utility Easement adjacent to Lot 1, a distance of 40.03 feet; thence southwesterly along the North boundary line of said Easement, a distance of 50.00 feet; thence Southeasterly to the Northwest corner of Lot 1, a distance of 40.03 feet; thence Northeasterly along the North boundary line of Lot 1 to the Northeast corner of Lot 1, a distance of 50.00 feet to the point of beginning.*

*And in addition,*

*Beginning at the Northeast corner of Lot 2; thence in a Northwesterly direction on a line extending the East boundary line of Lot 2 to the North boundary line of the Driveway-Utility Easement adjacent to Lot 2, a distance of 40.03 feet; thence Southwesterly along the North boundary line of said Easement, a distance of 50.00 feet; thence Southeasterly to the northwest corner of Lot 2, a distance of 40.03 feet; thence Northeasterly along the North boundary line of Lot 2 to the Northeast corner of Lot 2, a distance of 50.00 feet to the point of beginning.*

*And in addition,*

*Beginning at the Northeast corner of Lot 3; thence in a Northwesterly direction on a line extending the East boundary line of Lot 3 to the North boundary line of the Driveway-Utility Easement adjacent to Lot 3, a distance of 40.03 feet; thence Southwesterly along the North boundary line of said Easement, a distance of 50.00 feet; thence Southeasterly to the Northwest corner of Lot 3, a distance of 40.03 feet; thence Northeasterly along the North boundary line of Lot 3 to the Northeast corner of Lot 3, distance of 50.00 feet to the point of beginning.*

*Also,*

*Commencing at the Northeast corner of Lot 1 of Chestnut's Lakeshore Subdivision in Government Lot 7, Section 35, Township 109, Range 24, Le Sueur County, Minnesota; thence N 18°30' W 40.03 feet to the place of beginning; thence N 61°30' W 207.00 feet to the East right-of-way line of a Driveway and Utility Easement described on said Plat; thence Southwesterly, Southeasterly and Northeasterly along said right-of-way line to place of beginning. Located in Government Lot 7, Section 35, Township 109, Range 24, Le Sueur County, Minnesota.*

**EXCEPTING THE FOLLOWING TWO PARCELS:**

*All that part of Government Lot Number 7, Section 35, Township 109, Range 24, Le Sueur County, Minnesota, described as follows: Commencing at the Northeast corner of Lot 1 of Chestnut's Lakeshore Subdivision, the Plat of said Subdivision being on file in the office of the County Recorder of Le Sueur County, Minnesota; thence N 18°30' W 40.03 feet; thence N 61°30' W 207.00 feet; thence S 20°52' W 34.00 feet to place of beginning; thence S 0°58' W 115.43 feet; thence N 72°16' W 43.00 feet; thence N 20°52' E 107.15 feet to place of beginning.*

*All that part of Government Lot Number 7, Section 35, Township 109, Range 24, Le Sueur County, Minnesota, described as follows: Commencing at the Northeast corner of Lot 1 of Chestnut's Lakeshore Subdivision, the Plat of said Subdivision being on file in the office of the County Recorder of Le Sueur County, Minnesota; thence N 18°30' W 40.03 feet; thence N 61°30' W 207.00 feet; thence S 20°52' W 34.00 feet to place of beginning; thence S 0°58' W 115.43 feet; thence S 73°27' E 35.03 feet; thence N 69°03' E 15.25 feet; thence Northwesterly 132.50 feet to place of beginning.*

Chris Cavett, SEH Engineering, Inc. reported on the recent watermain break on the line that serves Willow Point Drive, and the Roemhildt and Cedar Point / Kaplan Additions. This watermain passes through a narrow causeway. On October 20, 2018, Public Works staff saw an increase in usage of approximately 5,000 gallons a day. It was determined that water was bubbling up on the east end of that causeway in the middle of a wetland. The issue then was to determine how to provide temporary water to the houses north of this pipe. The City of New Ulm Utility Department provided services to live cut in a valve (valve gets cut in while the water is still flowing). There are now valves on both ends. This allowed the area to be isolated and temporary water was installed between the two hydrants with two 2-inch lines. During this three-day process, the water that was popping up at the spot to the east suddenly disappeared and water was now coming up 200 feet to the west. The

area that the water was popping up in the west was where the adapter between the two materials of pipe – PVC and polyethylene – was located. Due to the concern with time of year and difficulty getting a contractor here to televise the line, the decision was made to do an exploratory dig and see if the adapter was leaking. Wednesday, November 7th, James Bros. dug down and they found the leak at the adapter and were able to repair the leak. The system is now back up and running.

SEH has recommended, and provided some budget numbers, to consider modeling the water system in town. They recommend the City start to look at some alternatives to providing water to this area. There are pressure concerns at Roemhildt. This incident demonstrated the vulnerability of servicing this entire area with one pipe.

Cavett reported the 2018 Street Utility and Improvement Project (SUIP) is now substantially complete. There will be one more pay application that will include some change orders relating to the sidewalks, DNR trail and Tourism Center parking lot. The goal is to have the final paving completed before the 2019 Fourth of July Celebration.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 641/18

WHEREAS; The Elysian City Council was presented with a request from the American Legion Post #311 for one day off site lawful gambling,

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

WHEREAS; the request was made at a regular meeting of the Elysian City Council,

NOW THEREFORE, BE IT RESOLVED; The Elysian City Council granted approval for a one day off site lawful gambling license to the Elysian American Legion Post #311 in conjunction with a fishing contest to be held on February 3, 2019.

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 13<sup>th</sup> day of November, 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. 642/18  
DESIGNATING POLLING PLACES  
FOR YEAR 2019

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 2019:

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 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, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 13<sup>th</sup> day of November, 2018.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by Schnoor, seconded by Houlihan, all voting in favor, to schedule a Budget Workshop Meeting for Monday, November 26, 2018 at 6:00 pm.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve Virgil Engel for the position of permanent part time public works worker subject to successful background check.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve Glen Wanhg for the position of on-call public works worker subject to successful background check.

On motion by Houlihan, seconded by McBroom, all voting in favor, that City Hall offices be closed Friday, November 23, 2018 and Monday, December 24, 2018. Employees must use vacation time or comp time hours for these dates.

Reminder: The Truth in Taxation Hearing is scheduled for December 10, 2018 at 6:01 pm.

Thank you to all the volunteers, businesses, and city staff who contributed to the 2018 Spooky Trail. There was a great turn out.

West Central Sanitation has communicated that they will be donating their services of the temporary dumpster, including the disposal fees, during the September 20, 2018 storm event.

There were many electronics in the building at 118 East Main Street that were disposed of at the Green Tech Recycling Center. Al Christensen, Tri-County Solid Waste, has communicated that they will be paying the invoice for those items.

Le Sueur County Parks Board will hold a meeting on Tuesday, November 20, 2018 from 5:00 to 6:00 pm to discuss Ray's Lake Master Plan. The ideal master plan will include realistic updates that benefit all parties involved such as a pavilion or shelter, playground equipment, improving beach quality, primitive camping, boat dock and winter activities such as sledding hill, snowshoe or cross-country ski trails. All are invited to attend and share ideas.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 643-18

A RESOLUTION CERTIFYING THE RESULTS OF THE  
TUESDAY, NOVEMBER 6, 2018 ELECTION  
(Canvass Election)

WHEREAS, The City of Elysian held an election for the office of Mayor and two Councilmembers (four-year term) on Tuesday, November 6, 2018, during the General Election with approximately 385 persons voting including absentee votes.

WHEREAS, on this 13<sup>th</sup> day of November, 2018 the City Council has met to canvass said election results;

WHEREAS, the votes tabulated at said election were:

MAYOR	VOTES	COUNCILMEMBER 4-year term	VOTES
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<i>Tom McBroom, Sr.</i>	145	<i>Bobby Houlihan</i>	162
<i>Roger Quiram</i>	17	<i>Bryan Suemnick</i>	163
<i>Pat Nusbaum</i>	127	<i>Derek Westby</i>	137
<i>Shawn J Anderson</i>	78	<i>Dennis Schnoor</i>	198
<i>Write-In</i>	3	<i>Write-In</i>	3

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN MINNESOTA, that the official election results for the office of Mayor for the term of 2019-2020 shall be Tom McBroom, Sr.;

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF ELYSIAN MINNESOTA, that the official election results for the offices of Council Member for the term of 2019-2022 shall be Dennis Schnoor and Bryan Suemnick;

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 13<sup>th</sup> day of November, 2018.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Mayor Stoen congratulated all those who ran and were voted into office for Mayor and Councilmember of the City of Elysian. He looks forward to good things happening come January 2019.

Mayor Stoen reported the City Administrator evaluation was completed on October 8, 2018. Kopischke met or exceeded all requirements of her position.

On motion by McBroom, seconded by Schnoor, all voting in favor, bills, payroll, and transfers were approved in the amount of \$410,218.80.

Public Comment: None.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 6:32 pm.



Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator