

**ELYSIAN CITY COUNCIL
REGULAR MEETING
OCTOBER 9, 2017**

The Elysian City Council met in regular session on Monday, October 9, 2017, at City Hall at 6:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan, Tom McBroom (left the meeting at 7:10 pm), Mary Opsahl, and Dennis Schnoor; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald; and City Attorney Jason Moran. Absent: City Utility Clerk Nicole Lamont.

On motion by Stoen, seconded by McBroom, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:00 pm.

The purpose of the hearing is to allow public input from citizens on Ordinance #65/09A – An Ordinance Amending Elysian Ordinance #65/09 relating to the Operation of Motorized Golf Carts on Public Streets and Roadways within the City of Elysian.

At their Board Meeting on August 22, 2017, Le Sueur County Commissioners approved an Ordinance to allow ATVs, Golf Carts, and Mini Trucks to operate on county roadways which are located within the jurisdictional boundaries of cities that have adopted an Ordinance permitting the use of such vehicles as allowed by Minnesota law. The City of Elysian does have such an ordinance, known as Ordinance #65/09. The proposed amendment would revise that Ordinance to mirror the County Ordinance. This amendment expands the City Ordinance to allow ATVs and Mini Trucks on county roadways but does not require the City to permit them.

Council discussed the requirement of Subdivision 2: (8) to require “golf or all-terrain vehicles or mini trucks to display a slow-moving vehicle emblem **AND** a 6-foot-long adult safety flag”. There was Council consensus that the slow-moving vehicle emblem would be sufficient, and the safety flag would not be required.

There was no public comment. No written comments were received.

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

On motion by Schnoor, seconded by McBroom, all voting in favor, to approve the minutes of the September 11, 2017 Regular Meeting and September 26, 2017 Workshop Meeting with MnDOT as presented.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve the agenda of the October 9, 2017 Regular Meeting with the following change and additions:

Under #5. Change “MN Department of Natural Resources” to “MnDOT”

Add: 1. Le Sueur County Deputy Richard Droog and 2. Le Sueur County Commissioner Steve Rohlfig.

Le Sueur County Deputy Richard Droog asked the Council if they had any concerns. He stated the speed on Highway 60 and County Road 11 has slowed down since they have been patrolling.

Le Sueur County Commissioner Rohlfig stated the preliminary County Levy has been set at an 8% increase. The County will be hosting an open house on October 18, 2017 from 6:30 to 9:00 pm, in the 4H Building at the Le Sueur County Fairgrounds, to showcase the new Justice Center. The County is working on Phase 1 of the Cannon River One Watershed, One Plan. Rohlfig reported that the County Administrator / Engineer position was being split into two positions. Darrell Pettis

has been appointed to the County Administrator position. Dave Tiegs has been appointed to the County Engineer position.

Public Comment: None.

Pat Nusbaum, Elysian Area Chamber of Commerce (EACC), was present to request that the portion of Main Street from Third Street NW to the Fire Hall be closed on October 31, 2017 from 5:30 to 7:30 pm to accommodate the Spooky Trick-or-Treating Trail. The Spooky Trail will be located on the Sakatah Trail from Second Street SE to Third Street SW and then up Third Street to Main Street West and down Main Street to the Fire Hall. The EACC hopes to involve the businesses and make the celebration more of a community event. Decorations will be hung from the lamp poles and set in the flower pots on Main Street. EACC needs volunteers to help decorate on Sunday, October 29, 2017 at 1:00 pm. Candy and monetary donations are also being accepted.

On motion by Stoen, seconded by McBroom, all voting in favor, to close Main Street from Third Street NW to the Fire Hall on October 31, 2017 from 5:30 to 7:30 pm to accommodate the Spooky Trick-or-Treating Trail.

The Council considered Ordinance #65/09A – An Ordinance Amending Chapter 65/09 of the Elysian Code of Ordinances to Administer and Regulate the Use of Golf Carts, All-Terrain Vehicles, and Mini-Trucks, and to provide for the Issuance and Regulation of the same.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve Ordinance #65/09A with the following change: In Subdivision 2: (8): remove the requirement to display a 6-foot-long adult safety flag.

ORDINANCE NO. 65/09A
CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA

AN ORDINANCE AMENDING CHAPTER 65/09 OF THE ELYSIAN CODE OF ORDINANCES TO ADMINISTER AND REGULATE THE USE OF GOLF CARTS, ALL-TERRAIN VEHICLES, AND MINI-TRUCKS, AND TO PROVIDE FOR THE ISSUANCE AND REGULATION OF THE SAME.

THE CITY COUNCIL OF THE CITY OF ELYSIAN, LE SUEUR COUNTY, MINNESOTA, does hereby and herein ordain as follows:

That Chapter 75 of the City of Elysian Code of Ordinances titled “Special Vehicles” is here amended to read as follows:

Chapter 65: Special Vehicles

Findings, Purpose and Intent.

To provide for the operation of special vehicles and golf carts as provided for under recent passage by the Le Sueur County Board of Commissioners.

Accordingly, the City hereby amends Chapter 65 of this code relating to the administration and regulation of the use of special vehicles and golf carts and to provide for the issuance and regulation of the same.

SUBDIVISION 1: DEFINITIONS

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALL TERRAIN VEHICLES. A motorized vehicle with: not less than three, but not more than six low pressure or non-pneumatic tires; a total dry weight of 2,000 pounds or less; and a total width from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicles includes a Class 1 all-terrain vehicle and a Class 2 all-terrain vehicle.

ALL TERRAIN VEHICLE (CLASS 1). An all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is 50 inches or less.

ALL TERRAIN VEHICLE (CLASS 2). An all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is greater than 50 inches but more than 65 inches.

DRIVER. The person driving and having physical control over the motorized golf cart, all-terrain vehicle, unregistered off highway motorcycle, off highway vehicle, off road vehicle, or recreational motor vehicle.

MOTORIZED GOLF CART. Any passenger conveyance being driven with three (3) or four (4) wheels with four low-pressure tires, designed and used primarily on golf courses, and that is propelled by either a gas or electric motor.

MINI TRUCK. Means a motor vehicle that has four wheels, is propelled by an electric motor with a rated power of 7500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less, has a total dry weight of 900 to 2200 pounds, contains an enclosed cabin and a seat for the vehicle operator, commonly resembles a pickup or van, including a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in the Code of Federal Regulations, Title 49, Sections 571.101 to 571.404, and successor requirements. A mini truck does not include: a neighborhood electric vehicle or a medium speed electric vehicle, or a motor vehicle that exceeds the regulations in the Code of Federal Regulations, Title 49, Section 571.500, and successor requirements.

SUBDIVISION 2: MOTORIZED GOLF CARTS, ALL TERRAIN VEHICLES AND MINI TRUCKS.

(A) Permit Required. No person shall operate a motorized golf cart on any streets, alleys, sidewalks or other public property without first obtaining a permit from the Administrator-Clerk as provided herein.

(1) Every application for a permit shall be made on a form supplied by the City and shall contain all of the following information:

- a. The name and address of the applicant.
- b. The nature of the applicant's physical handicap, if any.
- c. Model name, make, and year and number of the motorized golf cart or utility task vehicle.
- d. Current driver's license or reason for not having a current license.
- e. Other information as the City may require.

(2) The annual permit fee shall be as set forth by resolution and made a part of the City's fee schedule, and amended from time to time.

(3) Permits shall be granted for a period of one year and may be renewed annually Jan. 1 to Dec. 31.

- (4) No permit shall be granted or renewed unless the following conditions are met:
- a. The applicant must demonstrate that he/she currently holds a valid driver's license.
 - b. The applicant may be required to submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart on the roadways designated.
 - c. The applicant must provide evidence of insurance in compliance with the provisions of Minnesota Statutes concerning insurance coverage for the golf cart. The driver must have proof of insurance in their possession during the operation of the golf cart or all-terrain vehicle or mini-truck.
 - d. The applicant has not had his/her driver's license revoked as the result of any criminal or civil proceedings.

(5) Motorized golf carts permitted to operate on City streets, and county roads or highways within the municipality, unless excluded from operation by the City Council. The council may, from time to time, change, amend, or otherwise update the streets upon which the same may be operated. The City shall cause to be prepared a map designating the streets upon which golf carts or all-terrain vehicles or mini-trucks may operate.

(6) All-terrain vehicles and mini-trucks may only be operated on those city streets which are also duly designated as county roadways. Any operation of all-terrain vehicles or mini-trucks on city streets which are not also duly designated county roadways is a violation of this ordinance punishable as set forth herein in §75.04.

(7) Motorized golf carts may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, taillights, and rear-facing brake lights. They should not be operated in inclement weather, except during emergency conditions as provided in the ordinance, or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient visibility to clearly see persons and vehicles on the roadway at a distance of 500 feet.

(8) Motorized golf or all-terrain vehicles or mini-trucks carts shall display the slow-moving vehicle emblem provided for in Minn. Stat. §169.045, as it may be amended from time to time, when operated on designated roadways.

(9) Motorized golf carts shall be equipped with a rear-view mirror to provide the driver with adequate vision from behind as required by Minn. Stat. §169.70.

(10) The operator of a motorized golf cart or all-terrain vehicle or mini-truck may cross any street or highway intersecting a designated roadway.

(11) Every person operating a motorized golf cart or all-terrain vehicle or mini-truck under permit on designated roadways has all rights and duties applicable to the driver of any other vehicle under the provisions of Min. Stat. §169, as it may be amended from time to time, except when these provisions cannot reasonably be applied to motorized golf carts or all-terrain vehicles or mini-trucks and except as otherwise specifically provided in Minn. Stat. §169.045 (7), as it may be amended from time to time.

(12) The number of occupants on the golf cart or all-terrain vehicle or mini-truck cannot exceed the design occupant load. Each occupant must be seated in a seat designated for occupants.

(13) Assumption of Liability. Nothing in this ordinance shall be construed as an assumption of liability by the City for injuries to persons or property which may result from the operation of any special vehicle by a permit holder or the failure by the Chief of Police to revoke a permit.

SUBDIVISION 3: PERMIT EXCLUSION

Authorized City Staff or its designees may operate golf carts or all-terrain vehicles or mini-trucks defined in Minn. Stat. §412.191, without obtaining a permit within the City on City streets, sidewalks, trails, rights-of-ways, and public property when conducting official City business.

SUBDIVISION 4: REVOCATION AND PENALTIES

(A) Revocation. The Chief of Police may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this section or any portion of Minn. Stat. §169, as it may be amended from time to time, of if there is evidence that the permit holder cannot safely operate the golf cart or all-terrain vehicles or mini-trucks on the designated roadways.

(B) Penalties. Any person violating any provision of this ordinance shall be guilty of a petty misdemeanor, with a payable fine imposed pursuant to the City’s fee schedule, with the fine amount being amended from time to time, by the City Council in the Council’s discretion.

ADOPTED this 9th day of October, 2017, by the City Council of the City of Elysian.

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

Voting Yes: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Voting No: None.

CITY OF ELYSIAN

By: _____

Mayor Clinton Stoen

ATTEST:

Lorri Kopischke, City Clerk/Administrator

At the August 14, 2017 City Council meeting, the Council considered an “after the fact” variance request for Larry and Sherri Knutson to install a 1,280-square foot patio within the 75-foot required OHWL setback at 6 Cedar Point Drive NW. At that meeting, the Council voted unanimously to deny the variance and to approve the following requirements: The patio must be reduced to its original

size or removed in its entirety by October 15, 2017. In addition, applicants have agreed to work with the City in replacing 8 trees at the lakeshore near the bank per Department of Natural Resources specifications by October 15, 2017. Said 8 trees shall be native trees.

At the time of the August 13, 2017 meeting, the exact size of the previous patio was unknown. Since that time, Mr. Knutson has provided documentation that the previous patio located in the setback was 630 square feet.

On September 20, 2017, staff met with Mr. Knutson and his landscaper Morgan Lloyd, Lawns R Us, at the property. Mr. Knutson showed staff the area where he would be planting the trees. He stated he would be planting birch trees.

On October 2, 2017, Mr. Knutson sent an email that he had planted eight evergreen trees. Staff went to the site to document the trees. Mr. Knutson has planted eight 14-inch evergreen (spruce) trees. The trees do not provide any screening of the property whatsoever. The trees are "seedlings". Public Works estimates it will be 10 years before they will provide any type of screening. When staff was there on September 20, 2017, Mr. Knutson was advised that he could leave the area between the two large trees open which allowed a full view of the house. He was asked to start the trees at the large tree at the edge and work over to screen the big open area. Mr. Knutson did not start the plantings next to that large tree as staff requested. The trees are 32 feet from where he was asked to start. Pictures of the trees were provided to the Council.

Also, at the meeting on September 20, 2017, the patio was discussed. Mr. Knutson has submitted two plans for consideration for the patio.

The first proposal is that Lawns R Us will install a berm between the patio and the lake. A diagram of the proposed berm has been provided to the Council. The berm will catch the water and will divert the water into a rain garden on the side of the property.

The second proposal is to remove approximately 281 square feet of pavers from the 1,280-square foot patio. Knutson will also remove a proposed sidewalk of approximately 275 square feet next to the house on the garage side. This sidewalk is not part of the 1,280-square foot patio. This sidewalk is in addition to the patio and was approved as part of the original variance. The sidewalk has not yet been installed and would not be installed as part of the plan. This sidewalk is on the side of the house and will not affect the water running into the lake. It would, however, reduce the amount of hard surface on the lot. A diagram of the proposed changes was provided to the Council.

Calculations are as follows: Current patio 1,280 square feet less the two sections of the patio 281 square feet = 999 square feet remaining patio.

If you include the removal of the proposed sidewalk on the side of the house 1,280 square feet less 281 square feet patio less 275 proposed sidewalk = 724 square feet.

Mayor Stoen stated this "after the fact" variance had been denied by unanimous vote by both the Planning and Zoning Commission and the City Council with the condition that the patio be returned to its original size of 630 square feet. He did not believe the Council should change that. And, he found it insulting that 14-inch pine trees had been planted. These trees were supposed to provide screening. This is not even close.

McBroom stated that the concern he had is the DNR has provided Knutson with information and direction on the type and number of trees to be planted. The Council has also given information and direction. Mr. Knutson has basically snubbed the Council and DNR by planting these small seedlings. Mr. Knutson has not taken any steps to rectify what DNR has recommended to him.

Houlihan stated that the small trees worried him because it could be even more than ten years before they provide any screening. He himself planted five of this type of trees six years ago and they are still tiny.

Schnoor stated this appears to be a one-sided ball game. The Council requested that trees be planted for screening and there are none. The Council asked that the patio be reduced to the original size and there is none.

McBroom acknowledged this is a beautiful home but there are things that have been suggested, directed to the property owner, that haven't been done. The owner always comes back with a different plan.

Mayor Stoen stated the Planning and Zoning and City Council had approved a 630-square foot patio. He asked if there was something he was missing.

Morgan Lloyd, Lawns R Us, representing Larry and Sherri Knutson, stated the proposal was to eliminate a concrete walkway on the side of the house and to leave approximately 930 square feet of patio on the lakeside. That walkway was approved on the original variance. He would use that square footage toward more square footage for the patio. Wouldn't it be okay for him to use that square footage there?

Houlihan replied that it was the front of the house toward the lake that was an issue, not the side of the house.

Thomas J. Kraus, Kraus Law Office, representing Larry and Sherri Knutson, stated that the Knutsons do want to be in compliance with the situation. He stated that this is a beautiful patio and something that will help avoid erosion and pollution to the lake. Typically, people will mow their lawn right up to the bank area and this will help avoid a lot of that. He stated the patio would be beneficial to the environment and good for Lake Francis and the others who live out in that area.

Kraus stated that Mr. Knutson was feeling pressured to meet the deadline regarding the trees. If he is required to replace those trees with something larger he is certainly willing to replace with 4 to 5-foot trees. This would not be a problem or concern. He stated that he has been out there, and that side area would not be a problem. Mr. Knutson was not aware that any size had been specified for the trees. He was more worried about being in compliance with the deadline.

Kraus stated that with regard to the patio itself, there are gutters all along the lakeside of the house so all the water will be carried over and placed in the leach field next to the house. None of the water will go into the lake. So then looking at the area of the patio, typically people are putting down fertilizer or weed killer on their lawn. This patio will prevent any of that from going into the lake. One option is to put a trough along that patio area and that would divert all the water off and into the leach field. This would probably be better than anything you have out there to avoid pollution and keep it looking aesthetically nice.

Kraus stated that he believed that going in there and hammering some of that patio out now is going to be counterproductive to what is going on. Mr. Knutson certainly wants to be respectful to Council decisions. Kraus asked the Council to be openminded and not do something to punish but something that makes sense and can be a win-win situation.

Kraus stated the current patio does not get any closer to the lake than what the previous patio had been. Therefore, it is not a concern as to the proximity to the lakefront. The concern is how wide the patio is and that is addressed with the gutter and the trough system to divert the water. He did not see how this patio would negatively affect any of the property owners around or near this area. If anything, it will increase property values.

Kraus stated that the Knutson's suggested solution is to install the trough system and if that is not satisfactory then there certainly are some areas that could be cut back while retaining the existing patio size on the lakefront side of the house.

Morgan Lloyd, Lawns R Us, stated there are two options: 1. Leave as is and install the trough system. 2 Not install the walkway on the side of the house, remove a portion of the patio and find a way to remove another 94 feet that it is still over the allowed amount. Lloyd stated that Mr. Knutson has always been respectful of the neighbors and the lake.

Mayor Stoen stated that in his opinion, the patio on the lakeside should be 630 square feet. The walkway on the side of the garage would still be allowed as it was included in the original variance. That was what was approved. The Council had recently considered another patio variance request and the property owner was restricted to 500 square feet.

Kraus stated he still did not see the logic. The walkway on the side was not yet installed. He did not see the harm of moving that area to the lakeside where it was already installed. To hammer that out turns into a lose, lose, lose.

Houlihan stated the trees are the bigger issue to him because when looking at the shoreline there is a big gap. Mr. Knutson stated he would plant 5-foot tall trees by October 16th.

Opsahl stated she was okay with moving the area from the side of the garage to be included in the patio on the lakeside.

Morgan Lloyd stated the lakeside patio would be 905 square feet and the walkway on the side of the house of 275 square feet will not be installed. He stated that either way, the 275 square feet will be inside the 75-foot bluff area. Lloyd stated that the DNR had made recommendations on the trees but they were not involved with the patio.

It was confirmed that on June 22, 2017, Todd Piepho, Area Hydrologist, MN Department of Natural Resource, had made the following recommendation in regard to the patio: "I would recommend that if they indeed want to leave the patio that it be reduced to what is proposed in the drawing, essentially a walk way around the back of the house with the addition a small patio area they would be able to have a grill, table etc."

On motion by Stoen, seconded by McBroom, all voting in favor, in regard to the request of Larry and Sherri Knutson, 6 Cedar Point Drive NW, that they install eight (8) 5-foot trees by October 16, 2017 and that the lakeside patio be reduced to 630 square feet.

The Council then considered Resolution #589/17. Councilmember Schnoor introduced the resolution and was seconded by Councilmember Houlihan.

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
RESOLUTION 589/17

A RESOLUTION REVOKING THE DEFERRAL OF SPECIAL ASSESSMENT

WHEREAS, the City Council for the City of Elysian, Le Sueur County, Minnesota, met on the 28th day of December, 2016, and;

WHEREAS, at that time, Lorraine Thurber, a resident of the City of Elysian, had real estate located at 205 Fourth Street NW, Elysian, Le Sueur County, Minnesota, identified as parcel identification number 16.410.0560 and legally described as set forth in the Attached Exhibit A, and;

WHEREAS, Thurber's real estate set forth above was a part of the City's 2016 street and utility improvement project and Thurber's assessment is \$9,800 as set forth in greater detail in the City's Assessment Roll, and;

WHEREAS, at the December 28, 2016 City Council Meeting, the Council did approve the deferral of the collection of the special assessment associated with the City's 2016 road and improvement project based upon the City's Assessment Policy which grants a deferment of assessments to those aged 65 years and older 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.

WHEREAS, Lorraine Thurber did pass away on December 29, 2016.

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

That the deferral of the special assessment in the amount of \$9,800 is hereby revoked as of December 29, 2016 because of the passing of Lorraine Thurber. The deferred assessment is now immediately due and payable and assessable to the City pursuant to this Resolution and the City of Elysian's Special Assessment Policy in effect at the time of the triggering event's occurrence. Le Sueur County's records shall reflect the revocation of the deferred assessment.

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 9th day of October, 2017.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

Exhibit A

All that part of One Block in the Village of Elysian known and designated as "Walnut Square", as the same is platted in the rearranged and now plat of the Townsite of Elysian on file and of record in the Office of the Register of Deeds in and for Le Sueur County, Minnesota, described as follows: Beginning

at a point One Hundred Fifty Feet North of the Southwest Corner of said "Walnut Square" and running thence West and parallel to the South line of said Block a distance of One Hundred Sixty-five (165) feet; thence to the North at right angles a distance of Fifty feet; thence to the East at right angles a distance of One Hundred Sixty-Five (165) feet; thence South Fifty Feet to the plat of beginning, now known as Lot 7 & 8, Walnut Square as shown on the Plat of Elysian/Elysium Amended Plat in Le Sueur County, Minnesota.

Chris Cavett, SEH Engineering, presented the Draft Feasibility Report – 2018 Street and Utility Improvement Project. As part of the 2015 CIP, Project B has been identified as the second project to be improved and is now being referred to as the 2018 Street and Utility Improvement Project. The project includes the following streets:

- Frank Avenue NW from 4th Street NW to 1st Street N*
- Park Avenue NW from 4th Street NW to 1st Street N
- 4th Street NW from MN TH 60
- 3rd Street NW from MN TH 60 to Frank Avenue NW
- 2nd Street NW from Lake Francis to Main Street E
- 2nd Street SE from Main Street E to south dead end
- 2nd Street NE from Main Street E to Park Avenue NE (added during the October 9, 2017 City Council Meeting).

A neighborhood meeting was held with residents adjacent to the proposed project on September 25, 2017. Existing utilities will be partially replaced as part of the project. The streets in the project area are proposed for full reconstruction, with a new pavement section including a thicker aggregate base and new bituminous surface. Concrete curb and gutter will be constructed along each side of the street to manage stormwater. The project as proposed will include some miscellaneous improvements within the adjacent park and will take into consideration the work proposed by MnDOT in 2020 on Trunk Highway 60. The total estimated project cost is \$2.2 million.

Cavett noted the following key items in the report:

4th Street SW: MnDOT is considering closing this access as part of the 2020 project. Recommend postponing this work to see what MnDOT decides to do with access.

Watermain crossing of TH60: There currently are three watermain crossing on Highway 60 – Blue Bay Lane, 3rd Street SW, and 2nd Street SE. Consider the possible elimination of one crossing.

Stormwater Drainage basin & subject property – The report assumes this in as a cost and that an assessment will not be collected.

(Councilmember McBroom left the meeting at 7:10 pm)

Assessment Rate: The recommended assessment rates are based on the 2016 assessment rates and the Consumer Price Index (CPI) change from April 2016 to September 2017 pending Council approval. The proposed change is 3.1%. Street Assessments: \$8,450 per residential unit, \$112.67 per front-foot for Commercial/Institutional /Multi-Family; and Water and Sewer Service Assessments: \$1,650 per unit water, \$1,190 per unit sewer.

Funding Review: Sanitary Sewer Utility – 1.9%, Water Utility – 17.5%, Environmental Utility – 14.8%, Assessments – 23.7%, and General Levy – 42%.

Alley Improvement (behind City Hall) – Considered in the scope and project costs. No assessments were assumed to the adjacent properties for the alley improvements.

Ron Greenwald, Public Works Director, suggested that Second Street NE between Main Street East and Park Avenue NE, be included in the project. Second Street south of this area is included in the project and having this stretch included would facilitate movement during later projects.

On motion by Stoen, seconded by Houlihan, all voting in favor, to include Second Street NE from Main Street E to Park Avenue NE in the 2018 Street and Utility Improvement Project (aka Project B).

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION 590/17
RECEIVING REPORT AND CALLING
HEARING ON IMPROVEMENT
2018 STREET AND UTILITY IMPROVEMENT PROJECT

WHEREAS, pursuant to resolution of the council adopted May 8, 2017, a report has been prepared by Short Elliott Hendrickson Inc. (SEH®) with reference to the 2018 Street and Utility Improvement Project, with reference to the improvement of following streets:

- Second Street NW, from Main Street to Frank Avenue NW
- Third Street SW/NW, from TH 60 to Frank Avenue NW
- Fourth Street SW, from TH 60 to Main Street
- Frank Avenue NW, from 4th Street NW to 1st Street
- Park Avenue NW, from 4th Street NW to 1st Street
- Second Street SE, from Main Street to dead end
- Second Street NE from Main Street E to Park Avenue NE; and

and this report was received by the council on October 9, 2017, and

WHEREAS, the report provides information regarding whether the proposed project is necessary, cost-effective, and feasible,

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

1. The council will consider the improvement of such streets in accordance with the report and the assessment of abutting property and properties for which benefit can be attributed for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429, at an estimated total cost of the improvement of \$2,200,500.
2. A public hearing shall be held on such proposed improvement on the 13th day of November, 2017, in the Elysian City Hall at 6:00 p.m. and the City Administrator shall give mailed and published notice of such hearing and improvement as required by law.

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 9th day of October, 2017.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION 588/17

RESOLUTION ACKNOWLEDGING A DONATION FROM
CANNON VALLEY COMMUNICATIONS FOUNDATION

WHEREAS, the City of Elysian has received a donation in the amount of \$7,500.00 from Cannon Valley Communications Foundation toward the purchase of Grass Fire Rig Equipment;

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 Cannon Valley Communications Foundation in the amount of \$7,500.00 toward the purchase of Grass Fire Rig Equipment.

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 9th day of October, 2017.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

The Council discussed City of Elysian Ordinance #2 Amended, Section 8 regarding the responsibility for the curb stop. According to the Ordinance, the consumer or owner is responsible for all equipment from the main to the house. The City's Special Assessment Policy is also based on this premise. There was Council consensus that the intent of the Ordinance is that the consumer or owner is responsible for installation and maintenance of all equipment from the main to the house.

On motion by Houlihan, seconded by Stoen, all voting in favor, to set a Council Workshop Meeting with Representatives of MnDOT regarding State Highway 60 on October 16, 2017 at 6:00 pm.

Kopischke reported that all yearly employee evaluations are complete. All employees met or exceeded performance expectations for their position.

Kopischke reported the City only received one application for the permanent part-time public works worker position. The applicant is currently employed and would be available on an on-call basis. It was asked if since the City is not receiving much response for a part-time position, could an on-call position be advertised to develop a list of persons available for on call work.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to advertise for an on-call public works worker for up to 25 hours per week at \$13.50 per hour.

Thrifty White will hold a Flu Shot Clinic at the Tourism Center on Wednesday, October 18 from 3:00 to 7:00 pm

The Fall City-wide Clean-Up will be held on October 21, 2017 from 8:30 to 11:00 am at the Lake Francis Park parking lot.

Information was included in the packet explaining NRG Community Solar. Council was encouraged to look over the information to see if there was any interest in the program.

Kopischke reported the owner of the tax forfeited property 301 Sixth Street NW has called and requested an extension to the October 17, 2017 deadline to remove their personal property from the site. There was Council consensus to grant a three-week extension and that no trash, junk or waste be thrown on the lawn and no trash or personal property be left outside for more than 24 hours.

City Attorney Moran stated that at last month's meeting the Council addressed a rezone issue on Main Street East. The request was to rezone from commercial to residential. At the time of voting, City Attorney advised the Council that approval required a super majority vote. That is incorrect and Moran apologized for that. The rule is that when you go from residential to commercial it requires a super majority vote and when the zoning goes from commercial to residential it only requires a majority vote. The rezone did pass with a 3-2 vote in favor. If any Councilmember would like to change their vote they certainly can. No one expressed a desire to change their vote on this issue.

On motion by Stoen, seconded by Opsahl, all voting in favor, bills, payroll, and transfers were approved in the amount of \$113,925.62.

Public Comment: None.

On motion by Stoen, seconded by Houlihan, all voting in favor, meeting adjourned to closed session to perform employee evaluation of City Administrator at 7:43 pm.

On motion by Stoen, seconded by Houlihan, all voting in favor, to reopen the meeting at 8:00 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, 2017 City Council Meeting.

On motion by Stoen, seconded by Opsahl, all voting in favor, to adjourn the meeting at 8:03 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator