

ELYSIAN CITY COUNCIL

REGULAR MEETING, 6:00 PM

SEPTEMBER 12, 2011

The Elysian City Council met in regular session on Monday September 12, 2011, at City Hall at 6:00 p.m.

Members present were: Mayor Katy Anttila: Council members Mary Opsahl, Clinton Stoen, Edna Thayer, Brian Ziemer, City Administrator Patricia Nusbaum, Public Works Director John Roessler, Deputy Clerk Lorri Kopischke, and City Attorney Jason Moran.

Meeting opened with a pledge to the US Flag and a moment of silence honoring the 9/11 victims and families.

On motion by Stoen, seconded by Thayer, all voting in favor, to go to the public hearing at 6:02 p.m.

Public Hearing

A public hearing was called on the petition by property owners located on Chesnut's Subdivision, Chesnut's #2 Subdivision, and Chesnut's Subdivision #3, also known as Willow Point Drive.

Administrator Nusbaum offered the presentation to the Council stating that the recommendation from the Planning and Zoning Commission to proceed with a hearing. The petition presented has been signed by 100% of the property owners. Attorney Jason Moran then explained the "Common Law" Designation which is an avenue for the private drive to become a public street. Costs may include the deed transfers to the city, legal costs, possible engineering costs, and possible surveying.

Council members questioned as to what is a standard public street and what are the costs involved with making it a public street? Would the City have costs associated with the request. Attorney Moran stated that the streets in Elysian are not standard, in theory the street could remain as it currently is now.

Council member Thayer stated that the Council could decide that the street be made wider and the property owners would pay the 100%.

Public Comment:

1. John Sandquist - 107 Willow Point Drive – He stated that they had been before the Council 2 to 3 times and the Planning and Zoning Commission, went through that and back here tonight. We have no city code as far as streets. Blacktop on Chesnut's 5 years, Chesnut #1 1 year and Chesnut #2 2 years old. Road is in good shape, not that much traffic out there. There was an easement done when the sewer and water went in. We want to be able to take part in the special assessment policy. The point is to treat everyone the same.
2. Tom Crawmer – 501 Lake Avenue N – If the road is public, do the property owners get the 70% that the rest of the City gets? Attorney Moran answered Yes. How about the little bit not put in? Could the people that already put the street in, could they come back and ask for their payment since they already paid for it. Attorney answered yes. Crawmer asked could they go back retroactively and ask for their payment? Attorney said yes they could, but it would be up to the Council to say yes or no.
3. Roger Hanson – 309 Third Street NW – hates the idea of private drives, cities should never have private drives. Whose responsibility is it if the work is not done? Street to be done before we accept the private drive as a public street. We already maintain it. Hanson then read from the Zoning Ordinance as to the definition of a "street". The zoning ordinance

states that a minimum street is 30' in width. The street in question is a non-conformity and before you adopt the street, review the grandfather clause. The subdivision ordinance states information on private streets. He stated that he felt that Council member Ziemer should have abstained on the Willow Point Drive matters due to his living on Willow Point Drive and signing the petition. He stated that he felt Council member Ziemer had a conflict of interest.

4. Wayne Unke – 124 Willow Point Drive – Made a comparison of Pat Nusbaum's property and John Sandquist's property as to the difference in the taxes paid due to Sandquist owning lake shore property in comparison to Nusbaum living without lake shore. He stated that for every dollar Nusbaum puts in for taxes Sandquist puts in \$3.50. Unke felt that the property owners on Willow Point Drive needed to be included in the 70% rule bringing city streets into the city to see that taxes are fair. It is a difficult job, but put yourself in my shoes and see that all of the tax payers are treated as fairly as possible.

Council member Opsahl offered that the "Common Law Designation" seemed fair and equitable and wondered how much the property owners were willing to pay. Attorney Moran stated that whatever decision is made all private drives should be treated the same. Attorney Moran stated that the legal fees for transferring would be no more than \$2,000. Council member Ziemer offered that 32 property owners have paid for everything. Everything is paid for. Some pay \$46,000 - \$50,000 for water and tar road and [do] not get anything from the City. He wants all to be treated fair and equitably.

On motion by Thayer, seconded by Stoen, all voting in favor, hearing closed at 6:47 p.m.

On motion by Thayer, seconded by Stoen, all voting in favor, to open hearing on proposed curfew ordinance at 6:48 p.m.

Attorney Moran explained the proposed ordinance stating that it was comparable to other Le Sueur County cities. The old ordinance would probably not hold water in court.

Council member Stoen asked, "What is the usual penalty violation?" Moran stated that the first offense – probation 3-6 months, if they do it again in theory it could be 90 days in jail and/or a \$1,000 fine.

Public Comment:

1. Mike Harnish – 401 North First Street – had been involved with the former Neighborhood Watch Program in Elysian. Without a police force it is very hard to enforce. He attributes 90% of the curfew should be controlled by the parents of the children. He would like to see the time lowered to 9:30 p.m.

Attorney Moran stated that it is always an enforceability issue. Council member Opsahl stated that Elysian does not have a high crime rate.

On motion by Anttila, seconded by Thayer, all voting in favor, hearing closed at 6:58 p.m.

On motion by Stoen, seconded by Thayer, all voting in favor, to approve the minutes of August 8, 2011, September 1, 2011, and September 7, 2011, with the following additions:

1. To make note of the address of Brad Gohla at 21860 Wood Duck Lane and to state lowest qualified quote not lowest quality quote. (Reference to quote regarding the repair to the water line between fire hall and city shop.)
2. To insert "meeting minutes" on the July 14, 2011 minutes as presented.
3. Regarding the approval of the special assessment policy motion at the June 13, 2011; for the record the motion for approval of the special assessment policy was made by Anttila and seconded by Opsahl with all voting in favor.

On motion by Stoen, seconded by Opsahl, to move agenda item #17, session to consider employee performance pursuant to Minnesota Statute, to the top of the agenda. Voting Yes: Stoen, Opsahl, Thayer, Ziemer. Voting No: Anttila. Motion declared carried.

**ELYSIAN CITY COUNCIL
SEPTEMBER 12, 2011, 7:00 PM
MEETING MINUTES
EMPLOYEE PERFORMANCE**

The Elysian City Council met in regular session on Monday, September 12, 2011 at City Hall to discuss several issues pertaining to an employee, City Administrator Patricia Nusbaum. Mayor Kathleen Anttila had previously sent to all members of the council a letter calling for the termination of Ms. Nusbaum with that letter having been delivered to all of them with their council packets. Mayor Anttila had identified reasons in that letter for the termination of Nusbaum. Prior to the calling of the meeting, Ms. Nusbaum requested that the meeting be open to the public and that request was honored with Ms. Nusbaum being given the opportunity to respond to the allegations.

Members present at the meeting were: Mayor Kathleen Anttila and Council members Mary Opsahl, Edna Thayer, Brian Ziemer, and Clinton Stoen. City Attorney Jason Moran was present as was City Administrator Patricia Nusbaum and Ms. Nusbaum's Attorney, Jennifer Lurken. Others were in attendance as the audience as well.

Mayor Anttila opened the meeting by addressing the public and the council by stating that the reasons for Ms. Nusbaum's termination were provided to her in letter format on September 8, 2011 Mayor Anttila advised that no one other than herself had seen that letter prior to its delivery to Ms. Nusbaum on September 8, 2011 and that any information about tonight's meeting "in my opinion, must have originated from the employee" as "no one but she and I was given access to the letter I provided to her on September 8, 2011." Mayor Anttila advised that Ms. Nusbaum serves at the pleasure of the City Council. Mayor Anttila advised that during the past 8 months she has had the opportunity to observe our clerk/administrator and has specifically opined that she has not adapted to change and she had disregarded council directives on new policies. Philosophical, relationship and communication issues create difficulties in getting the work of the city done in a timely manner she said. Mayor Anttila then read from the September 8, 2011 letter and identified reasons for her recommendation. Mayor Anttila requested termination of an at will employee not because of these specific reasons but because of a pattern of substandard conduct that has eroded her (Anttila's) confidence in her ability to do her job. Anttila remarked that "Ms. Nusbaum will be given an opportunity to respond and the public will be given an opportunity for expression." Anttila's reasons for termination were read into the record and were: 1) An unsigned garbage collection contract was put into effect without council approval, 2) blank bonding agreements were inserted into the official minutes book, 3) the 2011 summary budget which is required to be published in the newspaper was not published until months after a January 2011 request was made, 4) there were missing statements and contradictory dollar amounts in EDA contracts which she drafted, 5) personnel policy was violated because approval by the council prior for work performed was not sought first by the council and that civil service personnel have been appointed however there is no such action recorded in meeting minutes and no applications have been supplied for review despite request for the same on August 2 and August 4, 6) she has failed to follow the fee schedule by allowing unlimited copying free of charge to an outside organization, 7) she has exhibited disrespectful behavior toward council members and she exhibited an angry outburst against the mayor during a 2010 council meeting resulted in her being gavelled, 8) she failed to include council action on the special

assessment policy in the meeting minutes, 9) she has come to committee meetings unprepared to report on items she is responsible for and has failed to supply/prepare requested reports asked for by the joint fire board, 10) she has failed to post required notices of a special council meeting which resulted in the postponement of the meeting, 11) she has failed to produce any documentation regarding the use, maintenance, and management of the tourism center despite stating that she could and would do so, 12) she exceeded her \$1,000 purchasing authority by ordering Christmas decorations for over \$3000 and associated electrical work over \$1,700 in 2010 without council approval, 13) she distributed over \$50,000 in EDA funds without any signed documentation. Anttila continued adding that "we want to be sure that Ms. Nusbaum has the opportunity to state her case and respond to complaints regarding her employment. We do not want to take hasty action without hearing her point of view. We recognize opinions and emotions run high on this issue, let me remind everyone in attendance that this is not a discussion; our role is to listen and to treat all with respect and consideration. Disruption of the meeting will not be tolerated."

Ms. Nusbaum was then given an opportunity to respond. Roger Hanson interjected to make a point of order inquiring as to who would be taking minutes of the meeting. City Attorney Jason Moran then advised that he would be taking the minutes and audio taping the meeting.

Jennifer Lurken, Mankato, Minnesota, Ms. Nusbaum's attorney introduced herself to the council. Ms. Lurken stated that Ms. Nusbaum wanted to respond in writing to the allegations but that there are a number of the allegations that are vague, but that Ms. Nusbaum would respond to the allegations one at a time.

Ms. Nusbaum then addressed the unsigned garbage contract. Nusbaum inquired as to what unsigned garbage contract Ms. Anttila was referring to. Ms. Anttila then inquired of Mr. Moran if she should be responding to the questions. Mr. Moran then advised Ms. Anttila that she can choose whether to respond as that is her choice. Ms. Anttila then responded that the contract at issue is the contract with Waste Management in effect right now. Nusbaum stated that Anttila indicated that the contract was without Council approval. Due to the short amount of time since your (Anttila) accusation, I was not able to research your question. Nusbaum advised that the present contract was signed 5-6 years ago and that the garbage company has been operating off that contract. Ms. Nusbaum advised that we have been with that company quite a few years. Ms. Nusbaum advised that there is a signed contract. Anttila advised that there is an unsigned contract and that was admitted in a Budget and Finance Committee meeting. Nusbaum responded, saying that she is unaware of that. Nusbaum then inquired if there was an issue with the contract. Anttila responded saying that all contracts should be approved by the Council and there are no official minutes of approval of the contract. Nusbaum then inquired as to whose responsibility it is. Anttila advised that it is Ms. Nusbaum's duty to make sure that contracts are signed and the minutes capture approval of contracts. Nusbaum then explained that when the garbage contract was approved, a signed copy from Waste Management would have been sent to the City, possibly the mayor. Somewhere someone has a signed contract. The Waste Management Company would not be working for the city if there was no contract. Nusbaum advised that she does not enter into contracts.

Nusbaum next addressed the issue of blank bonding agreements being inserted into the official minute book. Nusbaum asked, "What blank bonding agreements are you referring to?" Anttila remarked that she does not have access to the minute book and she will locate them. Nusbaum asked, "What was the date of the bonds?" Anttila stated, "I think there are more than one and we will check. 2009A...I am quite sure those are blank." Nusbaum asked if 2009A is the issue. Anttila said there are examples of bonding agreements and that uncompleted bonding agreements are in the minutes. Nusbaum explained that in 2009 she offered the Council the opportunity of saving the City approximately \$50,000 in bonding payments by merging several bonds into a couple of bonds. These bonds covered debt payment for infrastructure on several local improvements. When the Council approved the sale of the

bonds, she placed a copy of what she gave the Council for their review in the minutes just for reference, so that in the future when someone may be inquiring about a matter, the reference would be there. The signed bond papers are located in a bond package from the bonding company. Nusbaum explained a second time that she put the blank bonds in the minutes for reference only.

Nusbaum then addressed the summary budget not being published. Ms. Nusbaum stated that the summary budget was placed in the paper. According to State Statute 471.6965 Publication of Summary Budget Statement, it states that annually, upon adoption of the city budget, a summary budget statement can be placed in the official newspaper or by a city newsletter sent to each household. There is no time criteria set by the State of MN as to when it must be published. The newspaper has a time sensitive issue with this document and can only publish as prescribed by the state, therefore, it can only be put in the paper when they have the space. This document was submitted to the paper on February 18th. and was published on April 7th.

Ms. Nusbaum then addressed the issue of missing statements and contradictory EDA contracts that were drafted. Ms. Nusbaum stated that due to the absence of information regarding this question she cannot respond. Ms. Nusbaum stated that she cannot respond because she does not know what documents and dollar amounts and dates Ms. Anttila is referring to. Ms. Nusbaum inquired, "Can you enlighten me on that?" To which Anttila responded "I will provide those dates and information as I do not have access to them."

Nusbaum then addressed the issue of civil service personnel being approved and paid prior to their approval by the Council. Nusbaum stated that the accusation requiring the approval of the Council prior to performing work or being paid stating the civil service personnel have been appointed; stating that there is no record in the minutes and no applications supplied for review despite request on Aug. 2nd and Aug 4th. Nusbaum explained that the City of Elysian has no civil service personnel but we do have Emergency Management Personnel formerly called Civil Defense. Nusbaum stated that many times during the many years the Council has authorized the advertising for Emergency Management Personnel. This is a very needed area for our community's protection, and it is very hard to find people who will serve in this capacity. Over the years, it has been up to the Emergency Management Department to continually be out there looking for personnel. When someone is interested, they fill out an application and then, after a background check, they get on board, which means they must attend Sky Warn Training, and other trainings presented by the local and county Emergency Management. For years, it has never been a policy as to bringing the Emergency Management applications to the Council. In the future, if this is to be done, then we can proceed at the wish of the Council. Nusbaum additionally commented that regarding the applications for positions on Emergency Management, "Mayor Anttila asked on August 2, 2011, I was too busy that day to go through the personnel files to get the applications. On August 4th., the day the council packets were to be out, always a very stressful day, I had no time to look for applications, since part of the stress was that Mayor Anttila was in my office four times wanting to go over and alter the agenda. Finally, at 5:15 p.m., after talking with the attorney on matters that she (Anttila) wanted eliminated from the agenda, mainly Council member Stoen's agenda items, I finally got to pulling them (applications) on August 5th and placed them in the safe. Mayor Anttila did not come in to view the applications.

Nusbaum then addressed the accusation concerning Nusbaum's failure to follow the fee schedule regarding an outside organization. Nusbaum then inquired, "Which outside organization are you referring to?" Anttila responded that the allegation concerned the Chamber of Commerce. Nusbaum then explained that this accusation comes from the mayor who had seen a copy of a "Queen Pageant" program on the table. She (Anttila) asked me how much money we were making from the Chamber. I told her we were not. She gasped, and I continued on and stated that many years ago, possibly in the mid 90's the Chamber of Commerce wanted the City to be a member of the Chamber of Commerce. The mayor at that time said the City would not be a member but, recognized all of the good things that

the Chamber did for the community, more than what the City would ever afford to do. The Council, at that time, said they could contribute services toward the Chamber and stated that the Chamber could make copies for all of their needs. Since that time the Chamber has always made their copies at City Hall. It has never been an issue.

Nusbaum then addressed the accusation concerning disrespectful behaviour toward council members and the outburst in 2010 toward the mayor resulting in being gavelled. Nusbaum then inquired for an explanation for “disrespectful behaviour toward council members.” Anttila then remarked that she would have to read the October 2010 meeting minutes to provide an explanation. Nusbaum then asked “what was said in October 2010 that was disrespectful?” Anttila remarked “What scheming things are you up to now?” referring to the comment made to then mayor David Rager. Nusbaum then asked “Which council members was I disrespectful to?” Anttila then remarked that the mayor is a Council member. Nusbaum stated that she was aware of that. Nusbaum then wanted clarification as to which council members with emphasis on “members” plural. Nusbaum stated the accusations sound as if there are multiple parties/acts. Anttila remarked that this is just one example. Nusbaum then inquired if other incidents exist? Anttila said she would not give another example at this time. Nusbaum then requested that all examples be put in writing.

Nusbaum then addressed the accusation concerning Council action taken on the special assessment policy. Nusbaum stated that the Special Assessment Policy was passed at the June, 2011 meeting. Nusbaum stated that she wrote the minutes and they were approved by the City Council at the July meeting. In doing research in July, Nusbaum stated that she noticed that the motion on the approval of the Special Assessment Policy did not get into the July minutes. I, then placed on the agenda at the August meeting to amend the June minutes to include the Special Assessment Policy and it was approved in inclusion at the August Council meeting. Nusbaum questioned...“why am I being reprimanded for being honest?” To which Anttila responded “My earlier statement is that these are examples of a pattern of behaviour.”

Nusbaum then addressed the accusation about coming to meetings unprepared and not preparing reports for the joint fire board until being prompted. Nusbaum started the discussion by asking for clarification as to which meetings she is referring to as to her being unprepared. Anttila responded “Budget and Finance.” Nusbaum asked for dates and identification of reports that were not responded to. Anttila replied the last meeting was August 29 and “I believe and the first three agenda items were under your responsibility.” Anttila specified that Nusbaum had not done any of them. Nusbaum explained that the particular agenda for that day was to address the approval of the budget which up to 80 hours Nusbaum stated that she had devoted to preparation, which was of great importance and did not have time to address the other items. As to the Joint Fire Board, according to my job description, I am not required to prepare any reports for the Joint Fire Board. The financial reports are prepared by the Deputy Clerk.

Nusbaum then addressed the accusation about the failure to post a notice concerning a council meeting. Nusbaum questioned why this is coming up again since it was addressed at the May 25 meeting? Anttila responded that this is an example of a pattern.

Nusbaum then addressed the accusation that no documentation has been produced concerning the use/management of the tourism center despite being asked to do so. Nusbaum stated that she was not sure what it is that you wanted as a council for me to produce for you (Anttila)? Nusbaum stated that she needed to be enlightened on this matter. Anttila inquired if there is a maintenance agreement or rental agreement in effect said that she has “asked for this repeatedly. Anttila stated she has requested these things and she “received no response.” Nusbaum then explained that she “responds to the council” and “if Anttila asked for this at a council meeting that is one thing” but that Anttila is “continually coming in asking for things” and “she (Nusbaum) does not recall this.” Nusbaum explained that a new air exchanger was requested by the Chamber and that Ziemer inquired about that. She

(Nusbaum) stated that as she remembered when the air exchanger and the hot water heater came before the Council, I (Nusbaum) remember Council member Commerce receives for use of the building, I mentioned that the agreement was in the minutes. Nusbaum inquired Ziemer questioned as to the ownership of the building and as to how much rent the Chamber of “at what point was she asked to bring this to a council meeting”? I (Nusbaum) was never asked to put it on the agenda.”

Nusbaum then addressed the allegation concerning the ordering of Christmas decorations in 2010 and this allegedly exceeding her purchasing authority. Nusbaum stated there has been no purchasing policy until 2011. In September of 2010 there was a need to replace and add a couple of holiday lights to our Main Street. This was at no expense to the City of Elysian. Each year the City receives four quarterly checks from US Cable as part of the franchise fees based on customer usage. This money is immediately transferred into the cable savings account. As City Administrator it has always been my responsibility to keep the decorations looking fresh and nice. It is up to me to be sure Main Street is looking good during the holiday season. I order the decorations and the bill is approved by the Council. Nusbaum questioned, “Why was this not brought up on May 25?” Anttila responded “this was not the subject of the May 25 meeting.”

Nusbaum then addressed the allegation concerning \$50,000 of EDA funds being disbursed without any documentation being signed. Nusbaum asked “What is the loan for which you are referring?” Anttila remarked that she would not disclose this in a public meeting. Bradley Gohla with “The Store” then remarked from the audience that this information can be disclosed. Nusbaum explained that discussion was held during the state audit in 2008. Since then, forms recommended by the auditor have been placed in the file and as of 2011 item have been resolved.

Jennifer Lurken, Nusbaum’s attorney then spoke opining that there are 13 different issues listed on the Anttila termination request letter and of those 13 issues 6 were known or should have been known at the May 25 meeting. urken continued stating that at that meeting one of the council members moved that a previous reprimand in Nusbaum’s file be purged and the same was approved. Lurken additionally commented that it was specifically raised at the May 25 meeting that if there are additional issues to be addressed that needed to be addressed then. Anttila responded that these allegations had not been documented until tonight.

Nusbaum then stated, “As part of my time to speak I would like to have anyone who would wish to come forward to speak on my behalf.”

Mack Evans, 103 Park, Elysian. Evans commented that it’s nice to be here. Evans commented on what Nusbaum has done for the city. He remarked that Nusbaum was instrumental in bringing paved streets to the City, she helped bring a second well, and she was instrumental in the city getting the water tower and city hall. Evans commented that we would have mud and gravel streets if it was not for her. He went on to say that we “wouldn’t have much of a city”. Evans commented that “there is a pattern here. Evans commented that “this is the pattern that came from Pat doing many of these things.” “We got the water tower, got the paved streets, she worked with the Lakeview manor developer to bring that to town, it’s turned into a nice bonus for the city.” “If they weren’t there this city would be a lot smaller,” he remarked. Pat worked with Jim Roemhildt on getting that subdivision in the City. “She was instrumental in getting water/sewer out there,” he said. Evans commented on Pat being instrumental in getting water to Willow Point. Evans remarked that “she brought the Bear’s Den here.” Evans recalled that “she was instrumental in starting the EDA and that when he left it was worth \$475,000.” “That’s pretty good” he commented. We own property by the Bear’s Den and property behind the Thirsty Beaver he recalled. Evans inquired, “Did the Mayor check with the developer who wants to build an assisted living facility here?” Evans continued that “we were trying to try to get a motel here....Sometime we have to try....We can’t have this negativity here,” he commented. Evans stated “she (Nusbaum) is always looking for new businesses in town.” Evans stated that “there are a lot of businesses in town.” Evans recalled that “she (Nusbaum) started the Elysian library 30 years ago and

started the food shelf 28 years ago". "She advocated for the state building code in the City so that you have codes and buildings that are built right." Evans continued...Cable. She got the cable company to come to town. Evans remarked that, "She was a committee of four in writing a grant for the web and all the things that started from that." "She was also instrumental in getting natural gas in the City of Elysian" he said. "These are just things she has done for the City of Elysian" commented Evans. Evans ended with the statement "A pattern....that's a pretty good pattern and I would be proud to have a pattern and a record that speaks like that." "We wouldn't have a Fourth of July [celebration] like we do if it wasn't for Pat. We wouldn't have half of what we have if it wasn't for Pat." We wouldn't have National Night Out, we wouldn't have community suppers, we wouldn't have dozens of things in this town if it wasn't for Pat and you have been sitting here tonight ridiculing her beyond my belief. It is not your job to do that. You, (councilman Stoen) have been trying to get her (Anttila) to sign that paper on how the City is to be run. It is a weak mayor strong council. I don't know if you went out and got the approval of the Council for all these allegations." Evans inquired "did you meet with them, did you talk with them before?" "I believe you did not, you did that all on your own, that is not your job, your job is to run the meetings, you are not even supposed to second motions you have come in here continuously from your committee meetings commentingwe are not going to do this, we are not going to do that, this is not your job....that is the Council's job to do that" he said. "It is the council's job to bring these things forward" he said.

Tom Crawmer, 501 Lake Avenue NW. Crawmer inquired if Anttila wrote this letter herself. Anttila said "yes, I drafted this letter." Crawmer said that he just heard that she shouldn't be doing this. Crawmer inquired...why weren't these accusations addressed on May 25." Mayor Anttila responded "this is not the appropriate time and that this question was answered earlier." Crawmer then inquired if anyone else was with Anttila when the letter was given to Pat and Anttila responded "Mrs. Thayer." Crawmer then inquired if Thayer knew what was in the letter and she said "no." Crawmer said that he thought Thayer knew of the contents of the letter before it was delivered to Pat. Thayer replied that she did not know of the contents of the letter until after it was delivered to Pat. Crawmer commented that in 2010 Pat Nusbaum made \$59,757.13 and since that was put on salary and she now has to attend all the meetings, which he wouldn't attend, and she gets \$56,992 and that's a savings for her attending all these meetings. It's \$5.30 savings per person. Two things the mayor did this year, she forgot to take a Council person to a meeting. On 9-1-11 a Council person had to call her to come to a meeting and she came 12 minutes late. Crawmer inquired "why did you come late?" Anttila responded that this meeting is not to malign a Council member but to address the allegations at hand. Crawmer asked why he can't ask questions, Anttila replied that he can ask, just outside this meeting.

Brad Gohla, 21860 Woodduck Lane, Elysian spoke. Gohla commented that the EDA loan documents were his and that Tad and Jason should have taken care of those issues. Gohla stated that for 2 years it was not an issue. Moran commented that if (Gohla) was insinuating that the responsibility was his (Moran's) he is wrong. Moran commented that the paperwork was drafted and in the file but that someone did not obtain the signatures on the documents in the files. Moran also commented that it was Gohla who refused to sign the documents after the loans were disbursed and that he was asked to sign them three different times and refused even after promising to sign them. Gohla advised that they are signed now. Gohla called the proceedings a charade and that he needs 13 more signatures on his petition and it will be legal.

Roger Hanson, 209 Third Street Northwest spoke. He commented that Pat has done a lot for the city and he would not be here if it wasn't for her. He commented that in 1999 he worked with Pat in coming to town. Hanson commented that she always gets an answer from Pat. He commented that he may disagree with the answer but he always gets an answer from her. Hanson stated that Pat has been involved in many things for the city and she goes a good job. He recalled that she does a lot for the Planning and Zoning committee. Hanson stated that people should work together and he doesn't understand all this animosity. Let's keep our city looking nice, operating nice he said. Hanson

commented on the good quality of the water and that we have the best water quality in the state because of the people that work here. Hanson commented that there are more positive things going on with Pat than negative.

Sarah Reindl, 49 Egret Lane. Reindl commented that from the time she first entered the City, it's Pat's face that you always see at events. She said that she was Deputy Clerk for Chatfield for 10 years and she has an idea of the responsibilities and duties to be performed by a City Administrator. She said her biggest concern is that Pat had a short time to respond to the accusations and when she (Pat) asked for documentation there was none. She said this is a serious accusation to try and take someone's job that has given the service, the time, and the energy to the City. She said that the accusations should be pretty serious and the documentation should be there for termination.

Dee Sasse, 304 Fourth Street Northwest, spoke. Sasse commented that she went to a Budget and Finance Committee meeting to try and figure out "what the devil that they are doing". She commented that the budget is the council's responsibility. She said that the auditor said that Pat is the best of the best and we are lucky to have her. In listening to the questions of the committee she was puzzled by them and she thinks the auditor was too. The auditor said that if you have questions, that is Pat's job to address the budget, she does it well, if you have questions address them to her.

Jack Frank, 9 Roots Beach, Elysian spoke. Frank commented and began to debate a point with Mack Evans who was seated in the audience. Frank was then advised to address the issue at hand.

Jayne Larson, 22181 Main Street, Elysian spoke. Larson advised that Pat supported them through their project and their business would not have been there but for Pat. Pat helped with the building inspector and helped bring their business to town. Larson advised they have been here for 7 years because of Pat.

Christina James, 43911 43rd Street spoke. James advised that she is a human resource professional and has been for 15 years. James inquired of the council that the City Administrator position is a pretty important position and she is assuming that they have someone backed up to fill that position. James additionally inquired that she is concerned about a lack of documentation for the allegations. James stated that as an employer if issues arise you better document them. James advised that an at will employee can be terminated at any time but it better be documented. James spoke of a stepped disciplinary policy and inquired if that has been followed? James opined that this is the wrong way to terminate. She is concerned that Ms. Nusbaum's age has been asked about....she doesn't know by whom. She would advise Pat to sue the City.

Brad Gohla spoke again. Gohla advised that whenever a question arises in the meeting everyone looks to Pat for an answer. He opined that it happens 95% of the time. He commented "you should be ashamed of yourselves." He opined that two people know of this and probably a third and there has likely been a violation of the open meeting law to get us here. He stated that this is ridiculous.

Nancy Jensen spoke. She identified that she is not a resident of Elysian. He stated that she has heard a lot of this is "bullcrap." Jensen said that there is no evidence of the allegations. She stated that she is glad that she does not live here and that she is glad that she does not have to put up with her (referring to the Mayor). Be proud of the employees she remarked.

Marge Pribyl, 45 Egret Lane spoke. Pribyl said that she has lived in Elysian for 65 of her 82 years and she has never seen such a mess. She stated she is a friend of Pat's and they have worked at the Library and Food Shelf and other places together and that she is "super." Pribyl commented that Pat helped with the 85 bicyclers that were in town. She washed the tables at the park getting ready and then they moved to the Chamber building. People in Waterville ask her "how can you get so much done in Elysian?" She said she always replies....it's Pat. She ended saying "life is too short." She has family members who are ill and "there are people in this community who are ill....why waste our time fooling around....let's work together" she said.

Rick Childs, 105 Hwy 60 East spoke. He recalled having known Pat for quite a few years. He commented that all you can do is the best you can do. He said to look at the positive side as to what you have done. If there is something wrong work on it together as a team you are all in it together. You all are not accomplishing a thing. Keep doing the best you can do Pat....no one can ask for anything more...keep up the good work.

Bernie Meyer, 46 Osprey Way, Elysian spoke. Meyer said that the first person he spoke to was Pat to give her honest opinion about him moving down here. Meyer said that there is a personal vendetta. He pointed at the Mayor and said you ought to be ashamed. Meyer's comments were directed at Anttila. Some of these lies....if Pat would proceed with a lawsuit there isn't enough money in the state to pay the bill. It's because of you, if you have guts enough, look at the destruction you are causing to the City. Most of the people in this audience feel the same way and you ought to ask them. Meyer said you should be ashamed of the lies you have told. You should resign and give the City of Elysian a break.

Al Loney, 306 Fourth Street NW spoke. Loney said that under the rules and statutes governing our city council it is very specific as to how to terminate an individual. He pointed to oral reprimands and it's in her record. He also said that he believes there is a written reprimand in her file. He also mentioned suspension and then termination. He pointed to Friday's paper and how Gaylord has tried for 2 years to fire him and he is now suing the City for that. Loney opined that the City has not followed the law and he advises Pat to sue. He said that he is a retired police officer and he had to follow the rules and laws and asked the City to follow them as well. Loney ended with the comment "Edna, you are being duped." Loney cautioned the council to think about what they are doing.

Marty Zimprich, 101 Hwy 60 East spoke. Zimprich thanked Pat for her job. If she did not have her job, she would have to go live with her daughter.

Rich Childs respoke. Childs opined that if pat is fired he will not sell anymore raffle tickets and he sells thousands. He asked, "What will be accomplished" if she is fired.

Bob Ringhoffer, Silvers Resort Lot 13 spoke. Ringhoffer was a City Administrator for North Mankato for over 33 years. Ringhoffer went through something like Pat is going through tonight 2 different times. Ringhoffer survived both and chose to retire when his time was up. Ringhoffer opined that he is really concerned about how the council is going about this. He is afraid they are wrong. He said that he has known Pat for a long time and they have attended meetings together. He opined that the council is getting itself into trouble. He opined that there is a right way to go about this and a wrong way and you are going about this the wrong way. He chose to live in Elysian because it's the neatest little town in Southern Minnesota. He enjoys Elysian and he hopes that they will do things right. He told the council to quit fighting and get on with things.

Cathy Houlihan, 443 Bluebay Lane spoke. Houlihan advised that she believes Katy Anttila has a personal agenda here for "Katy Anttila." She, additionally, thanked Pat for all that she has done for Elysian.

Donna Stark, 43 Egret Lane spoke. Stark advised that she previously lived in Wisconsin, and looked at a lot of towns before coming to Elysian. She advised that Pat had an answer for every question she ever had concerning their move. She advised that when Mack Evans was Mayor everything was great. Stark advised that she worked in an organization where everyone was younger than her. Stark advised that she cannot understand Mayor Anttila not using the experience and intelligence of Pat. She advised that she believes this is a female revenge/jealousy situation and that's just her opinion. Stark closed stating that "Pat Nusbaum could make you look so good Katy Anttila" and you should work for the City and not yourself.

Mary Kaderlik, 304 Frank Ave. NE spoke. Kaderlik said that she is a former City Clerk employee from Madison Lake. Kaderlik advised that it is not an easy job to do Pat's job because every year you get new bosses that come in with the idea to fix the city and change things. Kaderlik advised that Pat is doing a good job and the council needs to cut her some slack.

Pat Nusbaum then spoke and said that she appreciated the opportunity to present her side of things. Nusbaum then closed her session to address the council with saying that “no one person does this alone” and “just remember that I cannot do all this by myself.”

Katy Anttila then took to the mike and commented “I will proceed with my motion.” “I move to terminate Patricia Nusbaum” she said. Anttila then asked that Nusbaum then provide “her password and remove all of her personal possessions within 30 minutes from the conclusion of this meeting.” Anttila then asked that Nusbaum’s final pay check be paid. Anttila then moved that Lori Kopischke take on the duties as Clerk/Treasurer. Anttila then also moved that the personnel committee immediately begin preparations to staff City Hall in an appropriate manner. Anttila additionally requested authority for herself (Mayor) to open mail with Kopischke. It was then raised whether the Mayor can make a motion to which Attorney Moran opined that the Mayor can in fact bring a motion.

Anttila then called for a second. The motion was seconded by Edna Thayer.

Discussion among the council was then started.

Councilman Clinton Stoen started the discussions by stating that “this is ridiculous.” Stoen opined that we have heard from the people in the room and from Pat who he called both “the voice of the community.” Stoen said that Pat had gone above and beyond the call of duty. Stone opined that in the last 9 months the new council has tried to get rid of the Public Works Director and that failed and the public became outraged. Stone opined that “there is no question in my mind that personal vendettas against pointed people, city employees, is more than evident than ever before.” Stoen said “this is ridiculous.” Stoen said that if there is anyone on this board with an interest in Ms. Nusbaum’s job if she should be terminated then that would be a huge unethical conflict of interest.

Stoen inquired of Council member Ziemer about his involvement in the historical society litigation. Stoen pointed out that Patricia Nusbaum is a party to that litigation. Stoen inquired about Ziemer’s involvement in that board and if that litigation was still pending? Ziemer responded by saying that “the civil lawsuit is in it’s 4th year and has not been decided and that next week the attorneys representing the bodies in question meaning LCHS-Le Sueur County Historical Society, and Chapter One, and a New Le Sueur County Historical Society, and the Old Officers of Chapter 1 in Elysian; that they are all still in litigation and can’t share information.” Ziemer additionally commented that they have shared settlement agreements. Ziemer then admitted that he is a part of the lawsuit and he is the representative from the Commissioner district for his group that stands before the County Board.

Stoen then opined that Ziemer has a huge conflict of interest. Ziemer then turned to City Attorney Moran for guidance on the issue of the conflict to which Moran then asked if Ziemer was a party to the litigation and only Ziemer could identify if he feels he has a conflict of interest. Ziemer then admitted that he meets in closed quarters and discusses the lawsuit and recommended the suit through the attorney and the Judge. Ziemer then admitted that he could personally have insights and feelings.

Ziemer then went on to comment that he was a part of the group that authorized settlement situations in the litigation. Moran then asked Ziemer if he felt he has a conflict of interest and Ziemer responded “I didn’t until now.”

Ziemer commented that this is the second time this evening that he cannot vote on a matter. Moran then inquired of Ziemer for a third time if he (Ziemer) felt he had a conflict of interest in voting on the matter. Ziemer replied that he would have a conflict of interest if it is perceived as such and he has answered the questions as best and as honestly as he could. Ziemer stated that he has expressed interest and has partaken in settlement discussions on that litigation. Moran thanked Ziemer for disclosing the conflict of interest and since Ziemer admitted having a conflict Moran then advised Ziemer to abstain from voting on the matter.

Stoen then retook the mike saying that the City appreciates and needs you (Nusbaum).

Anttila asked if there was any further discussion.

Council member Mary Opsahl then took to the mike. Opsahl commented that she has seen the work that Pat does and that the letter of Anttila to the council recommending termination is uncalled for. Opsahl opined that Nusbaum has been with the City for 40 years and has made this place a good place to live and after doing her job for 40 years how can she be told that she does not adapt well to change. Opsahl commented that Nusbaum loves this community and she puts her heart and soul into this. Opsahl believes that the allegations are trivial and that if Anttila had taken the time to work for the good of the city things would be better. Opsahl thinks that her job as a Council member is to work for the good of the community and that she does not like to attack individuals. Opsahl does not like being a part of a Council that is doing this. Opsahl wonders how people that go along with this can live with themselves and sleep at night. Opsahl stated Pat has done nothing but good for the community and we need to let her retire when she wants to and move into her new phase of life.

Ziemer then took to the mike and stated that he received the letter written by Anttila in the packet last Friday late afternoon like everyone else. Ziemer came to tonight's meeting knowing that tonight's meeting would be an open meeting. Ziemer advised that he just came to the meeting with letter in hand like everyone else. Ziemer said that Pat did very well in preparing herself for the allegations. Ziemer has expressed his feelings in the past with regard to labor relations where things are purged from their file if they are outdated. Ziemer then stated he may have asked for a little more time to evaluate this situation because questions were asked and answers were not there.

Anttila then said "I have absolutely no ill will toward you and even if you were my best friend, I would have to vote for dismissal."

Anttila then called for a vote on her motion which was seconded by Edna Thayer.

Ziemer abstained from voting. The motion to terminate Patricia Nusbaum failed on a 2-2 vote with Opsahl voting no, and Stoen voting no. Thayer voted yes to terminate as did Anttila who voted yes to terminate.

Nusbaum asked that it be made clear that there are no oral reprimands in her file and questioned what was to become of the letter. Attorney Lurken asked whether the letter would be placed in Ms. Nusbaum's personnel file.

Attorney Moran opined that nothing be placed in Nusbaum's file. Mayor Anttila opined that a normal performance evaluation review will prevail. Stoen called for the vote to not place the letter and allegations presented tonight in Nusbaum's personnel file, which was seconded by Opsahl with Stoen, Opsahl, Thayer, Anttila voting yes; Ziemer abstaining.

This portion of the meeting was then closed at 8:54 PM.

(Minutes of employee performance hearing prepared by Attorney Moran.)

A recess in the meeting was called, with meeting reconvened at 8:59 p.m.

Discussion on the Willow Point Drive hearing - Concerns were costs to the City and/or to the property owners of Willow Point, liability issues for the City, and engineering recommendations. On motion by Anttila, seconded by Stoen, to refer further discussion to the Planning and Zoning Commission to determine area being dedicated to the city as a city street, to determine the concern on zoning requirements, and to also include research of costs involved and legal concerns reviewed. Voting Yes: Anttila, Stoen, Opsahl, Thayer. Voting No: None: Abstain: Ziemer. Motion declared carried.

Discussion on the curfew ordinance was held. On motion by Thayer, seconded by Stoen, all voting in favor, Ordinance #69/11 was adopted as presented.

ORDINANCE 69/11

CITY OF ELYSIAN

CURFEW FOR MINORS

Purpose of Policy:

The City of Elysian curfew for minors ordinance established by this section is maintained for three (3) primary reasons:

- (1) To protect the public from illegal acts of minors committed during the curfew hours;
- (2) To protect minors from criminal activity that occurs during the curfew hours; and
- (3) To help parents control their minor children.

Definitions:

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

EMERGENCY ERRAND. A task that if not completed promptly threatens the health, safety, or comfort of the minor or a member of the minor's household. The term shall include, but not be limited to, seeking urgent medical treatment, seeking urgent assistance from law enforcement or fire department personnel, and seeking shelter from the elements.

OFFICIAL CITY TIME. The time of day as determined by reference to a master clock used by the Le Sueur County Sheriff's Department.

PLACES OF AMUSEMENT, ENTERTAINMENT OR REFRESHMENT. Those places that include, but are not limited to, parks, City owned property, restaurants, places that serve refreshments, school property, beaches, arcades, stores, and other places catering to individuals.

PRIMARY CARE or PRIMARY CUSTODY. The person who is responsible for providing food, clothing, shelter, and other basic necessities to the minor. The person providing primary care or custody to the minor shall not be another minor.

SCHOOL ACTIVITY. An event which has been placed on a school calendar by public or parochial school authorities as a school sanctioned event.

Hours:

- (1) *Minors under the age of 16 years.* No minor under the age of 16 years shall be in or upon the public street, alleys, parks, playgrounds or other public grounds, public places, public buildings, vacant lots, public beaches; nor in or upon places of amusement, entertainment or refreshment, between the hours of 10:30 p.m. and 5:00 a.m. the following day, Official City Time.
- (2) *Minors ages 16 years to 18 years.* No minor of the ages of 16 or 17 years shall be in or upon the public street, alleys, parks, playgrounds or other public grounds, public places, public buildings, vacant lots, public beaches; nor in or upon places of amusement, entertainment or refreshment, between the hours of 12:00 midnight and 5:00 a.m. the following day, Official City Time.

Exceptions.

The provisions of this section shall not apply in the following situation:

- (1) To a minor accompanied by his or her parent or guardian, or other adult person having the primary care and custody of the minor;

- (2) To a minor who is upon an emergency errand at the direction of his or her parent, guardian, or other adult person having the primary care and custody of the minor;
- (3) To a minor who is in any of the places described in this section if in connection with or as required by an employer engaged in a lawful business, trade, profession or occupation; or to a minor traveling directly to or from the location of the business, trade, profession, or occupation and the minor's residence.
- (4) To a minor who is participating in or traveling directly to or from an event which has been officially designated as a school activity by public or parochial school authorities; or who is participating in or traveling directly to or from an official activity supervised by adults and sponsored by the City, a civic organization, school, religious institution, or similar entity that takes responsibility for the minor and with the permission of the minor's parent, guardian, or other adult person having the primary care and custody of the minor.

Duties of person legally responsible for minor.

No parent, guardian, or other adult having the primary care or custody of any minor shall permit any violation of this section by the minor.

Duties of other persons.

No person operating or in charge of any place of amusement, entertainment, or refreshment shall permit any minor to enter or remain in his or her place of business during the hours prohibited by this section unless the minor is accompanied by his or her parent, guardian, or other adult person having primary care or custody of the minor, or unless one of the exceptions to this section apply.

Defense.

It shall be a defense to prosecution under this section that the owner, operator, or employee of an establishment promptly notified the City's designated law enforcement provider that a minor was present on the premises of the establishment during curfew hours and refused to leave.

PENALTY.

- (A) *Generally.* Whoever violates any provision of this chapter for which no other penalty has been established shall be punished as set forth herein.
- (B) *Curfew Penalties.*
 - 1. *Minors.* Any minor found to be in violation of this section may be adjudicated delinquent and shall be guilty of a misdemeanor.
 - 2. *Adults.* Any adult person found to be in violation of this section shall be guilty of a misdemeanor.

This Ordinance shall become effective upon passage by the Council and publication in the Elysian Enterprise and shall replace and supersede all other ordinances governing snow and ice removal.

Dated: September 12, 2011.

ATTEST:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

Joe Fasnacht, representing Madison Lake American Legion was present to ask the Council to approve a gambling license for the Madison Lake American Legion on behalf of the Wilderness Bar and Grill located at 510 State Highway #60. Concern was that the Elysian American Legion and the Elysian Fire Department also had gambling licenses in the City of Elysian and there was a concern as to allowing an outside request when the possibility of a local license could cover the entity. Mr. Fasnacht explained that the Madison Lake American Legion gives back to the community and Elysian would receive some of the return to the community. On motion by Stoen, seconded by Ziemer, all voting in favor, to table the matter until the October meeting.

Fire Chief James addressed the Council requesting a \$300 per service year increase in the Fire Fighters pension fund. This would be in line with other area fire departments. Requests have been made over the past several years. The 2012 budget includes a levy of \$10,345 which is mandated to maintain the amount already being attributed to the pension fund. Mayor Anttila stated that discussions with the Joint Fire Board regarding the townships contributing to the pension fund have not yet materialized.

Megan James representing the Holidazzle Committee announced that the Holidazzle Parade will be December 3, 2011. On motion by Stoen, seconded by Opsahl, all voting in favor, to allow the blocking off of Main Street from the Elysian Learning Center to the Fire Hall between 5:30 p.m. and 8:30 p.m. on Saturday, December 3, 2011.

Public Works Report – John Roessler

1. Generator quotes were presented. Still waiting on electrical quotes for hooking up, will bring to October meeting.
2. Discussion on the Lake View Manor quotes for repair to a couple of sinking areas will be held at the October meeting.
3. Tower repair and painting is finished. Testing of water in tower has been completed and tower is now in full service.
4. Park catch basin quotes will be considered at the next meeting.
5. On motion by Stoen, seconded by Opsahl, all voting in favor, to approve the quote from MN Pipe in the amount of \$1,1320.61 to be used in storm water pond in Roemhildt's Addition #2.
6. Will try to get curbs painted this month.

On motion by Ziemer, seconded by Stoen, all voting in favor, bills, payroll, and transfer were approved in the amount of \$150,751.03.

On motion by Thayer, seconded by Ziemer, all voting in favor the following resolutions approved in block:

**CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION 376/11
RESOLUTION ACKNOWLEDGING A DONATION FROM
Mankato Eagles –Wade Becker**

WHEREAS, the City of Elysian has received a donation in the amount of \$1,000 from the Mankato Eagles/Wade Becker, and have designated this donation be used for the Elysian Fire 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 the \$1,000 donation from Mankato Eagles/Wade Becker.

BE IT FURTHER RESOLVED THAT: The Elysian City Council expresses its thanks and appreciation for the donation.

Council memberThayer introduced the resolution and was seconded by Council memberZiemer.

Council Members voting in the affirmative: Thayer, Ziemer, Opsahl, Stoen, Anttila.

Council Members voting in the negative: None

Council Members abstaining: None

Adopted by the City Council of the City of Elysian this 12th. day of September, 2011.

ATTEST:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

**CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION 375/11
RESOLUTION ACKNOWLEDGING A DONATION FROM
Helen Wanous**

WHEREAS, the City of Elysian has received a donation in the amount of \$200 from Helen Wanous, and have designated this donation be used for the Elysian Fire 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 the \$200 donation from Helen Wanous.

BE IT FURTHER RESOLVED THAT: The Elysian City Council expresses its thanks and appreciation for the donation.

Council member Thayer introduced the resolution and was seconded by Council member Ziemer.

Council Members voting in the affirmative: Thayer, Ziemer, Opsahl, Stoen, Anttila

Council Members voting in the negative: None

Council Members abstaining: None

Adopted by the City Council of the City of Elysian this 12th.day of September, 2011.

ATTEST:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

**CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION 377/11
RESOLUTION ACKNOWLEDGING A DONATION FROM
Elysian Volleyball**

WHEREAS, the City of Elysian has received a donation in the amount of \$225 from Elysian Volleyball and have designated this donation be used for the Elysian Lake Francis Park.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian acknowledges and accepts the \$225 donation from the Elysian Volleyball Teams.

BE IT FURTHER RESOLVED THAT: The Elysian City Council expresses its thanks and appreciation for the donation.

Council member Thayer introduced the resolution and was seconded by Council member Ziemer.

Council Members voting in the affirmative: Thayer, Ziemer, Opsahl, Stoen, Anttila

Council Members voting in the negative: None

Council Members abstaining: None

Adopted by the City Council of the City of Elysian this 12th. day of September, 2011.

ATTEST:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

RESOLUTION 378/11

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.

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

NOW, THEREFORE, BE IT RESOLVED: that the Elysian City Council grants approval for a one day off site lawful gambling license to the Elysian Fire Department Relief Association.

The resolution was presented by Council member Thayer, seconded by Council member Ziemer to approve one day off site lawful gambling for December 3, 2011.

Voting Yes: Thayer, Ziemer, Opsahl, Stoen, Anttila

Voting No: None

Dated this 12th. day of September, 2011

ATTEST:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

On motion by Stoen, seconded by Opsahl, all voting in favor, to accept the engineer letter requesting the using of the Capital Improvement Plan as the feasibility study and to approve the calling for a hearing on the improvement to be held October 10, 2011 at 6:00 p.m.

City Administrator update

1. Thank you to those who helped with BAM – Biking across MN – 275 bikers 8/18/11.
2. Thank you to those who helped with Parks and Trails Council of MN bike ride – 9/4/11. – 80 bikers
3. Wilderness Bar and Grill - Grand Opening – October 1, 2011
4. Employee Performance Review – October 10th at 4:30 p.m. for Public Works Director, November 14th. at 4:30 p.m. for City Administrator.

Fire Chief James updated the Council on the purchasing of the new Fire Rescue Vehicle.

On motion by Stoen, seconded by Ziemer, all voting in favor, to approve the purchase of the Fire Department Rescue Vehicle with the city contributing 50% of the costs. Mayor Anttila reported that Janesville Township had also approved their portion of the vehicle purchase.

Mayor Anttila reported that negotiations have moved along on the renewal of the garbage contract with Waste Management and presented the new contract for approval. On motion by Thayer, seconded by Ziemer, all voting in favor, a five year contract with Waste Management was approved effective October 1, 2011 . A press release will be made to the citizens.

Mayor Anttila also updated the Council on a meeting with Janesville Township which she and Council member Ziemer attended regarding Maple Avenue repair. On motion by Antilla, seconded by Thayer, all voting in favor, to accept the quote from James Brothers Construction on the repair of Maple Avenue with the City sharing in ½ of the costs in the amount of \$ 6,175.00, and Janesville sharing in ½ of the costs at \$6,175.00 which does not include blacktopping.

Public Comment:

Megan James – Asked if the Council takes in feedback that is given the City and people you represent, and business owners. All Council members indicated that they did. She stated that it seems the opposite starting with the Pat Nusbaum issue with all of the support from the community and then spend hours of personally attacking Pat Nusbaum. And then there is the non-support of the Fire Department. It seems that you say it, but we do not see it. There is a lack of City support and city staff respect by the way you act up here. Give Pat a letter, how ridiculous. Everyone here said the opposite and you vote to terminate. Mayor Anttila stated that there are over 400 voters. James stated there is a hostile work environment with the city, slanderous comments. It is becoming not a good city to come to or do business in. City gets the good neighbor award, city workers are doing a good job, need to stop harassing them. You need to thank yourselves for the environment you created.

Jason James – Fire Chief – Thanked the Council for moving ahead with the purchasing of the rescue vehicle. He is concerned about the giving of the gambling license to an outside group when the city has two groups involved in the City now. If you are looking at the 10% that was mentioned as a giving back to the City, the Fire Department and the American Legion already give back more than that. They are allowed to give back 60%. We need to keep it in the City.

Mayor Anttila commented that the Wilderness chose and we are obligated. Nusbaum commented that further research will be made before the next meeting.

Wayne Unke – 124 Willow Point Road - He stated that he had attended all of the budget workshops and has watched this Council work well together and doing a fine job. Lot of cooperation, felt that the tax dollars will be well taken care of. He stated that he felt the group that was here tonight was a pressure group, so many ill-behaved people. Never seen adults so misbehaving. Ratted on the mayor, very disappointed. Manners are atrocious. Way out of order. That part of City so negative. He stated that he can make a list of the good things that the Council has done. We are not a Chamber of Commerce. He stated that we need to remember this, the Council was voted in by majority of the people. This tonight was a concoction of invited people to create havoc.

Jason Moran, Attorney – Reminded the mayor to use the gavel during the meeting. He controlled the crowd. He would also prefer is there is a conflict of interest on any council issue by any Council member, please ask for a break in the meeting and we can discuss in private if you think you might have a conflict. It is not my duty to tell people to shut up. This was the poorest run meeting I have seen in my life. Yelling at people is not my job.

Megan James – stated that she would agree with the attorney. Two meetings ago senior citizens were fighting at the meeting. It is embarrassing and repulsive. People are going to respond. This is a hostile environment and it will continue until get a plan on how to handle the public.

On motion by Ziemer, seconded by Stoen, all voting in favor, meeting adjourned at 10:54 p.m.

ATTEST:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator