

**ELYSIAN CITY COUNCIL
REGULAR MEETING
JUNE 13, 2011, 6:01 P.M.**

The Elysian City Council met in regular session on Monday June 13, 2011, at City Hall at 6:01 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.

On motion by Ziemer, seconded by Stoen, all voting in favor, to move to the public hearing. A public hearing was held to receive input on the proposed Special Assessment Policy for the City of Elysian. Council reviewed the policy and a few changes were recommended.

1. John Sandquist – 107 Willow Point Drive – Spirit of the policy is good. Concerned about who can participate and who cannot. There are 371 property owners with 70 properties being private drives, non-public roads. All pay taxes, but 70 properties cannot participate in the new policy. City maintains, plow, seal coat, sewer, water, not for those on private roads. Council should treat all people in Elysian on a level playing field. Why not make all private roads, public roads to include Willow Point Drive, Kaplan's, and Roots Beach Lane. Twenty percent continue to pay taxes and only 80 percent benefit. Seventy properties are not being treated on an equitable basis.
2. Wayne Unke – 124 Willow Point Drive – He shares the same feeling. He stated that he had checked with area towns and all streets are treated the same. Suppose 80% of the streets were substandard and 20% were good streets, what would the new policy be then?
3. Gordon Kritzer – 310 Main Street East – What is the effect of someone living on Main Street? Administrator Nusbaum stated that it is a county road. Generally the sidewalks and water and sewer lines are assessed to property owner. County usually pays for the blacktopping and curbs.

Discussion on undeveloped lots was held. Policy will be changed to have the shut-off's be placed at the property line in the middle of the front property line. Concern as to how wide a city street must be before it can be legally a city street. A question as to how do we address private roads versus public roads was mentioned. All pay same dollars; feel that all should be treated equally.

On motion by Stoen, seconded by Ziemer, to close the public hearing at 6:24 p.m. and to open regular meeting.

Minutes of the May 9, 2011 Council meeting were discussed. Page 3, item 6 should read Infratech, Inc. would be repairing the sanitary sewer manholes at a cost of up to \$1,500 per manhole; page 2 #2 mowing quotes, not at a rate of \$50 per mowing, but to read \$50 per mowing up to a total of \$1,000; page 3 #3 Council member Ziemer questioned the Council member selected to go with mayor to attend the meeting with the Janesville Township Board. Mayor stated that she forgot to ask someone, but would talk about the substance of the meeting later. On motion by Ziemer, seconded by Thayer, all voting in favor, to approve the minutes with corrections.

On motion by Stoen, seconded by Thayer, to approve the special meeting of the Council on May 25, 2011, a personnel issue with an employee. A correction regarding that the goals set down by the former council for the employee were not mentioned; still need copies of goals and objectives so that at the end of the year

know how to evaluate; Attorney Moran prepared minutes which should be attested to. Members Stoen and Thayer amended their motion to include the changes. All voting in favor. Motion declared carried.

On motion by Thayer, seconded by Stoen, all voting in favor, to approve the agenda with the following additions:

1. Action on Assessment Policy
2. Personnel recommendations in cooperation with city administrator start process for hiring fulltime public works director.
3. Rules and regulations on attendance at meeting by the public and how to handle in the future. Mayor Anttila noted at this time that rude behavior will not be tolerated by anyone and the sheriff will be called and person escorted out of council chambers.

Visitor Comment:

Chief Deputy David Tietz was present to mention to the Council and the public of the concern for a number of car and garage break-ins in the past couple of weeks. He stated that Elysian is a quiet community and a great place to live. He emphasized that when you see something suspicious or are concerned about anything, please call the sheriff's office. The sheriff's department is here for you. He asked that information be passed on to all of your neighbors.

Discussion was held on the Special Assessment Policy. Public versus private roads, what is process? Concern with width of street, maybe a petition is needed from the property owners, can they be grandfathered in? On motion by Anttila, seconded by Thayer, all voting in favor, to refer to the Planning and Zoning Commission for a report on the legality and research what is required to be a city street and to also find out the desire of the 70 residents living on a private street to be presented to the Council at the October Council meeting. Motion was amended by Anttila, seconded by Ziemer to have the Planning and Zoning report at the September regular meeting of the Council, prior to summer residents going away for the winter. All voting in favor. Motion declared carried.

Maintenance engineering scheduled on the agenda was not present at the meeting.

Lisa Hammett, 901 Point Pleasant Drive, Madison Lake, MN was present to request a public hearing for on sale and Sunday liquor license for a new business located at 511 Highway #60 which will be known as The Wilderness Bar and Grill. On motion by Thayer, seconded by Ziemer, all voting in favor, a public hearing will be held on Monday, July 11, 2011 at 6:00 p.m.

Claudia Perkins, 115 North Shore Drive - She stated that she and her husband don't always agree with decisions that are made by the Council, but respects them if they are made in a fair and equitable manner. She stated her concern as to the determination of why the Council decided to mow the ditches on the north side of Hwy 60 and not the south side? She was concerned as to whether the ditches on the north side of the highway were inherently more public and is there a class system of ditches that she was not aware of? She stated that it appears that in the interest lowering taxes, the Council has effectively raised theirs since in order to keep their property in a nice looking condition, they would have to be mowing the very large ditch. She stated that she is disappointed in the manner that the Council made the decision on mowing. She stated the city government functions more effectively when it is more inclusive. The opinions of the citizens of the community should be invited to participate in the decision, if it would be impacting their property. She stated that there may be other ways of broadening the discussion on managing the road ditches.

Discussion by the Council was held on mowing and opinions were presented. Concerns as to not mowing any of the properties not belonging to the city, which would include not mowing around the flags along State Hwy 60, quit mowing after the July 4th holiday, not mowing around water hydrants and lift stations. Mayor Anttila stated that she had checked with the courthouse, and no water hydrants and lift stations had been recorded and therefore were not city property. Concerns as to the beautification of the city and as to the flags being part of what the city represents. Motion was made by Ziemer to mow only property owned by the city. Motion died for the lack of a second. (Claudia Perkins left the meeting at this point.) Motion was made by Thayer to continue to mow city area that the employees have been mowing, around the signs, and flags, DNR property and lift stations, fire hydrants, and whatever area around tourism center that needs to be mowed in order to make the city look presentable. Motion died for the lack of a second. On motion by Anttila, seconded by Ziemer, to allow the city staff to mow until the July 4th holiday and then not to mow any property after the 4th not belonging to the city, to include no mowing of ditches, lift stations, DNR property. Voting Yes: Anttila, Ziemer. Voting No: Opsahl, Stoen, Thayer. Motion denied.

Discussion further included to keep Elysian looking nice as has been, leave the mowing the way it is but hold staff responsible, no mowing of private property, let the public works director do his job, he is capable and trustworthy, to keep doing what the employees have been doing, mowing as is to keep our city looking clean and natural neat, would have liked to have more input on resolution passed.

Public Works Report – John Roessler

1. Main Street (County Road 50) will be seal coated in mid to late July.
2. Park Update – Council member Stoen updated the Council on recent work at the Lake Francis Park. Ball field renovations will be done after Little League is finished. Beach and park area will receive some funding from FEMA due to fall flooding.
3. Street Repair – Discussion was centered on the worst streets in need of repair which included some that needs updated infrastructure. On motion by Anttila, seconded by Thayer all voting in favor, to approve the bid of M&W Blacktopping in the amount of \$10,020.00, if the bid included all of Frank Street, to make repairs on the following street: NW Frank Avenue - \$3,380; 5th Street NW - \$1,770; NW Park/culvert - \$550; 3rd Street SW - \$4,320. Park Avenue NE at this time will not be considered. If the bid did not include all of Frank Street, then the award of bid would go to Nielsen Blacktopping. Inc. in the amount \$11,319. Roessler will do further investigation of the M&W bid.
4. Maple Avenue – Mayor Anttila reported on a meeting she had with Janesville Township Board regarding the cost sharing of the Maple Avenue street repair. Janesville Township Board will be present at the next regular meeting on July 11th to further discuss the project.
5. Generator – On motion by Thayer, seconded by Stoen, all voting in favor, bids will be obtained for the August regular council for the sanitary sewer generator for the lift station at the Lake Francis Park.
6. Lake View Manor – sinking areas costs will be discussed at the next meeting.
7. Water Tower will be painted in mid July. Roessler estimated that the tower could be empty for up to 3 weeks. Water will be pumped directly into the lines under pressure around the clock.

Personnel Committee:

1. To consider the hiring of a full time public works director by next year. Budgetary items need to be met when preparing budget for 2012. On motion by Stoen, seconded by Thayer, all voting in favor, a special meeting of the Council will be held on July 14, 2011 at 6:00 p.m. to discuss a full time public works director position.

Administration:

1. Roger Hanson, Elysian Emergency Management and FEMA – Approval was given for the mayor and administrator to sign the sub-grant agreement for federal assistance under the public assistance program in order to get funding through the state which has been set aside from the fall rain flooding happening.

Mayor Anttila stated that she could not find in the minutes any notation pertaining to Roger Hanson being an Assistant Emergency Management Director. She stated that she appreciates what Hanson does. On motion by Anttila, seconded by Ziemer, all voting in favor, to appoint Roger Hanson, ad hoc Emergency Management Director for 2010 flood incident which authorizes Hanson to continue to work on flooding project. Discussion was held on when the appointment of the Emergency Management Assistant was made and how applicants are chosen to participate in emergency management. Anttila stated that nothing could be found in prior minutes. The special meeting on July 14th applicants who are presently Emergency Management Personnel will be considered for official approval. Approval of the Emergency Management Director will be made at the special meeting also.

Hanson invited the Council to a county wide drill at the EOC in Le Center on June 17, 2011 when a mock emergency will be played out as an actual event.

2. Administrator Nusbaum mentioned that Jason Coon had not picked up the certified letter sent to him regarding the moving of his fence behind the water hydrant. Coon had submitted a letter to Mayor Anttila stating that he would move the fence by September 30th, but to notify him 24 hours ahead so that he could turn off the electric fence. Nusbaum noted that she did not know that it was an electric fence and therefore he was in violation of Nuisance Ordinance 16 which states that electric fencing lower than 15 feet above the ground is not allowed according to ordinance. A letter was to be sent by regular mail notifying that the fence must be moved no later than September 30, 2011 and that he has seven days to turn off the electric fencing.
3. Attorney Moran stated he had researched the issue of the work comp addition to the City Personnel Policy which was passed at the last meeting. He stated that the requirement for mileage and or claim for lost wages due to lost time, medical appointments or rehabilitation resulting from a worker's compensation claim will not be handled between the worker's compensation insurance company and the employee. The employee will not be submitting requests for reimbursement directly to the insurance company on his/her own behalf as was passed at the last meeting. On motion by Stoen, seconded by Thayer, all voting in favor, to take the attorney's recommendations in which the city will be sending in the first report of injury and will handle the other work comp matters as standard practice.
4. Letters had been sent to several property owners regarding the length of the grass in their yards. After due notice, the city employees mowed one parcel and it will be billed to the property owner after which if no payment is made, it will be placed on property taxes.

EDA - Due to administrator not being the Executive Director of the EDA, on motion by Anttila, seconded by Thayer, all voting in favor, to place the percentage of administrative salary which was attributed to EDA, 10%, against the general fund.

Council member Stoen:

1. Stated that after the last meeting dealing with the work comp policy and the issue over the contract with the public works director, he feels that as he listens to the citizens it appears that the committees are overstepping the Council. The decisions are to be made by the Council. The committees such as budget and finance and personnel are deciding matters that the Council should be handling as a whole. Mayor Anttila indicated that she felt that the committees involved more citizens being able to participate.
2. Stoen questioned if the mayor had joined the MN Mayor's Association and had received the MN Mayors Handbook. She stated she had.

Discussion on the bills followed. A concern of Council member Ziemer as to the authorization of the bill to James Brothers Construction in the amount of \$1,800 for repair to Maple Avenue. Administrator Nusbaum stated that the public works director had made the decision and that it was an emergency. Discussion followed as to what constitutes an emergency and does the public works director have the authority to call an emergency. Ziemer questioned as to if disciplinary action needs to be considered for Roessler. Council Opsahl stated that in his job description there is discretion as to work that has to be done. He has been on the job for 30 years and knows what has to be done, there is no authority needed. Mayor Anttila indicated that it was not an emergency situation, a couple of quotes from local contractors could have been gotten in short order. Council member Stoen indicated that Roessler needs to be able to do his job as public works director. He knows his job and we need to support his decisions. Ziemer indicated that the work had gone over the \$1,000 purchasing policy. Stoen stated that there could be a simple conversation with John at the July 14th meeting. Council member Thayer stated that she agreed with Stoen, a simple conversation reminding him of the policy and then move on.

On motion by Stoen, seconded by Thayer, all voting in favor, bills, payroll, and transfers approved in the amount of \$76,382.68.

Nusbaum stated that in response to Christina James's question on the work comp question from the last meeting, regarding how the work comp payment for a fire fighter would be paid if a major injury occurred, since Elysian fire fighters only make \$10.00 per hour per call. Nusbaum stated that she had done some research and the payment is based on a complex formula which includes the fire fighters pay, the salary of their job, volunteer hours, and the pay received by fire fighters based on a larger fire department such as Mankato.

Mayor Anttila indicated that she had responded by letter to Mack Evans regarding his question from the last meeting concerning her authority to have the fire fighters being sent \$50 each from the 2007 SAFER grant. She stated that attorney Moran had reviewed the matter and all of the procedures had been followed.

Visitors Comments:

1. Gordon Kritzer – 310 E. Main Street – asked the administrator if what he was going to say could be eliminated from the newspaper, the newsletter, and minutes. Nusbaum stated that it was a public meeting and therefore the comments were public. Kritzer did not present any comments.

On motion by Stoen, seconded by Ziemer, meeting adjourned at 10:12 p.m.

ATTEST:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator