

# ELYSIAN CITY COUNCIL

APRIL 12, 2010

## REGULAR MEETING

MINUTES

6:00 P.M.

The Elysian City Council met in regular session on Monday, April 12, 2010, at City Hall at 6:00 p.m.

Members present were: Mayor David Rager; Councilmembers Tiffani Atherton, Roger Hanson, Mary Opsahl, Clinton Stoen; Clerk Administrator Patricia Nusbaum, Administrative Assistant Lorri Kopschke, Public Works Director John Roessler, and City Attorney Jason Moran.

Meeting was opened with the pledge to the US flag.

On motion by Atherton, seconded by Hanson, all voting in favor, minutes of the meetings of special meeting of March 8, 2010; regular meeting March 8, 2010 and special meeting March 15, 2010 were approved as presented.

On motion by Atherton, seconded by Hanson all voting in favor, the agenda was approved with the addition of the following items:

1. Councilmember Stoen – Visitors comments be placed at beginning of agenda.
2. Councilmember Opsahl – report on Community Education Advisory Committee.
3. Resolution 350/10
4. Fire Chief Jason James – hiring of fire fighter

### **John Roessler report:**

1. Discussion on the purchasing of new water meters to replace meters underground in pits. On motion by Stoen, seconded by Opsahl, all voting in favor, to approve the purchase of 20 meters at \$110.00 each.
2. Water tower is in need of repair; the paint is falling off, rust is showing on the outside of tower, three companies have been contacted for an estimate as to the repair.
3. Updated the Council on recent visit by MN Pollution Control Agency regarding the infiltration of water into the sanitary sewer pond system. Letter will be sent to Council with their recommendations.
4. Updated on the need for no parking signs on Fifth Street NW by the school ball field during games. On motion by Hanson, seconded by Opsahl, all voting in favor, signs for temporary parking control at the school ball field will be ordered for placement when there is a ball game to be played.
5. No hunting signs have been placed by the Lake Tustin lake area and buoys will be floated at the city limits lines in Lake Tustin.

6. Presented and approved the request of the little league to remove the pitcher mound at the city ball field.
7. Third Street NW west of the city park is badly in need of repair. Repair of street, manhole, and tile underneath blacktop and outside the street area. A quote will be obtained by the next meeting.

**Clerk Administrator updates:**

1. April 21<sup>st</sup> 6:30 p.m. “open book” property evaluation special meeting at City Hall. Meeting is run by Le Sueur/Waseca County Assessor’s Office.
2. Update on the progress of the small cities grant for home updates. Region Nine expects to hear something from the federal government by the end of April.
3. Report on Lake Elysian Lake Association meeting
4. Need to set a Park Committee meeting
5. Council annual pick up of leaves and brush will be May 1<sup>st</sup>. starting at 9:00 a.m.

City building official Dan Murphy was on hand to present the need to update the city bldg code ordinance. On motion by Stoen, seconded by Opsahl, a hearing on the ordinance will be held on May 10<sup>th</sup>.

Councilmember Hanson introduced Mike Kauss, 6 Egret Lane, to the Council and recommended he be appointed to the Planning and Zoning Commission. Kauss briefed the Council on the various organizations he is a member of and he spoke of his thoughts on how happy he was to be part of the community since his recent move to Elysian. On motion by Hanson, seconded by Opsahl, all voting in favor, to appoint Mike Kauss to the Elysian City Planning and Zoning Board. He is filling the three (3) year term which has been held by Julaine Jacobson for the past nine (9) years.

Wendy Atherton, 505 Lake Avenue NW, was present to request the continuation of the curbside collection as part of spring clean up and to allow it to be a week long. On motion by Hanson, seconded by Stoen, all voting in favor, Council authorized the week of May 9<sup>th</sup> through the 15<sup>th</sup>.

Personnel Committee members Edna Thayer and Councilman Stoen along with Laura Elvebak, MN Valley Council of Governments were present to further discuss the City Clerk Administrator’s position as to whether it should be exempt or non-exempt position and what the salary for the position would be. Committee member Edna Thayer indicated a survey had been made as to what other cities pay their administrator and that Elysian was at the high end, and that maybe some of the jobs could be delegated to someone else, but would consider a \$1.00 increase in the position salary and allow no overtime to be paid. Councilmember Stoen mentioned another formula that he had been working on which would be based on a percentage of the overtime paid in 2009. Laura Elvebak, MN COG, was concerned about the survey mentioned and that you have to compare apples to apples when looking at other cities and the duties assigned to the position. Elvebak indicated that the Fair Labor Standards Act is what governs the exempt and non-exempt criteria and at this time she felt that the position should remain as a non-exempt position. Various opinions were offered by the Council regarding the position of Clerk Administrator including suggestions on overtime and flex hours. Attorney Moran will do research as to whether the position can qualify for exempt status.

On motion by Atherton, seconded by Hanson to table until an opinion from Attorney Moran as to the Administrator's position being exempt or non-exempt. Voting Yes; Atherton, Rager. Voting No: Hanson, Opsahl, Stoen. Motion failed.

On motion by Hanson, seconded by Stoen, to table the discussion and have the Personnel Committee continue their work and come back to the Council when they are ready. Voting Yes: Hanson, Stoen, Opsahl. Voting No: Atherton, Rager. Motion declared carried.

A recess was called at 7:50 p.m., meeting reconvened at 7:57 p.m.

Councilmember Atherton presented the following resolution as follows:

### RESOLUTION 348/10

#### 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 granted approval for a one day off site lawful gambling license to the Elysian Fire Department Relief Association for July 2, 2010.

The resolution was presented by Councilmember Atherton, and seconded by Councilmember Stoen with the following vote being taken:

Voting Yes: Atherton, Stoen, Hanson, Opsahl, Rager.

Voting No: None.

Dated this 12th day of April, 2010

Attest:

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Patricia Nusbaum, Clerk Administrator

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David Rager, Mayor

On motion by Atherton, seconded by Stoen, all voting in favor, to approved Resolution 347/10 – Off site gambling for Elysian Fire Relief Association for July 2, 2010.

On motion by Stoen, seconded by Opsahl, all voting in favor, to approve a raffle for 2010 July 4<sup>th</sup>. Celebration for Elysian Area Chamber of Commerce.

Discussion was held on the five engineering firm applicants for consideration on Council approval. All firms were considered to be well qualified. On motion by Atherton, seconded by Rager, to approve the engineering firm of Jones, Haugh & Smith Inc., Owatonna and Albert Lea, as City Engineers for year 2010. Voting Yes: Atherton, Rager, Opsahl. Voting No: Hanson, Stoen. Motion declared carried.

Fire Chief Jason James came before the Council to ask to hire an additional fire fighter who has recently moved into the Elysian area. He came from another department and is fully trained including being a first responder and EMT certified. Costs would be to possibly purchase turnout gear at an approximate cost of \$1,500. On motion by Stoen, seconded by Opsahl, all voting in favor, to hire LeRoy Kopischke as the 26<sup>th</sup> fire fighter allowing a one year probation and clearance on a background check.

Councilmember Opsahl gave an update on the recent Community Education Advisory Council meeting she attended.

Councilmember Hanson and Stoen presented the Council with a document they had been working on regarding the requesting of public information by the public. On motion by Stoen, seconded by Atherton, all voting in favor, to approve Resolution 349/10 as presented to include appointing Administrative Assistant Lorri Kopischke as the responsible authority to administer the requirement for collection, storage, use and dissemination of data on individuals within the City and all requests will be have a response within ten (10) business days.

Councilmember Stoen requested that the visitor's comments be moved to the beginning of the meeting for all visitors to make comments and not have to stay for the whole meeting. It was agreed that visitor's comments will be placed at the beginning of the meeting and near the end of the meeting.

Clerk Administrator Nusbaum asked that the Council consider for the next meeting the internal control policy and Schedule of Fees which she had worked on and were in the Council packets. Nusbaum asked if a committee could meet to work on consideration of additional fees for the schedule. Hanson and Stoen volunteered.

After discussion on the following Resolution, Councilmember Hanson introduced as follows:

RESOLUTION 346/10  
RESOLUTION TO SUPPORT THE CONTINUANCE OF  
FUNDING THE SENTENCE TO SERVICE PROGRAM

WHEREAS; BE IT RESOLVED; that the Sentence to Service Program in Le Sueur and Waseca Counties are of substantial benefit to the City of Elysian;

AND, WHEREAS; due to the City of Elysian from time to time needing additional help in moving projects forward and are able to receive help from the Sentence to Service Program;

AND, WHEREAS; not only does the help provided by the program give benefit to the City of Elysian, but also, allows those in the program a chance to participate in the betterment of the community through their willingness to help with work provided by the program to allow the opportunity to become better individuals,

AND WHEREAS; the most recent release of the Governor's proposed budget would consider the elimination of the Sentence to Service Program due to cut backs in expenditures which would be a detriment to project in the City of Elysian,

THEREFORE: The Elysian City Council does hereby wish to offer support for the continuation of the Sentencing to Service Program.

The following resolution was presented by Member Hanson, seconded by Member Stoen with the following voting in favor of: Hanson, Stoen, Opsahl

Those voting in the negative: Atherton, Rager

Abstain: None.

Whereupon resolution was declared duly passed and adopted this 12 day of April, 2010.

Attest:

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Patricia Nusbaum, Clerk Administrator

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David Rager, Mayor

The following resolution was presented by Councilmember Stoen as follows:

**CITY OF ELYSIAN**  
**ELYSIAN, MINNESOTA**  
RESOLUTION 350/10  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
**Sam's Club Foundation**

WHEREAS, the City of Elysian has received a donation in the amount of \$1,000.00 from Sam's Club Foundation and have designated this donation be used as follows: \$500.00 to the Elysian Library and \$500.00 to the Elysian Food Shelf.

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 donation from Sam's Club Foundation.

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

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

Council Members voting in the affirmative: Stoen, Atherton, Hanson, Opsahl, Rager

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 12th day of April, 2010.

ATTEST:

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Patricia Nusbaum, Clerk Administrator

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David Rager, Mayor

Discussion was held on the bills. A concern by the mayor and councilmember Atherton was made regarding a bill in the amount of \$55.50 to Clerk Administrator Nusbaum for the dinner bill for herself and Councilmember Stoen for a meeting attended in Mankato of the MN Valley Council of Governments, of which the City of Elysian is a member, on March 31, 2010. Bill consisted of a mileage and meeting amount for Nusbaum in the amount of \$37.00 and a dinner amount for Councilmember Stoen in the amount of \$7.51 and a dinner amount for Nusbaum in the amount of \$10.99. The accusation was made by Atherton and Rager that the act of Nusbaum, paying for member Stoen's meal constituted bribery. Nusbaum explained that prior to Mayor Rager becoming mayor anyone from the Council attending the COG meeting was paid on one check which was paid by Clerk Administrator Nusbaum. Another concern was that Nusbaum had turned in a mileage and meeting stipend bill for Mayor Rager for also attending the meeting. Mayor Rager stated that he did not want to charge for mileage and stipend. Again, this was a responsibility of the Clerk Administrator to keep track of the meetings that council members participated in and bill the City accordingly.

On motion by Stoen, seconded by Opsahl, all voting in favor, to approve the bills, payroll and transfers in the amount of \$88,588.66. An amendment was offered by member Stoen, and approved by member Opsahl to amend the prior motion to remove the following amount of \$129.50 which included Nusbaum's COG dinner amount of \$10.99, member Stoen COG dinner amount of \$7.51, Nusbaum mileage and meeting stipend allowance in the amount of \$37.00, member Stoen mileage and meeting stipend amount of \$37.00, Mayor Rager mileage and meeting stipend amount of \$37.00 for a total approval of bills payroll, and transfers in the amount of \$88,459.16. Voting yes: Stoen, Opsahl, Hanson, Rager. Voting No: Atherton. Motion declared carried.

Attorney Moran's comments:

1. Letter to Administrative Hearing Judge – Member Atherton said she had not signed it due to the letter head had the Museum advertising on it. Nusbaum explained that the new letterhead had not yet been ordered since the letter was dated the day after the March council meeting.
2. Attorney Moran updated the Council on the communications with Verizon Wireless. He stated that a lot of negotiations had gone on and he felt that the offer of \$1,500 a month was a good offer. On motion by Hanson, seconded by Atherton all voting in favor, to approve the lease with Verizon Wireless for antennas on the City water tower in the amount of \$1,500.
3. Attorney Moran explained to the Council the concern of John Roessler regarding his early ½ time retirement which included vacation and sick pay. Attorney Moran indicated that the benefits earned to the point of his retirement cannot be taken away and benefits will be paid at the current rate of pay upon full retirement. On motion by Stoen, seconded by Opsahl, all voting in favor, to approve the updated agreement for John Roessler to participate in a state offered option to go part-time as of June 1, 2010, and to provide his benefit distributions, (sick and vacation) which will be paid at current rate of pay upon full retirement
4. Attorney Moran offered for discussion of the Joint Power Board Agreement draft which had been presented to the Council and Townships by the Elysian Township Attorney at the March 15, 2010 joint meeting, and gave his opinion on various aspects of the agreement. A Joint Fire Board Agreement is quite complicated, is a lot

more than a non-profit corporation. Fire Chief Jason James addressed the Council and stated that his concern is why would the City Council want to get into an agreement that would cost more and take authority from the City? Everything is running well as it is. He spoke of two joint powers board in the State of MN and neither were working well. Matter will be discussed further at a later meeting.

### **Mayor comments:**

The good news is out. Tax Capacity Rate for Elysian is 54.035 compared to 69.1 last year. This is a 22% reduction. The school operating referendum did however offset some of the improvement that we would have seen.

At the next council meeting, I would like to put on the agenda a discussion/motion for keys for the Mayor to the post office and City Hall. I believe that this is something that is necessary and would facilitate better use of City Hall while strengthening our internal controls.

I would also like add to the agenda a discussion motion on taking bids for our garbage collection for both residential and commercial collection. We have had success in taking bids for an auditor and a city engineer and I believe we should now look at doing this for garbage.

Thanks to Bob and Hunter Frechette and Bobby McFall for their participation on the photo of the snowmobiles that appeared on our website last month.

I also believe that we need an in depth look at all we are mowing in the city and recommendations by the council on anything that would make this more cost effective.

I would also like to thank everybody that has taken the time to email or call me with suggestions on ways to improve our City. It is really appreciated.

Happy Spring to all

David

### **Councilmembers Comments:**

Councilmember Hanson indicated that we have gotten a lot done, and maybe not all of the Council agree on all things, but live with it. We thank all the engineering firms that returned request for proposals; they are all good qualified engineers.

### **Visitors Comment:**

1. Jack Frank, 9 Roots Beach Lane - Why are the holes in the road not being fixed?
2. Tom Springmeyer, 718 Lake Side Drive NW - He stated that the acoustics are lousy in the building. When he was mayor a matrix for wages was prepared and was not updated. He stated that Joint Fire Board is not easy.
3. Wayne Unke, 124 Willow Point Drive – Things are working out. Appreciate City Attorney speaking to the whole audience, and they could hear him.
4. John Hoeft, 306 Frank Avenue NW - He is on the Lake Francis Lake Association Board; membership is \$25.00, two streets run into the lake, Third Street is in need of major repair, keep lake in mind, adding a tile running into the lake is not the answer.

On motion by Atherton, seconded by Stoen, all voting in favor, meeting adjourned at 9:45 p.m.

Attest:

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Patricia Nusbaum, Clerk Administrator

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David Rager, Mayor