

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
JULY 11, 2011, 6:00 P.M.**

The Elysian City Council met in regular session on Monday July 11, 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 Kopsichke, and City Attorney Jason Moran.

Meeting was opened with Pledge to US Flag.

On motion by Ziemer, seconded by Opsahl, all voting in favor, to move to the public hearing to consider the request of Lisa and Scott Hammett for liquor licenses. Hearing opened at 6:01 p.m.

Administrator Nusbaum presented the update on the background check and reiterated the statement from the mayor regarding the Department of Public Safety being a part of the MN state shut down, which if licenses are approved by the Council, the license will not be approved until the state is up and running. Nusbaum stated that the request was for on-sale liquor and Sunday liquor, and Nusbaum added that soft drinks should also be considered. She stated if their business, the Wilderness Bar & Grill, were to open prior to the state approval of the liquor licenses, they would only be allowed to sell soft drinks.

Lisa Hammett asked if anyone had any questions. Council members Thayer and Ziemer indicated that it was good they would be opening the business. On motion by Stoen, seconded by Thayer, all voting in favor, to close the hearing at 6:08 p.m. and to move to the regular meeting.

On motion by Ziemer, seconded by Stoen, all voting in favor, to approve the minutes of June 13, 2011 as corrected.

Regarding the personnel committee recommendations in cooperation with city administrator start process for hiring fulltime public works director to add: based upon acceptance letter of intent from John Roessler as to his retirement date.

Regarding the special meeting to be held on July 14, 2011, to add; Roessler will provide his letter of intent.

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

1. Placing of appointment of Emergency Management Director
2. Waste Management Contract
3. Performance Evaluations
4. Holding Ponds

**Public comment**

Mayor Anttila made the following statement: "I would like to clarify what is acceptable input at council meetings. A person has a right to address the council during the meeting only when recognized by the mayor. If a person has asked to be on the agenda that does not mean that everyone and anyone can speak at that time. There is a time for public comment and the audience will be given the opportunity at that time to speak.

Anyone who feels their freedom of speech gives them the right to defy, disrupt or show disrespect at any time during council proceedings has clearly misunderstood these rights, and action will be taken promptly to restore order."

1. Herb Weber – 204 Park Avenue NW – Was concerned about the lack of yellow striping on the curbs and would like to see the yellow extended in various parts of the city to include Main Street and Park Avenue. Areas he mentioned were at the corner of Park Avenue and Third Street NW and at the corner of Main Street and Second Street NE, and the corner of Main Street West and Second Street NW. He felt that the yellow curb should extend at least 10 to 12 foot.

No further discussion was held on the request for licenses for The Wilderness Bar & Grill. On motion by Thayer, seconded by Ziemer, all voting in favor, to approve an on sale liquor, Sunday liquor, and soft drink licenses for The Wilderness Bar & Grill, 510 Highway #60 West.

Janesville Township board supervisors scheduled to be at the meeting were not present.

Discussion was held on the request of a letter received by the council from the Elysian Township Board regarding clarification on the question of ownership of the fire hall, equipment, and vehicles. An agreement has been in place since 1997 when the new fire hall was built. Now that the building debt has been paid, a new contract may be considered. Discussion was held on the possibility of all four boards meeting jointly or to have the Joint Fire Board further the discussion. On motion by Anttila, seconded by Thayer to give authorization to administrator Nusbaum to draft a letter to show intent that the ownership in the fire building will be in the names of the City of Elysian, Elysian Township, Janesville Township, and Iosco Township.

John Sandquist – 107 Willow Point Drive – presented a petition of 85% of the property owners on Willow Point Drive requesting Willow Point Drive, a private road, to be become a city street, owned by the city, thus affording all property owners on Willow Point Drive the benefits of the new special assessment policy. The council accepted the petition and referred it to the Planning and Zoning Commission for research as to the legalities of accepting a private drive to include researching the width and easement of a standard street. The commission will report back to the council at the regular meeting on August 8, 2011.

Brad Gohla – 117 Main Street East – State that elected officials are elected to serve the majority of the people, not personal agenda or vendettas. “Mayor Anttila and council member Ziemer, you have brought personal agendas and personal vendettas. Rather than requests and agendas of public which should be acted upon, it seems personal agendas and vendettas are being served.” He stated, “Appointees to committees also seem to be made to achieve personal gain, rather than the will of the people. Committee appointees have, based on statements they themselves have made publically as well as during committee meetings, demonstrated a position in direct conflict and opposite of the committee’s missions and goals. There are many instances of these which I will cover later.” City employees have been harassed on a daily basis and choose a public meeting to chastise an employee. This is inexcusable. Acting Mayor Mary Opsahl, along with council members Thayer and Stoen do meet the requirements for continuation of business. He stated that based on performance to date and your obvious personal vendettas and agendas, I ask that Mayor Antilla and councilman Ziemer resign immediately so that the community can repair itself. This is a place people want to live.

Both Mayor Anttila and Council member Ziemer stated that they would not resign and the following was read by Mayor Anttila:

On December 31, 2008 our city’s debt was \$3,099,168 or \$4,753 for each of the 652 people who now live in Elysian. By December 31, 2010, that debt had been reduced to \$2,462,200 which represents \$3,776 of debt for each of us. The debt we already have will be paid off gradually and will be fully paid in 2027. Past councils felt that blacktopped streets, a new city hall, a well, water tower, and new developments were important enough to the city that they borrowed money (through bonding) which is being paid back with future property tax dollars. In 2011, before we spend even one dollar on streets, parks, fires, or wages, we must collect over \$375,000 to pay interest and principal on borrowed money we spent in the past. hat is a fact we have to live with.

Next month our city engineer will present to the council his report on the state of our streets and water/sewer systems. Then the council will develop a schedule to bring them up to good condition. This is called a capital improvement plan.

The assessment policy passed June 11 was the first step in the process. Property owners will pay 30% of the cost of improvements and the city as a whole will pay 70%. Property taxes pay for the city's share of streets; utility fees pay for the city's share of water and sewer improvements. There are two ways we can pay for streets: (1) Raise taxes enough to pay cash for the improvement when it is completed or (2) borrow (through bonding) to pay for the improvement and then pay back the bond with future taxes.

It is unlikely we can make the needed improvements without increasing property taxes and utility bills, but your council will do everything it can to minimize the increases. The downturn in the economy is a wake-up call. We must balance our desire to spend with our ability to pay. It is critical to control spending in our general budget so that we can continue to provide the essential services of the city.

We no longer have the highest property tax rate in southern Minnesota, but we must maintain a close watch on spending to give our taxpayers the most value possible. Very difficult choices are required and we won't always be able to do things the way they have "always been done."

Let me say to all city residents that I have not lost sight of why I ran for office and that my intent to make sure all city resources are used fairly for the benefit of all citizens and at the lowest possible taxpayer cost. I appreciate and respect input from individuals in our city and want to make myself available to hear your point of view. You may reach me at 267-4395 or 507-521-1341 or [katyelysian@frontier.com](mailto:katyelysian@frontier.com).

Mike Meyer, Elysian Area Chamber of Commerce Vice President, was present to thank all of the people that helped volunteer during the July 4<sup>th</sup> celebration including all of the members of the council. He stated that the Elysian Tourism Center needed to have replaced the hot water heater and the air exchanger unit. The need is before winter sets in due to the window and building damage from frost buildup. On motion by Stoen, seconded by Ziemer, to authorize Michael Meyer to get quotes and bring to the August 8, 2011 regular meeting.

#### **Public Works update – John Roessler**

1. Reported on work progress at the park – work that has been done and what is left to do. A catch basin needs to be placed at the end of the ball park. On motion by Ziemer, seconded by Thayer, all voting in favor, to authorize Roessler to get two quotes for the catch basin for consideration at the next meeting.
2. A 20 foot extension of a storm sewer pipe in the Roemhildt's Addition which was never completed, is needing to be done. Fill will be brought in from a surplus pile which the city has on hand. On motion by Anttila, seconded by Stoen, all voting in favor, to acquire quotes for labor and pipe will be brought to the next meeting.
3. The concern on the yellow painting of curbs and the rules as to how much area is to be designated for yellow markings. Council member Opsahl, being a driver's ed teacher, will research and report to council at the next meeting as to recommended regulations regarding the distance that yellow shall be painted on the curbs.

Due to non-appointment of the emergency management director for 2011, on motion by Anttila, seconded by Stoen, all voting in favor, to approve John Roessler to continue as emergency management director and Roger Hanson as assistant director. Deputy Tietz commented that John and Roger do a wonderful job, are eager to work, they are good choices.

Deputy Clerk Kopischke presented to the council her concern regarding the workmer's compensation and how the last meeting decision still did not give clarity to the decision made. On motion by Ziemer, seconded by Thayer, all voting in favor, to replace the following statement into the policy: Reimbursement of mileage

and/or claims of lost wages due to lost time, doctor's appointments, or rehabilitation resulting from a worker's compensation claim will be handled between the worker's compensation insurance company and the employee.

**Administrator Nusbaum updates:**

1. On motion by Stoen, seconded by Anttila, to authorize city administrator Nusbaum to send a letter to DNR requesting a street light in the DNR parking lot, due to poor visibility when using the parking lot by travelers, those attending meetings at the Tourism Center, and for security purposes on site.
2. Question as to the electric fence owned by Jason Coon. Who is designated to check the fence as to whether the electricity has been turned off? It was decided that the city street employees will handle the matter.
3. On motion by Stoen, seconded by Thayer, all voting in favor, to approve the Le Sueur County Road #11 Maintenance Agreement for 2011 in the amount of \$8,970.26.
4. On motion by Anttila, seconded by Thayer, all voting in favor, to approve of US Cable Franchise Resolution consenting to and approving the assignment of the cable franchise and system to Midcontinent Communications.
5. On motion by Stoen, seconded by Opsahl, all voting in favor, to approve the advertising for a part-time employee to share work at the city brush pile. Applications can be picked up at City Hall with approval at the next regular council meeting.
6. Thanked all of the people who helped make the July 4<sup>th</sup> celebration a success including the volunteering by the city council.

A meeting will be held on July 20, 2011 at 10:00 a.m. with Waste Management to continue negotiations on the upcoming contract for 2012.

Discussion was held on holding ponds and questions as to knowing there may be a danger and how to alert someone as to the potential concerns of the pond in their area. Council member Ziemer and the public works director will meet to review the ponds and report at the next meeting.

A concern by the sheriff's department was stated by attorney Moran as to a curfew ordinance for the city that would be in comparison to other cities in Le Sueur County. On motion by Anttila, seconded by Opsahl, all voting in favor, to authorize attorney Moran to draft a curfew ordinance to replace City Ordinance 9 and 9A, and to present for review at the next meeting.

On motion by Anttila, seconded by Stoen, all voting in favor, to authorize attorney Moran to prepare the paper work to change the title of the property 1.61 acres west of The Wilderness Bar and Grill to show ownership to be the Elysian Economic Development Authority, not the City of Elysian.

On motion by Thayer, seconded by Ziemer, all voting in favor, to approve the bills, payroll and transfers in the amount of \$58,923.12.

Discussion was held on products purchased by John Roessler for the sanitary ponds continually going over the amount allowed by the city purchasing policy of \$500 without getting two quotes. Roessler explained that it is impossible to get two quotes when he only has a three day turn around to get chemicals into the ponds after testing is verified in order to discharge into Lake Tustin. Discussion as to whether the purchasing policy is too stringent. On motion by Ziemer, seconded by Stoen, all voting in favor, to amend the purchasing policy to read that the water and sanitary sewer departments will be allowed an increase in the dollar amount of purchasing to not exceed \$1,500 without getting two quotes, excluding sales tax and shipping charges.

On motion by Thayer and seconded by Ziemer, all voting in favor, to allow the increase in purchasing to \$1,500 to exclude sales tax and shipping.

## Public Comments

1. Christina James – 43911 43<sup>rd</sup> Street, Elysian – stated that she was not opposed to a curfew. She has two teenagers, and they will pay the price for other kids behavior. Hopefully it can be enforced. If parents would do their jobs knowing where there kids are, [it should] not left up to the public. She stated that she knows where her teenagers are and everyone should do the same.
2. Cathy Houlihan – 443 Blue Bay Lane – she stated they had lived here for 20 years and admires John Roessler, his thoughtful nature and terrific judgement. He is a hard worker who loves this community. Thank you for the foresight to put in the water tower and the blacktopped streets to accommodate the people's needs. She stated that she has a lot of pride for the people who work so hard for the city. I appreciate you.
3. Jeff Stephens – 307 Third Street NW – according to the Constitution, I have freedom of speech, so keep the gavel under the table. I have rights as a citizen. He stated that the two most important people, city administrator and city attorney, neither have microphones. They interpret the laws and tell you what you can and cannot do. He stated that council member Ziemer needs to pull the microphone to his face and talk. Brian Ziemer mumbles. He stated that he could not hear him. City employees. He stated that Dave Rager rags on the city employees since his first year in office. We should appreciate the city employees. The length of the meetings should be one hour tops, not drag on for over four hours. Make decisions instead of rambling. Shorten the meeting up by being prepared when you get here. Read your material before you get here. John Roessler received a wonderful commendation. Were any of you at the meeting? No one from the city showed up.
4. Tom Crawmer – 501 Lake Avenue NW – I was one of the people who applauded Brad Gohla. He stated that he moved to Elysian in 2002 because it was a clean and vital community. It has deteriorated fast. Some prefer to pay a few more dollars to present a clean neat image. That is no longer a priority. It is the almighty dollar. You guys, well, it started with the previous mayor harassing the employees. Chuck Taylor was mowing by Highway 60, he stated he could not stop to talk to me because the mayor was across the street watching. I told him to take the mower to the mayor and let him mow the grass. Results of the past election get you exactly what you voted for. John, Pat, and Lorri, you all should retire and you guys can run the whole city by yourself not have to badger these people.
5. Roger Hanson – 309 third Street NW – There was a suggestion made if you need \$1,000 worth of chemicals; buy \$500 this month and another \$500 next month. If I saw this it could be a phantom purchase and would warrant an investigation, and would have inventory on the shelf. I suggest you not do. You are doing a good job of controlling expenses and that is great. You do need supplies. In 2009-2010 John Stephanie did an in-depth study with John Roessler of the chemicals and the alternatives. They worked hard on that. Possibly check that study to answer some of these recurring questions.
6. John Stephanie – 205 Lake View Court –A few years ago, Elysian had a tax for a population between 550-750 in the 95% bracket. The only other comparable [city] was Minnetonka Lakes. He complimented the city council including mayor Rager, Opsahl, Atherton, and Hanson for being able to cut taxes by 22%. Then Thayer replaced Atherton and the rest the same cut taxes another 9%. So, taxes have been cut by 31%. This is pretty doggone good. Federal up, state up. Council and mayor congratulations, they have cut taxes 50%. The study of chemicals is not totally complete –

17 vendors with 5 or 6 major vendors. John Roessler does a heck of a nice job on the lagoons – the one who takes the job to replace him will have to find out exactly what they do.

7. Tom Crawmer – 501 Lake Avenue NW – John Stephanie forgot that when we bought our house in 2002 our house was worth a whole lot more. The value of the house has dropped \$60,000 and that is another reason your taxes went down.
8. Clarence Swanson – 303 Highway 60 East - He stated he was sorry, he was gone a month. Didn't know we were having all this trouble. I went to Le Sueur County checked out and have the highest taxes in the County. Sometimes the highest in the state. He stated he has talked to people. Katy Anttila and Brian Ziemer, especially Katy Anttila – not know anyone who has as much experience in accounting or budget on budgets and accounts. Cuts might hurt, but in the long run we will be better off. We are lucky to have these people. I did not know we were having all this trouble.
9. Kelly Kauss – 6 Egret Lane – She stated to look around this room and notice how many young people, there are here. We need to have young people involved with the community. Be proud of the community. She stated that she believes hurt comes from these meetings being so highly emotionally charged. Not a lot of positive things. Now, project five years out and what will be going on in the community? The library move was such a spirited happening with excitement and people of every age. Positive spirit filled, moving event. Moving event involved young people. Curfew is not the problem. The library board is doing so much to promote literacy, twitter, and texts. We do not want to be archaic.

On motion on Stoen, seconded by Opsahl, all voting in favor, meeting adjourned at 8:38 p.m.

ATTEST:

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Kathleen Anttila, Mayor

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Patricia Nusbaum, City Administrator