

**ELYSIAN CITY COUNCIL
REGULAR MEETING
DECEMBER 14, 2015**

The Elysian City Council met in regular session on Monday, December 14, 2015 at City Hall at 6:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan, Tom McBroom, Mary Opsahl, Dennis Schnoor, City Administrator Lorri Kopischke, and City Attorney Jason Moran.
Absent: Public Works Director Ron Greenwald.

Motion by Stoen, seconded by McBroom, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:01 pm.

The purpose of the public hearing is to receive input from citizens on the budget and tax levy for 2015 payable 2016.

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

Motion by Stoen, seconded by Houlihan, all voting in favor, to close the Public Hearing at 6:03 pm and open the Regular Meeting.

Chief Deputy Brett Mason, LeSueur County Sheriff's Department was present to answer any questions of Council or citizens. He stated all was well in the City.

On motion by McBroom, seconded by Schnoor, all voting in favor, the minutes of the November 9, 2015 Regular Meeting and November 17, 2015 Special Meeting were approved as presented.

On motion by Stoen, seconded by McBroom, all voting in favor, the agenda of the December 14, 2015 meeting was approved with the following additions:

1. Planning and Zoning Commission Vacancy

**CITY OF ELYSIAN
ELYSIAN, MINNESOTA**

**RESOLUTION 490/15
RESOLUTION ACKNOWLEDGING A DONATION FROM
WEM MOVING FORWARD FOUNDATION**

WHEREAS, the City of Elysian has received a donation in the amount of \$18,000.00 from the WEM Moving Forward Foundation for playground equipment;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian acknowledges and accepts a donation from the WEM Moving Forward Foundation in the amount of \$18,000.00 for playground equipment.

Upon vote being taken:

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

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14th day of December, 2015.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

**CITY OF ELYSIAN
ELYSIAN, MINNESOTA**

**RESOLUTION 491/15
RESOLUTION ACKNOWLEDGING A DONATION FROM
NU-CHEK-PREP, INC.**

WHEREAS, the City of Elysian has received a donation in the amount of \$500.00 from Nu-Chek-Prep, Inc. for playground equipment;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian acknowledges and accepts a donation in the amount of \$500.00 from Nu-Chek-Prep, Inc. for playground equipment.

Upon vote being taken:

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

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14th day of December, 2015.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

**CITY OF ELYSIAN
ELYSIAN, MINNESOTA**

**RESOLUTION 492/15
RESOLUTION ACKNOWLEDGING A DONATION FROM
ELYSIAN BANK**

WHEREAS, the City of Elysian has received a donation in the amount of \$5,000.00 from the Elysian Bank for playground equipment;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian acknowledges and accepts a donation in the amount of \$5000.00 from the Elysian Bank for playground equipment.

Upon vote being taken:

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

Council Members voting in the affirmative: Houlihan, Opsahl, McBroom, Schnoor, Stoen.
Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14th day of December, 2015.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

The list of delinquent utilities was presented to council and it was asked that they be placed on the 2016 property owners' taxes. On motion by McBroom, seconded by Opsahl, all voting in favor, to approve the placement of delinquent utilities on 2016 property taxes.

On motion by Schnoor, seconded by McBroom, all voting in favor, to approve the 2016 licenses as follows:

Fischers Bar	On Sale, Off Sale, Soft Drink, Sunday
Thirsty Beaver Bar	On Sale, Off Sale, Soft Drink, Sunday
Tuckers Tavern	On Sale, Off Sale, Soft Drink, Sunday
The Wilderness	On Sale, Soft Drink, Sunday
American Legion	Club, Soft Drink, Sunday
Trostem's Shady Shores	3.2 On Sale, Soft Drink
Pit Stop #60	3.2 Off Sale, Soft Drink, Off Sale
Casey's	3.2 Off Sale, Soft Drink
Elysian Chamber	Soft Drink
Candy's Alley Scoops	Soft Drink
Ellie Gails Bakery & Deli	Soft Drink
Fire Department	Soft Drink

On motion by Opsahl, seconded by Houlihan, all voting in favor, to approve to NOT WAIVE the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04.

RESOLUTION 489/15
RESOLUTION ADOPTING FINAL 2015 TAX LEVY, PAYABLE 2016
CITY OF ELYSIAN
LE SUEUR AND WASECA COUNTIES

BE IT RESOLVED; the Elysian City Council of the City of Elysian, Le Sueur and Waseca Counties, Minnesota that the following sums of money are levied for the current year, collectible in 2016, upon taxable property in the City of Elysian, for the following purposes:

General Fund	\$383,814
Fire Relief	\$ 5,577
Maintenance Replacement Eq.	\$ 10,000
Storm Sewer	\$ 5,000
City Hall Debt	\$ 30,713
2012 Local Improvement Levy	\$ 50,491
2011 Fire Truck Debt	\$ 16,398
2016 Fire Truck Debt	\$ 20,496

Total Final Levy

\$522,489

Mayor Stoen introduced the resolution and was seconded by Councilmember McBroom.

Voting in the Affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Voting in the negative: None.

The City Administrator is hereby instructed to transmit a certified copy of this resolution to the County Auditor for Le Sueur County and Waseca County, Minnesota.

Adopted by the Elysian City Council on December 14, 2015.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

Motion by Stoen, seconded by McBroom, all voting in favor, to hold a special year end meeting on Tuesday, December 29, 2015 at 6:00 pm to address year end business.

Mayor Stoen announced there is one vacancy on the Planning and Zoning Commission. This is a three year term January 1, 2016 to December 31, 2018. Please contact City Hall if interested.

City Attorney Moran presented Resolution 493/15 which approves and authorizes Moran to sign the Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies.

**CITY OF ELYSIAN
ELYSIAN, MINNESOTA**

**RESOLUTION 493/15
RESOLUTION APPROVING AND AUTHORIZING SIGNATURE OF
THE MASTER SUBSCRIBER AGREEMENT FOR
MINNESOTA COURT DATA SERVICES FOR GOVERNMENTAL AGENCIES**

WHEREAS, the City of Elysian desires to improve efficiencies through participating in a more efficient court process with the Minnesota Judicial Branch; and,

WHEREAS, as the Minnesota Judicial Branch moves toward a more efficient court process, the eCourtMN initiative is committed to ensuring that non-court governmental agencies have appropriate access to court records and documents; and,

WHEREAS, the City of Elysian desires to subscribe to the Minnesota Court Data Services Program.

NOW, THEREFORE, BE IT RESOLVED, that the Elysian City Council approves and authorizes Jason L. Moran, Elysian City Attorney, to sign the Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies.

Upon vote being taken:

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

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen.
Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14th day of December, 2015.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

On motion by Schnoor, seconded by Opsahl, all voting in favor, bills, payroll and transfers were approved in the amount of \$68,393.01.

Motion by Stoen, seconded by Schnoor, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:15 pm.

The purpose of the public hearing is to receive public input on the consideration of making an improvement, described as "2016 Street and Utility Improvement Project", on the following streets:

- Park Avenue NW from 4th Street NW to 5th Street NW
- Frank Avenue NW from 4th Street NW to 6th Street NW
- Lake Avenue NW from 4th Street NW to 6th Street NW
- 4th Street NW from Main Street W to Lake Avenue NW
- 5th Street NW from MN TH 60 to Lake Avenue NW
- 6th Street NW from Frank Avenue NW to Lake Avenue NW.

City Engineer Chris Cavett, SEH Engineering, explained the project. The roadway will be completely reconstructed. Many of the streets will be widened with the exception of the roadway in front of the school on 6th Street NW which will be slightly narrowed with a wider area for staging of the buses. The only sidewalk included in the project will be from the existing sidewalk down to the Sakatah Trail. There are no anticipated conflicts with existing boulevard trees and if any are identified, homeowners will be contacted. The sanitary sewer in this project area is in good shape and does not need to be replaced. The water main located on 5th Street NW, 6th Street NW, and the west block of Frank Avenue will be left as is. The remainder of the water main located within the project will be replaced and in those areas residential water services will also be replaced. New and expanded storm sewer will be installed and sump pump lateral boxes will be installed. A storm water drainage basin will be installed in the public right-of-way on Lake Avenue and 4th Street.

The total estimated project cost is \$2,535,000 and will be funded as follows: Sanitary Sewer Utility 1.8%, Water Utility 11%, Environmental Fund Utility 17.2%, Assessments 23.3%, General Levy 41.2% and CSAH Funds 5.5%.

Based on the City's Special Assessment Policy, the 2016 assessment rates are as follows: Street Assessments \$8,200 per residential unit and \$109.33 per front-foot for Commercial/Institutional/Multi-family; and, Water and Sewer Service Assessments \$1,600 per unit. The Assessment Hearing is scheduled for April 11, 2016. Assessments can be paid in full interest free prior to October 31, 2016, 2 payments of no less than \$500 each can be made prior to October 31, 2016 or the full assessment can be levied to the property owner's property taxes.

Proposed construction dates are from May to September of 2016. Final Paving and warranty work will be completed summer of 2017.

Public Comment:

Graydon Olson, 307 Sixth Street NW, where is the diversion of the overflow from the pond going to be at? Cavett explained the water will go into an underground pipe and as the ground becomes saturated the water will go into another pipe and out to the lake. The plan is to utilize the existing pipe that is currently in the public right-of-way.

Olson asked how often the area would have to be dredged or cleaned out. Cavett responded never. He explained there is a sump that catches the heavier debris and that will have to be vacuumed out by Public Works Department two to three times per year. The fine silts and sediments will get out in the basin but the roots of the planted materials maintain the permeability of the soil which will handle the other materials.

Joel Whitehurst, WEM Superintendent, stated the school is a public entity as well, and is funded by tax dollars. I have questions and concerns about a taxing entity taxing another taxing entity to fund the project. The cost to the school district is \$96,000 and in my world that is over two teachers that we will have to come up with the means to pay for it. I just want to make sure that everyone is aware of the situation that we have at the school.

Olson questioned the restriction of \$500 and a maximum of two times for pre-payments. Cavett explained that this was a bookkeeping issue. This was approved as part of the Special Assessment Ordinance and was meant to avoid potential error by processing numerous small payments. Olson suggested the City may be able to collect more money if they allowed smaller payments to be made at any time up to October 31, 2016.

Doug Oswald, 516 Lake Avenue NW, questioned the amount of the total tax burden on the residents. Cavett responded that 41% of the cost will be borne by the general levy of the city. Oswald asked how much that would cost each resident. Cavett explained that property taxes are based on property value. Oswald stated that with the taxes he pays now, the \$10,000 assessment, the school levy and now the 40% he feels the city is taxing him to death. He would like to know what his taxes are going to be for the next 15 years. This is a lot of money here. Staff noted that the effect to the general levy has not yet been determined.

Olson requested a copy of the project schedule. Cavett encouraged him to stop in to city hall to request a copy.

Nick Engel, 202 Fourth Street NW, asked how the project will handle the traffic in the alleys. Cavett stated there are no plans for the alleys – they are not part of the project. Engel asked if there would be any restoration of the alleys with this project. Cavett stated the alleys are not included in the project. The assumption of the project is that access will be available to the effected properties via side streets. Special needs will be handled on a case by case basis.

Engel asked about the current alleyways that are not being used as alleys but by the adjacent property owners and if those issues would be cleaned up. Cavett stated this was an issue for future discussion. He suggested the city may want to consider possible vacation of some of the alleys that are no longer needed.

Engel asked if the power poles would be replaced as part of the project. Cavett stated the utility companies have been contacted. They will evaluate the issues. Nothing will be going underground. The gas main will be evaluated and anything that is old or steel will be replaced.

Engel asked about the curb. Cavett stated the curb would be B618 construction.

Mike Brage, 404 and 405 Lake Avenue NW, asked who determines the interest rate on the assessments. Cavett explained it is determined by the interest rate the city is able to get on the bond and then the city is required to add an administrative cost which can be up to 2%. The purpose of the administrative fee is to cover deferred assessments, delinquent payments, administrative costs, etc.

John Hoeft, 306 Frank Avenue NW, asked if it was fair to say that the \$1,045,000 in general levy would be split amongst all the households in Elysian. He stated that was a pretty large amount of money.

Olson suggested that instead of the proposed sidewalk, why not just widen the street and stripe it no parking for access to the trail. What would be the cost? Cavett stated the only sidewalk in

the plan is from the existing sidewalk at the school down to the Sakatah Trail. Cavett replied that it is actually more expensive to widen the road than it is to install sidewalk. And it is not acceptable to force pedestrians in the street in a situation like this. It would not be cost effective. Olson stated he would like to see the cost comparisons. He thought this was an area where some money could be saved and it is not a sidewalk that would be used every day.

Cavett stated this segment from Main Street to Highway 60 is a county road that has to meet Minnesota State Aid Standards and it is not an acceptable standard to build a shoulder for pedestrian traffic. He again stated it is more cost effective to install the sidewalk. He will provide the cost of the sidewalk versus the widening and striping of the road.

Written Comment:

We are opposed to the street assessments. \$8200 is too much money for a retired person to pay. We feel like the streets could be done but we do not think we have to have curb and gutter and wider streets. There are many younger people around here, maybe they can afford it but we sincerely think they will have a tough time paying that large amount. I know our neighbor is trying to sell their house, this will be hard for him trying to sell with this big amount hanging over their heads. We are not opposed to the new streets, we are opposed to the curb and gutter and the high rate of \$8200. I know our church (Elysian Methodist) will have a really hard time paying for this large assessment also. We have an average of 30 people who attend weekly. This will really affect our attendance when this happens because then we will have to figure out where we will meet and then have to pay for a place to go. It will be a big hindrance to our attendance. I am sure the Lutheran Church will have the same problem. Sincerely, Mack and Janice Evans, 103 NW Park Ave., Elysian, MN.

Motion by Stoen, seconded by McBroom, all voting in favor, to close the Public Hearing at 7:12 pm and open the Regular Meeting.

Public Comment:

Graydon Olson, 307 Sixth Street NW, expressed concern that the American Flag flying on the corner by Tuckers Tavern is not lit and it needs to have a light or be taken down each night.

Doug Oswald, 516 Lake Avenue NW, stated that the pond behind Olson's and the pond that drains down the creek near his own property there is a culvert there and there is so much trash in that culvert that goes into the lake, it is unbelievable. And the culvert is plugged again. Council encouraged Olson and Oswald to call city hall when they see problems with the culvert.

**CITY OF ELYSIAN
ELYSIAN, MINNESOTA**

**RESOLUTION 494/15
ORDERING IMPROVEMENT AND
PREPARATION OF PLANS
2016 STREET AND UTILITY IMPROVEMENT PROJECT**

WHEREAS, a resolution of the city council adopted the 9th day of November, 2015, fixed a date for a council hearing on the proposed improvement of the **2016 Street and Utility Improvement Project**,

AND WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 14th day of December, 2015, at which all persons desiring to be heard were given an opportunity to be heard thereon,

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

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Such improvement is hereby ordered as proposed in the council resolution adopted the 9th day of November, 2015, and as amended at the public hearing.
3. Such improvement has no relationship to the comprehensive municipal plan.
4. Such improvement has been identified in the City of Elysian Capital Improvement Plan (CIP), dated August 10, 2015.
5. Short Elliott Hendrickson, Inc. (SEH®) is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.
6. The city council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of the tax exempt bond.

Councilmember McBroom introduced the resolution and was seconded by Mayor Stoen.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14th day of December, 2015.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

Cavett presented a professional engineering proposal/agreement to provide engineering services for the remaining final design, bidding, assessment and construction phases of the

2016 Street and Utility Improvement Project. He noted that the biggest cost is that of the construction observation – RPR. This has been estimated on an hourly, not-to-exceed basis.

Cavett noted that the fees for Phase 1 are lower than previously approved by \$11,500. Phase 1 includes three Comprehensive Storm water Reviews – the flow to Lake Francis and East Main Street and Maple Avenue both to Lake Elysian. The intent is to complete the review of the flow to Lake Francis to allow time to apply for some potential grant monies.

Opsahl asked if it was an option to not include the curb and gutter. Cavett stated curb and gutter is proven to protect the road and help with long-term maintenance. It also controls drainage and will save money for the Elysian taxpayers in the long-term.

On motion by Houlihan, seconded by McBroom, all voting in favor, to approve the proposal for Final Design, Bidding, Assessment and Construction Engineering Services for the 2016 Street and Utility Improvement Project.

Cavett presented two proposals for subsurface exploration (soil borings) and geotechnical recommendations. One from Braun Intertec and one from American Engineering Testing (AET). Both firms are reputable, have offices in Mankato, and SEH has worked with both firms. The proposal from AET is a lower proposed cost. SEH is recommending the work be awarded to AET.

On motion by Stoen, seconded by Houlihan, all voting in favor, to award the subsurface exploration work to American Engineering Testing (AET) in the amount of \$3,950.

Cavett explained it is important to verify there are no issues with the sanitary sewer prior to completing the improvements. Request for proposals to televise the sanitary sewer were sent out to two pipe televising companies. Pipe Services provided a reasonable proposal but is unable to complete the work until March. HydroClean provided a proposal that is much more expensive than would be expected. Cavett asked the council for permission to request a proposal from a third company. This proposal would then be presented at the Special Council Meeting on December 29, 2015.

There was Council consensus to obtain a third proposal for the sanitary and storm sewer televising and consider the proposals again at the December 29, 2015 Special Council Meeting.

Jeremy Henninger presented a proposal to purchase the parcel of city-owned land on Main Street (Parcel #16.999.0460) in front of the existing Henninger Construction shop. He first approached the Council and asked to purchase this property on November 12, 2012. He is proposing to add an office for Henninger Construction and a modern laundromat sized based on the needs of Elysian. The parking lot would be paved and striped. He requested an allowance for having the paving completed of June 2017.

Stoen asked if public parking would be allowed. Henninger stated it would.

Moran asked who would be responsible for the closing costs, survey, deed, recording and state deed costs. Henninger agreed to be responsible for these costs.

On motion by McBroom, seconded by Opsahl, all voting in favor, pending approval of formal resolution, to sell the city-owned lot on Main Street (Parcel #16.999.0460) as-is, to Jeremy Henninger, with Henninger being responsible for all closing costs and other costs associated with the sale of the property.

Kopischke explained the process resulting in the spraying of the noxious weeds and the non-paid bill in the amount of \$200 for the property located on Ridge Road Parcel ID#16.026.5300. The property owner was not present at the meeting.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to certify delinquent payment in the amount of \$200 for spraying of noxious weeds for parcel ID#16.026.5300 to the property owner's property taxes.

Pat Baker, Elysian Area Library and Heritage Center, provided a background on the library and how it is funded. He reported that currently the library has been open 32 hours per week with 15 hours being staffed by a paid librarian (funded by the Waseca / LeSueur Regional System) and 17 hours being staffed by volunteers. The Regional System will not allow the library to be staffed by a volunteer alone as of May 11, 2016. They are basing this decision on consistency within their libraries and privacy laws.

Cutting the library's hours from 32 to 15 hours per week would be a significant reduction in the services offered to the cardholders. The Regional System has agreed to increase the hours they will fund to 20 hours per week. Baker stated he is present this evening to request that the City look at their 2017 budget to include funding for a librarian for up to 17 hours per week or for a minimum of 12 hours per week at a cost of \$10 per hour for an annual amount between \$6,300 - \$8,900.

On motion by Opsahl, seconded by McBroom, all voting in favor, to consider in the 2017 budgeting process, an amount of \$6,300 to fund an extra 12 hours per week for a paid librarian at the Elysian Area Library and Heritage Center and for Mayor Stoen to draft a letter to address this for Mr. Baker to present to the Waseca/LeSueur Regional Library System.

Public Comment:

Patricia Nusbaum, 104 Park Avenue NE, I think it is a good idea for a laundromat. We had a laundromat here in the mini mall at one time and it was very well used. There were eight washing machines there, four dryers and one super-sized washing machine. Is there an agreement being written up? And also, there is no water or sewer in that building of his. The sewer will have to come from the alley and be sure that if he has to dig up the blacktop or cement that he has to be sure to pay for that too. When the laundromat was in the mini mall there was a high concentration of wash so there is a lot phosphorous going into the sewer ponds so we had additional costs to clean up that phosphorous. There was an extra charge because of the volume of things going on there. Not sure what that should be but something to think about.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 8:24 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator