

**ELYSIAN CITY COUNCIL**  
**REGULAR COUNCIL MEETING**  
**JANUARY 10, 2011 - 6:00 P.M.**

The Elysian City Council met in regular session on Monday January 10, 2011, at City Hall at 6:00 p.m.

Members present were: Mayor David Rager; council members Roger Hanson, Mary Opsahl, Clinton Stoen, Edna Thayer, Clerk Administrator Patricia Nusbaum, Deputy Clerk Lorri Kopischke, Public Works Director John Roessler, and City Attorney Jason Moran, (arrived later in the meeting, due to weather).

Meeting was opened with pledge to the Flag.

On motion by Hanson, seconded by Opsahl, all voting in favor, to approve the minutes of December 13, 2010 and December 28, 2010 as presented.

Mayor Rager then proceeded to give the oath of office to incoming council member Brian Ziemer and incoming mayor Kathleen Anttila with both respectively answering.

At this point in the meeting Mayor Kathleen Anttila and council member Brian Ziemer took their respective chairs at the council table.

Mayor Anttila thanked Roger Hanson and David Rager for their service on the council, also congratulated Pat Nusbaum on her 40<sup>th</sup>. anniversary of service as an employee of the City of Elysian.

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

1. Council member Stoen-handout *Mayor Handbook* and discuss at the next meeting.

Council member Thayer offered comment on discontinuing the Planning and Zoning Commission's regular monthly meeting fee of \$50.00. She stated that the personnel, park, budget and finance are not paid, members volunteer. EDA was under a separate rule. Discussion from council members included the duties of the P&Z, needing input from P&Z, other cities such as Faribault were not paid, not the P&Z's decision, it is the council's decision as to whether P&Z are paid. On motion by Thayer, seconded by Stoen, all voting in favor, council approved the discontinuing of Planning and Zoning Commission members monthly meeting fee in the amount of \$50.00 for 2011.

Discussion was held on the setting of date and time for the regular city council meeting. On motion by Thayer, seconded by Stoen, all voting in favor to set the second Monday of each month for the regular monthly meeting of the council with starting time at 6:00 p.m.

Council member Stoen handed out a copy to the mayor and council members the *League of MN Cities Mayor Handbook* for discussion at the next meeting.

Mayor Anttila asked that the designations be approved in block. On motion by Ziemer, seconded by Thayer, to approve the following designations for 2011.

Mayor Pro Tem	Mary Opsahl
Official Depository	Elysian Bank & Northland Securities
Official Publication	Elysian Enterprise
City Attorney	Christian Keogh Moran & King Law Firm, Jason Moran
Civil / Criminal Attorney	Mike Keogh
City Engineer	Jones, Haugh, & Smith, Inc. Engineering, John Schulte V

*Planning & Zoning*

Council member Edna Thayer, 1 yr. term  
Ralph Dyer, 3 yr. term  
Tom Springmeyer, 3 yr. term

*EDA*

Mayor Katy Anttila, 1 yr. term  
Council member Brian Ziemer, 1 yr. term  
Steve Ritchison, 6 yr. term

*WEM Community Education Advisory Board*

Council member Mary Opsahl, 1 yr. term

*Park Committee*

Council member Clint Stoen, 1 yr. term  
Council member Mary Opsahl, 1 yr. term  
Scott Dorenkemper, 1 yr. term  
\_\_\_\_\_, 1 yr. term (Mayor asked that the right be reserved to bring an appointment at a later date.)

*Personnel Committee:*

Council member Edna Thayer, 1 yr. term  
Council member Brian Ziemer, 1 yr. term  
Tess Koster, 1 yr. term  
Wendell Bolstad, 1 yr. term

*Budget & Finance Committee:*

Mayor Katy Anttila, 1 yr. term  
\_\_\_\_\_, 1 yr. term (Council member Stoen, by request, asked to have name removed from appointment. Mayor Anttila asked that the right be reserved to bring an appointment at a later date.)  
Wayne Unke, 1 yr. term  
Jason Moran, 1 yr. term  
John Stephanie, 1 yr. term  
Patricia Nusbaum, 1 yr.

*Fire Relief Association*

Mayor Katy Anttila  
Council member Clinton Stoen (Council member Mary Opsahl, asked to have her name removed from appointment. Council member Stoen asked that he be appointed.)

*Approval of Fire Chief and Assistants*

Jason James, Chief  
Mark Muellerleile, First Assistant  
Eric Muellerleile, Second Assistant

On motion by Ziemer, seconded by Thayer, to amend the original motion to remove council member Opsahl as a designee from the Fire Relief Committee and to place council member Stoen on Fire Relief Committee, and to remove designee council member Stoen from the Budget and Finance Committee at their requests. All members voting in favor. Motion declared carried.

The following resolution was presented by Mayor Anttila and seconded by council member Thayer:

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 366/10  
RESOLUTION ACKNOWLEDGING A DONATION FROM JOHN MILBRATH**

WHEREAS, the City of Elysian has received a donation in the amount of \$25.00 from John Milbrath, Elysian's July 4<sup>th</sup> Celebration, 2010 Grand Marshall, and has designated this donation be given to the City of Elysian for an undesignated purpose.

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 John Milbrath.

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

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 10<sup>th</sup>. day of January, 2011

ATTEST:

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Patricia Nusbaum, Clerk Administrator

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Kathleen Anttila, Mayor

Procedural items were discussed. Purchase requisition policy, employee performance reviews, wage reviews, council agenda distributed by 4:30 p.m. on Thursday of the week preceding the regular meeting, staff attendance at council meetings, minutes from all city meetings be included in council packets and placed on web site, council, P&Z, EDA, Budget and Finance, Personnel, Park.

On motion by Thayer, seconded by Opsahl, all voting in favor, to refer the purchase requisition policy to the Budget and Finance Committee, and start with a \$1,000 amount to be considered for purchases on capital improvement before getting council approval with more clarification being made by the Budget and Finance Committee.

Mayor Anttila asked that wages for the employees are established annually based on budgetary reasons. She indicated that she would like to have the wages be tied to the wage review and be considered as part of the budget process with employee reviews being held in September of each year. Anttila indicated that in the 2011 budget there is an amount of 1.25% included for wage increase consideration for the second one half of 2011. She requested that after employee reviews in September, the consideration of a wage increase be applied to the 2012 budget. After discussion, on motion by Thayer, seconded by Ziemer, all voting in favor, wages will be tied to reviews and to the budget process with the 1.25% being left in the 2011 budget, but based on the budget and reviews the application of a wage increase would not be until the 2012 budget.

Consensus of the council was to have agenda packets out by 4:30 p.m. to the council on the Thursday prior to the regular meeting.

Discussion was held as to whether Deputy Clerk Lorri Kopischke's attendance would continue to be required to be at council meetings. Consensus of the council was that she would continue to attend, using flex time instead of over time.

Consensus was to place on the website the agenda and the minutes of the meetings prior to approval by the council.

Discussion was held on the request of Mayor Anttila for a key to City Hall. On motion by Thayer, seconded by Ziemer, to approve a key for the mayor to City Hall. Voting Yes: Thayer, Ziemer, Anttila. Voting No: Opshal, Stoen. Motion declared carried.

Discussion was held on employee time sheets. Mayor wants to use less paper. Staff stated that we need to continue what we are doing in order to refer back to certain situations in time of a need for clarity. Discussion on amount paid for mileage for city purposes. On motion by Thayer, seconded by Stoen, all voting in favor, to have the Personnel Committee review the time sheets and mileage matters, along with the setting of the time when mileage shall be reported to the office for reimbursement, and report at the next regular council meeting.

Discussion was held on employee overtime. Since nothing is appropriated in the budget for overtime, and with the public works employees dealing with snow removal and accumulating over time, a motion was made by Thayer, seconded by Stoen, all voting in favor, to refer to the Budget and Finance Committee to make a recommendation to the council as to coming up with an amount to be used for snow and ice overtime by amending the budget or to proceed as is for now.

Discussion was held on the [city] fee schedule. The newly passed storm water fee of \$1.00 per month to be placed on the water bills was discussed. Mayor Anttila stated that it would be more fair to place a levy on the taxes versus a fee on the water billings. This would be a deductible item since it would be included in the real estate taxes.

On motion by Anttila, seconded by Thayer, all voting in favor, to approve an amendment to the fee schedule to set the animal licenses and soft drink license at \$3.00 per year.

On motion by Anttila, seconded by Ziemer, all voting in favor, to amend the fee schedule eliminating the \$1.00 storm sewer fee. Fee Schedule will be placed on the web site, [www.elysianmn.com](http://www.elysianmn.com), or stop in at city hall and pick up a copy.

Fire Chief Jason James was present to update the council on the recent purchase of the Jaws of Life for fire department rescue. The equipment presently used by the fire department was very outdated. He also invited the public to a CPR and AED training to be held on March 8<sup>th</sup> at the Fire Hall, starting at 6:30 p.m. A free will offering will be accepted.

Mayor Anttila noted some personal goals involving the fire department:

1. New agreement with three townships
2. Fire Fighters pension benefits - do a comparison study as to what other departments set as pension benefits; to figure out the appropriate amount for the Elysian Fire Department.

#### **John Roessler, Public Works Supervisor Report**

1. Consideration of a needed cell phone for maintenance worker for communication with employees. Phone to be left at shop and used only when necessary. More discussion will be held at the next meeting.
2. Discussion on those citizens leaving garbage bins sitting by the street as a permanent position. When snow plow cannot get up to the curb due to the bin protruding into the street, and therefore some residents are not receiving mail due to snow not removed next to the curb.
3. Consider updating the ice and snow ordinance regarding the keeping of vehicles off Main Street during a snow event which reads between the hours of 2:00 a.m. and 6:00 a.m. John's request was to extend the hours from 2:00 a.m. to 8:00 a.m. Another issue is the vehicles that are parked on the

streets and how to contend with them. On motion by Stoen, seconded by Ziemer, all voting in favor, Attorney Moran was authorized to review ordinance and make recommendation at the next meeting.

#### **Administrator Update:**

1. Regarding an article in the Elysian Enterprise on water and sewer rates and the statement that due to a public works employee taking part time the charges of water and sewer were reduced. To clarify, the increase in revenue from the contract with Verizon for antennas on the water tower will be bringing in more than \$15,000; with bond payment principals decreasing in the amount of \$10,000 and therefore interest decreasing, the tower repair of \$32,000 will be taken from savings thus not coming out of the water operating account, is all part of the utility billings being lowered not the sole matter of the employee going part time.
2. After the Arizona incident, would urge the council to consider a plan for a safe meeting and work place.
3. Regarding the local bank robbery, which was not a good thing, but it did bring notice to the city. When national news did their story it was done in the evening, and the holiday decorations on Main Street made our Main Street look very enticing. Since then, several calls and e-mails have come to City Hall regarding some very positive inquiries on Elysian and what it offers.
4. Encouraged the new council members to attend the League of MN Cities workshop for newly elected officials.

Mayor Anttila presented a goal for the EDA for the new year: Building Stimulus. She explained that to inspire housing in the community, her suggestion was to give an incentive to a person who bought a lot and built a house and have it completed by December 31, 2011, and then they would receive something back or discount for the effort.

Mayor Anttila presented goals for Planning and Zoning: boulevard ordinance, building stimulus, street assessment policy, land use policy, and Personnel Committee goals: public works contract. human resources plan, organizational chart that addresses the cities current and projected staffing needs.

Budget and Finance Proposal to shut off six street lights in undeveloped areas – Wayne Unke. Unke requested that the six lights be turned off until a time that they are needed. The lights are located in the Roemhildt #3 Addition. On motion by Thayer, seconded by Opsahl, to authorize MN Valley Electric to turn off six lights in the Roemhildt #3 Addition.

Mayor Anttila's Park Committee goals include a 5 year plan (Lake Francis, Tustin & Roemhildt's Addition) Other Park Committee items for consideration:

1. New restrooms
2. Baseball field
3. Frisbee golf
4. Wild flowers

Other considerations are to place pictures of council [members] on a Wall of Fame in City Hall.

On motion by Stoen, seconded by Thayer, all voting in favor, bills, payroll, and transfers in the amount of \$124,294.39 were approved.

**Visitors Comments:**

1. Roger Hanson – 309 Third Street NW-Congratulated the new members of the council and knows that they will do a good job for the city. Urged the newly elected members to attend the League conference. It is very worthwhile and you will learn a lot.
2. Wayne Unke – 124 Willow Point Drive – Has been a very enjoyable 2 years, attended all the meetings, knew little about the city, learned a lot, and tonight got an education.
3. Jason James – Fire Chief – Updated the council on the donation by Ploog Electric and Mike Muellerleile for work at the fire hall. Tim Bengtson and Tom Laska volunteered their time and removed all of the snow around all of the fire hydrants. It saved the city a ton of money.

On motion by Stoen, seconded by Ziemer, all voting in favor, meeting adjourned at 9:08 p.m.

Attest:

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Patricia Nusbaum, Clerk Administrator

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Kathleen Anttila, Mayor

**ELYSIAN CITY COUNCIL**  
**FEBRUARY 14, 2011 - 6:00 P.M.**  
**REGULAR MEETING MINUTES**

The Elysian City Council met in regular session on Monday, February 14, 2011, at City Hall at 6:00 p.m.

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

Meeting was opened with pledge to the flag.

On motion by Stoen, seconded by Thayer, all voting in favor, minutes of January 10, 2011 were approved.

On motion by Ziemer, seconded by Stoen, all voting in favor, to approve the agenda.

**VISITOR'S COMMENTS:**

Mike Kauss- 6 Egret Lane – he had been recently elected Chair of the Elysian Planning and Zoning Commission and the comments he is going to make do not represent the views of the other Planning and Zoning Commissioners. He stated that at the January 10<sup>th</sup> meeting after Mayor Anttila was sworn in, the first business item after approving the agenda was a motion made by council member Thayer to basically eliminate the stipend that the P&Z members were paid for their contribution to the community. He felt that it was and is insulting to him in the manner in which it was handled. Money is not the issue. He stated that he had been on P&Z since April, 2010 and at no time has any of the council attended the P&Z meetings prior to January 2011. He was unsure as to whether any of the (council) read the minutes to see what the P&Z Commission have accomplished. He stated that the (council) did not have the courtesy to speak with us in advance of the actions taken. He stated that he had to fill out an application and come before the council before being approved to be seated on the P&Z Commission. He stated that he found no fault with Tom Springmeyer, but did wonder why other members of the community did not have the option of running for the P&Z. If it was the action of the (council) to be fiscally responsible, then why not eliminate the stipend for EDA members, who get paid whether they attend a meeting or not. He stated that he had lived in Elysian the past two years, and he has observed virtually no economic development. Purchasing CD's does not take a committee. He stated that if the (council) eliminated the P&Z stipend it should not be hard to reduce the (council) stipends to \$5.00 per meeting, we could not have the city run by just volunteers. I have not heard where the \$100,000 came from to reduce the tax levy by 22%. Maybe this was a campaign ploy, because not one of the (council) has had the courage to explain the money to the community.

Tom Springmeyer – 718 Lakeside Drive – After he wrote a letter to the editor in the Elysian Enterprise, and received four phone calls and one from the mayor to serve on the Planning and Zoning Committee, he did not realize that there was a monthly meeting stipend included. He attended the December meeting and it lasted 40 minutes for \$50.00, February meeting lasted 2 hours. Divide 2 hours into \$50.00 and you arrive at \$25.00 per hour. I don't think anyone makes that kind of money. He believes in volunteerism and they work better than those who expect to be paid.

John Stephanie – 205 Lake View Court – the Budget and Finance Committee and the Personnel Committee do not get paid; they volunteer, and there is no reason to get \$50.00. Kauss did not wait around for any other comments. The question on the reducing of the 2010 budget of 22 percent, a year and a half ago, the Budget and Finance committee gave a Power Point [presentation] on the budget for 2010. Ask Pat Nusbaum to find out where the amount came from to make up the 22 percent, \$100,000 in the budget.

Tom Springmeyer – 718 Lakeside Drive – he goes to PMI in Waterville, in talking to some people Waterville Zoning have five members, not seven, and they are three times larger than Elysian. They get \$15.00 per month per meeting if you are there. If they are not there, they do not get paid. Here is out of whack between the number of people and the dollars paid.

#### **John Roessler, Public Works Supervisor Report**

1. City Engineer John Schulte V was present to update the council on the progression of the work done on the feasibility report for street work to be considered. The mapping is substantially complete. The next phase will consist of preparation of the preliminary engineering report and get to council for approval prior to submitting to state agencies for consideration of possible funding. On motion by Stoen, seconded by Ziemer to approve the preliminary engineering report at a cost of \$15,000. Project, if approved, would begin in 2012. On motion by Anttila, seconded by Thayer, all voting in favor, administrator Nusbaum will present a draft of a special assessment policy for review by the engineer and then will be presented to the council for review prior to the next meeting.
2. Discussion on overtime on the snow and ice budget. The Budget and Finance Committee had prior reviewed the ice and snow budget and felt that it should be approved on a monthly basis. On motion by Stoen, seconded by Anttila, all voting in favor, to authorize the public works director to use discretion in budgeting overtime for snow and ice and to use flex scheduling whenever possible.
3. Discussion on amending of snow and ice control ordinance was held. Various areas of the ordinance were reviewed. On motion by Anttila, seconded by Stoen, to authorize attorney Moran to rework the amended ordinance 54/04 and bring back for the March meeting for consideration. Voting Yes: Anttila, Stoen, Opsahl, Thayer. Voting No: Ziemer. Motion declared carried.
4. Discussion on a 3<sup>rd</sup> cell phone for maintenance employees. Deputy Clerk Kopischke and Roessler presented to the council the facts and figures for an additional phone. On motion by Stoen, seconded by Thayer, all voting in favor, to approve the third cell phone at \$20.00 per month, with phone remaining at city garage when not in use.
5. Street Signs – by 2012 the city council shall have a plan in place to meet the state standards of new reflective street and traffic control signs which have to be installed no later than 2015. Roessler estimates the preliminary costs to run around \$30,000, but will bring hard cost of the sign project to the June meeting for consideration in the 2012 budget.

Mayor Anttila asked the council to consider of electronic copies of packets for council meetings. No action was taken.

Council member Stoen urged the mayor and council to read the Mayor's Handbook, it has a lot of information.

Discussion was held on the consideration of paying off the balance of the bond on the water tower. Funds would be drawn down from a money market savings at Northland Securities, Inc. The balance of the principal is \$41,000. Consensus was that it would save yearly to not have the debt on the water billings. On motion by Thayer, seconded by Ziemer, all voting in favor, to pay off the balance of the tower bond in the amount of \$41,000 plus interest to date, with a transfer from the money market savings which is being held at Northland Securities, Inc.

#### **Administrator's Report:**

1. LMC Safety & Loss Control Seminar 4/14/11
2. CPR and AED training – 6:30 p.m. – 10:30 p.m.-March 8<sup>th</sup>. at the Fire Hall
3. DNR reports that the trail will be resurfaced starting at Mankato and Faribault. If funding goes well the portion from the State Park in Waterville to Madison Lake will be surfaced in 2012.

4. Board of Review meeting – April 18, 2011
5. Discussion was held on the request for a variance on setback for an addition to a home. On motion by Anttila, seconded by Stoen, all voting in favor, a variance hearing will be held on March 14, 2011, at 6:00 p.m. at the request of Pam and Daryl Meyer, 103 Second Street NW.
6. Deputy Clerk Kopischke reported on a recent MN Sales and Use Tax audit held within the past month. She explained the issues involved in what is considered to be taxable. On motion by Ziemer, seconded by Stoen, all voting in favor, the council approved the amount due of \$5,972.92 to the MN Department of Revenue.

**Committee reports:**

1. Budget and Finance – Purchasing Policy draft was reviewed. On motion by Anttila, seconded by Thayer, Council approved the City of Elysian Purchasing Policy. Voting Yes: Anttila, Thayer, Opsahl, Ziemer. Voting No: Stoen. Motion declared carried.
2. Mayor Anttila mentioned the Mayor's forum to be held on Thursday, February 17, 2011, starting at 7:00 p.m., to get ideas on stimulus for getting lots sold and houses built.
3. EDA - EDA board decided that the city administrator would no longer be the executive director of the EDA due to the EDA board would be handling the work of the director.
4. Council member Ziemer Chairperson of the Personnel Committee presented several items for discussion. On motion by Ziemer, seconded by Thayer, items presented involved mileage reimbursement, time sheets, work comp and core hours. On motion to amend by Thayer, to add additional duties to job description. Further discussion by council members with input from attorney, Ziemer withdrew his motion and Thayer withdrew her second.

On motion by Ziemer, seconded by Stoen, all voting in favor, to remove duplication in city administrator's job description, page 3, regarding confidentially.

On motion by Ziemer, seconded by Thayer, to approve the removing of the executive director position from the city administrator's job description. Attorney Moran reminded the council that they were getting very close to violating the exempt status of the city administrator, but due to the extra responsibilities being placed on the administrator in approving of the purchasing policy at this time it may be considered okay, but was on the edge. Vote taken Yes: Ziemer, Thayer, and Anttila. Voting No: Opsahl, Stoen.

On motion by Ziemer, seconded by Thayer, all voting in favor, to approve the supervising of the deputy clerk by the city administrator.

On motion by Ziemer, seconded by Thayer, removing from the city administrator's job description that the position no longer report to the council but to a designee, that designee being Mayor Anttila. After much discussion and on question by the city administrator as to why the job description for the administrator was being reviewed at this time and as to why would the public works director reports to the council and that the administrator be treated differently? Vote taken Yes: Ziemer, Thayer. Voting No: Opsahl, Stoen, Anttila. Motion denied.

On motion by Thayer, seconded by Stoen, all voting in favor, to approve employee mileage reimbursement in the amount of \$.51 per mile.

On motion by Thayer, seconded by Ziemer, all voting in favor, employees will continue to use the same time sheets they have been with the addition of adding a line for flex time and be diligent about putting the percent of time in correct category.

The city worker's compensation policy was addressed by Deputy Clerk Kopischke. On motion by Thayer, seconded by Stoen, all voting in favor, to direct the Personnel Committee to consider work comp issues and exempt employee core hours/work and vacation with input from the office staff.

Jason James, fire chief, addressed the council regarding the update from the Joint Fire Board and that the Jaws of Life has been ordered. He asked that he be better informed of what is on the agenda involving the fire department. Council member Opsahl thanked the fire department for sponsoring the CPR training, and Kopischke thanked him and the other fire fighters for the lifesaving award they received. Chief James explained what had occurred prior to receiving the award.

On motion by Thayer, seconded by Ziemer, all voting in favor, to approve bills, payroll, and transfers in the amount of \$79,769.94.

**Visitors Comments:**

1. Jeanette Crawmer – 501 Lake Avenue – A member of the P&Z Commission – speaking on behalf of the rest of the commission, apologize for the petty whining, no one likes change. Her understanding is that all of the commission thought it was a volunteer position, so what is the big deal? Opinions were voiced; no one likes to have their toes stepped on. This seems to be a good working group of people. Apologize for taking up time.
2. Marge Pribyl – 45 Egret Lane – Would like to address some positive happenings: the before-mentioned lifesaving award given to the fire fighters; thanked the fire fighters for their dedication and support; thanked Jay Schneider and the Elysian Enterprise for the nice picture and the write up in the paper; thanked the American Legion for the well-planned and well-attended fishing contest recently held; and thanked the city maintenance crew for the exceptional work they have been doing and for the work during this constant snow season.
3. Tom Springmeyer – 718 Lake Side Drive – questioned if the variance hearing is held by the P & Z Commission rather than the council. Mentioned his former employment of 30 years, and that appointments were always made prior to calling; there were no cold calls. He had had an appointment with Jim Miller from the League of Cities when he worked at his place of employment, gave him a tour of the facility where he worked. Need an energy audit at city hall due to three kinds of interior lights being used.
4. David Rager -207 Maple Avenue SW – he stated that the data practices act allows anyone wanting information to get it. It is public, and there is nothing wrong with giving out the information. A couple of years ago he had to pay \$359 for information. Council does not owe an explanation for everything they do. He stated that by law the EDA has to be paid. The EDA was set up in 1994. He appreciates that the other committees work for nothing.

On motion by Stoen, seconded by Ziemer, all voting in favor, meeting adjourned at 9:17 p.m.

Attest:

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Kathleen Anttila, Mayor

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Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL**  
**MARCH 14, 2011 - 5:00 P.M.**  
**REGULAR MEETING MINUTES**

The Elysian City Council met in regular session on Monday, March 14, 2011, at City Hall at 5:00 p.m.

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

Meeting was opened with the Pledge of Allegiance.

Mike Burkhardt of Burkhardt & Burkhardt LLC presented the 2010 audit. On motion by Thayer, seconded by Ziemer, the 2010 audit report was approved as presented.

On motion by Ziemer, seconded by Thayer, all voting in favor, minutes of February 14, 2011 were approved with the following corrections:

1. Under Public Works the discussion on Preliminary Engineering report that if approved the project would begin in 2012. Correction should read: if approved the project could begin in 2012.
2. Motion by Ziemer, seconded by Thayer, removing the city administrator's job description that the position no longer report to the Council but to a designee, that designee being Mayor Anttila. Correction should read: position no longer report to the Council, but to a designee (removing Mayor Anttila).

On motion by Anttila, seconded by Thayer, all voting in favor, to approve the agenda as presented.

No one was present for public comments.

A recess was called at 5:54 p.m. until 6:00 p.m.

On motion by Thayer, seconded by Ziemer, all voting in favor, to close the meeting at 6:00 p.m. and go to public hearing.

**PUBLIC HEARING**

Daryl and Pam Meyer, 103 Second Street NW, are requesting a hardship variance for an addition to their home with the addition extending seven feet into the twenty foot front set back. Zoning Administrator Nusbaum explained the zoning ordinance regulations pertaining to a variance and a hardship. Daryl Meyer presented to the Council his request of a variance to allow an addition to his house of ten feet to allow the evening of the two parts of his house that had been joined many years ago. By extending that portion of the house he could allow the house walls to be made more stable. Another problem was that the footings under his house were caving in and needed repair. The walls and the floor were already showing signs of settling. If the variance was allowed he would also be residing and reroofing the house.

Attorney Moran offered that a new ruling was very strict regarding the issuance of variances by city councils. It was suggested Meyers show through pictures or documentation the problems and bring them before the Council for their consideration.

Nusbaum read a letter from Herb and Nancy Weber, 204 Park Avenue NW in support of granting the variance.

Roger Hanson, 309 Third Street NW, offered that the state legislature is presently in committee on changes to the variance criteria. There is no set schedule on hearing the bill.

Pam Meyer 103 Park Avenue NW – the house is comprised of three houses, and is in rough shape, and some of the furniture is bad because the floor is sinking.

After all public being heard, on motion by Thayer, seconded by Opsahl, all voting in favor, hearing adjourned at 6:21 p.m.

Meeting was called to order at 6:22 p.m.

Discussion was held on the public hearing. On motion by Anttila, seconded by Thayer, all voting in favor, to table the action on hearing until the April regular council meeting with pictures or documentation being brought to City Hall by the Meyers' prior to the next meeting, when it will be placed in packet for distribution to the Council.

Roger Hanson, Elysian Emergency Management, presented to the Council a breakdown of his many meetings with FEMA regarding the flood damage to the city this past fall. The City Emergency Management team of Roger Hanson and John Roessler worked with FEMA to obtain disaster relief funds along with mitigation funding for the city regarding the fall flood. Various areas of the city were damaged, and funding for each of the areas was very specific as to what could or could not be covered, and sometimes varied depending on the situation. It appears that the city could receive from FEMA as much as \$28,627.86. The funds will need to be applied to damages in the specific areas. Hanson also indicated that currently there is a stockpile of 1,000 sandbags to be used for sandbagging if needed by citizens in emergency situations. He requested that the Council purchase sand to fill the bags. Hanson indicated that sand in bags after the emergency is over must be disposed properly and never placed in a child's sand box due to possible pollutants from the flood water.

Hanson mentioned possible mitigation funds may be available to be used at the Lake Francis beach area. He also mentioned 800 megahertz radios will be used by all emergency management entities in the near future.

Storm spotting is a part of emergency management. The home base for emergency management is located at the Elysian Tourism Center. The basement of the Tourism Center is also used as a storm shelter to area campgrounds. Questions asked ranged from numbers of members on the Emergency Management Team to how storm spotters operate and get trained, and amount being paid per hour. Hanson answered that spotters get \$10 per hour, and there is approximately ten members who go out in a storm. Hanson was thanked for his work on the FEMA project.

Carolyn Lewis, Lake Region Realty, Century 21, was present to update the Council on a possible business potential to be located at 115 Main Street East. Concern is that sanitary sewer access is not available unless directional boring could be done through the neighboring business building. The Attorney will write an opinion on the legalities of getting service to the building due to city ordinance stating there can be only one hookup per business or residence. On motion by Antilla, seconded by Ziemer, all voting in favor, to submit for consideration to the Planning and Zoning Commission for review and to keep in mind the dangers to the city of which they need to be aware after which recommendation will be made to the City Council.

Attorney Dan Hoehn representing LCS Precision Molding, came before the Council to discuss the situation of the alley running east and west adjacent to the state trail between First Street North and Second Street NE. Property had been used as an alley prior to 1930's, but is located on DNR property. DNR is willing to convey the property and would like the city to fill out the permit needed as a whole instead of each business entity being obligated to work with the DNR individually. The permit will cost \$2,000 to process, a requirement by DNR. Consideration of costs was discussed, with concern as to who would be paying the \$2,000 or any other additional costs that may arise. On motion by Ziemer, seconded by Thayer, all voting in favor, finalize the costs above the \$2,000 permit fee and to have attorney Hoehn get a signed petition from each of the property owners abutting the alley from the Elysian Bank to Pamela's Pet Shop, and report back at the next meeting.

Discussion on a complaint received regarding a hazardous and unsafe home located at 303 Highway #60 East. Discussion was offered by Attorney Moran and Building Official Dan Murphy. Since action was taken by the city building official and the city attorney, owner of the property has obtained a demolition permit. Building official noted that the building needs to be removed prior to spring thaw due to concern of run off of soil into the lake and that the area ground be prepared and seeded. He recommended removal by May 1, 2011. On motion Thayer and seconded by Ziemer, to have the home removed no later than July 1, 2011. More discussion followed with Thayer amending her motion and Ziemer seconding the amendment to move the deadline for removal to June 1, 2011. All voting in favor, Motion declared carried. Property owner, Clarence Swanson, stated that he would try to get the building down by June 1, 2011.

Discussion was held on the revised draft of the snow and ice ordinance. Attorney Moran felt that it was inadequate. On motion by Ziemer, seconded by Thayer, all voting in favor, to authorize Mr. Moran to update the snow and ice ordinance. Attorney Moran indicated that there would be no charge for the drafting of a new ordinance.

Deputy Clerk Kopischke discussed the issue of the placement of delinquent utility bills on taxes or consider the shutting off of water versus the present practice of quarterly placing delinquencies on taxes. After discussion, on motion by Ziemer, seconded by Thayer, all voting in favor, to approve the shutting off of utilities between May 1<sup>st</sup>. and October 1<sup>st</sup>, with a fee of \$50.00 for reconnection, and party must pay one third of the inclusive bill which would be the delinquent and current amount plus penalties. Any delinquencies can still be certified to real estate taxes in December.

City Cleanup – will be June 4, 2011 from 8:30 a.m. to 11:00 a.m. (Adm. Note: Clean up has been changed since the last meeting to April 30, 2011.)

Leaf and branch pickup by the City Council will be held on Saturday, May 7, 2011 starting at 9:00 a.m.

#### **Administration:**

Special Assessment Policy has been distributed to the Council for review. A future meeting date will be set for reviewing of the document.

Discussion was held on the request of the Fire Relief Association Board to retain City Administrator Nusbaum on the board to continue with operation of the board. Since Mayor Anttila and council member Stoen have been designated to the Fire Relief Association Board, on motion by Thayer, seconded by Ziemer, all voting in favor to have the representation from the Council of Anttila and Stoen to continue in that capacity with Nusbaum preparing agendas, attending meetings, working with relief treasurer, investment advisor, and auditor.

**Administrator's report:**

1. Thanked the fire department for the CPR/AED training. Well attended, valuable training.
2. Received notification from MN Pollution Control Agency for outstanding commendation of operation maintenance and management of the City of Elysian waste water treatment system, which included the timely required monthly and annual reports, completed and submitted by licensed operator John Roessler. Facility did not exceed effluent limits contained in permit; facility did not experience any bypasses, enforcement actions, or inspection or compliance concerns. Presentation of the certificate of commendation will be March 24<sup>th</sup> in Brooklyn Park.
3. Good happenings on Elysian Main Street: Elysian Area Library purchased the former Child's building for the new library and food shelf; building now housing the library and food shelf has been sold, and possible new business being considered as heard before the council during this meeting.

At a recent meeting of the EDA, approval was made for the moving ahead with a housing stimulus promotion to include up to \$1,900 reimbursement of building permit and reimbursement of \$3,100 for utility hookup fees to a property owner who secures a building permit and begins construction in 2011. EDA allowed up to \$25,000 in revolving loan funds for stimulus. The EDA will reimburse the city general fund for building inspector fees and the water and wastewater fund for utility hookup fees. The property owner will pay for the costs up front and after final inspection will be reimbursed the \$5,000. On motion by Thayer, seconded by Ziemer, all voting in favor, in a gesture of good will the Council gave support to the EDA stimulus package.

Planning and Zoning will hold a public hearing on Tuesday, April 5<sup>th</sup>. at 6:00 p.m. to hear a request of Karen Kaplan to allow her house to be a guest house located at 10 Cedar Point Lane.

On motion by Thayer, seconded by Opsahl, all voting in favor, to approve the transfer of savings from Northland Securities, Inc. to the Elysian Bank in the amount of \$165,348.86. Prepaid assessments in the amount of \$93,000, Kaplan bond, to be placed in a 6 month CD and \$72,348.86 to be placed in general fund money market savings.

On motion by Opsahl, seconded by Thayer, all voting in favor, to allow bills, payroll, and transfers in the amount of \$130,297.79.

**Public Comments:**

Dennis Schnoor – 308 Maple Avenue SW – Said he has been a member of the Elysian Fire Department for over 20 years and has had it regarding the negative talk against the fire department. He questioned the policy of \$1,000 of purchases requiring two written quotes. He stated that Joint Fire Board has allowed \$1,500 for purchases. He stated that when he goes on a fire call he wants to be assured that the truck will get him to the call and back and that the truck (rescue) is fully loaded with all the supplies that may be needed.

He stated that there was a need for an updated computer. There is no time to get quotes. All of the calls are entered as reports online with the state and only have so much time to do so.

Dave Rager – 207 Maple Avenue SW – Stated that he had stopped at the city shop and talked with a salesman. He asked for a catalog, as the mayor. He asked for the products he sold. Rager stated he is getting tired of the allegations; all he asked for was a catalog. (This is in reference to comments offered by City Administrator Nusbaum earlier in the meeting regarding a vendor that the city has been

purchasing from for years. Nusbaum stated that public works personnel were questioning why this vendor had not been around. When making contact with the vendor, Nusbaum stated that she found out the vendor had been in the city shop waiting for John Roessler. Mayor Rager asked him for his list of products and pricing, and that if he did not get it to him, then he would not be doing business with the City of Elysian. Nusbaum stated she had the e-mail communication from the vendor.)

Roger Hanson – 309 Third Street NW – items 11 and 12 (potential business in bldg. on Main Street and alley concern) on agenda could have been brought to the Planning and Zoning Commission along with the snow and ice ordinance. He stated that the leaf pick up is a courtesy and the real reason is to emphasize to the citizens to not throw things in the street. Rather than say the council just go and pick up leaves, the emphasis is on the stopping of phosphorus getting into the lakes.

Wayne Unke – 124 Willow Point Drive – good discussion. Roger Hanson did a good job on the FEMA report; council meeting seems long, wants to know who prepares agenda. Needs to be streamlined.

On motion by Ziemer, seconded by Opsahl, all voting in favor, meeting adjourned at 8:54 p.m.

Attest:

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Kathleen Anttila, Mayor

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Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL  
APRIL 11, 2011 – 6 PM  
REGULAR MEETING MINUTES**

The Elysian City Council met in regular session on Monday, April 11, 2011, at City Hall at 6:00 p.m.

Members present were: Mayor Katy Anttila; Council Members Mary Opsahl, Clinton Stoen, Edna Thayer, and 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 flag.

On motion by Stoen, seconded by Thayer, minutes were approved with the following corrections:

1. Page 5, paragraph 1 reads: The EDA will reimburse the city general fund for building inspector fees and the water and wastewater fund for utility hookup fees. The property owner will pay for the costs up front and after final inspection will be reimbursed up to \$5,000. With the correction of council member Opsahl voted no on the original motion - not all in favor, as stated.
2. Page 4, paragraph 5 reads: Discussion was held on the request of the Fire Relief Association Board to retain city administrator Nusbaum on the board to continue with operation of the board. Since Mayor Anttila and council member Stoen have been designated to the Fire Relief Board Association Board, on motion by Thayer, seconded by Ziemer, all voting in favor to have the representation from the council of Anttila and Stoen to continue in the capacity, with administrator Nusbaum preparing agendas, attending meetings, working with relief treasurer, investment advisor and auditor. The paragraph will now read: the last portion of the last sentence, which states with administrator Nusbaum preparing agenda, attending meetings, working with relief treasurer, investment advisor, and auditor, will be removed.
3. Page 5, paragraph 5 – discussion on statement in parenthesis regarding the portion of the comment of administrator to bring clarity to the statement of Rager be removed. Voting Yes on approval of minutes: Ziemer, Thayer, Anttila. Voting No: Opsahl, Stoen. Motion declared carried.

On motion by Ziemer, seconded by Stoen, all voting in favor, to approve the agenda as presented.

**Visitors' Comments:**

Steve Ritchison – 101 NW 4<sup>th</sup> Street – Concerned about the water standing in platted alley running north and south to the west of his house. Water is standing and is a breeding area for mosquitoes, and is not able to get into the tile. This happened after the culvert was placed under the street to the north of his property. John Roessler, Emergency Management Director, stated that the land did not change. Roessler and Ritchison will further discuss issue.

Ann Traxler, Le Sueur County Emergency Management Director, was present to introduce herself to the council and explain what her position is within the county. She indicated she works closely with the sheriff's department, fire departments throughout the County, with all the emergency management people located in all of the cities in the county, and with FEMA. She mentioned Tornado Awareness Week and the county siren alert on April 14<sup>th</sup> at 1:45 p.m. and 6:55 p.m. Traxler

indicated that the alley discussed by Mr. Ritchison could perhaps be investigated to be included in the spring flood funding considerations that are being dealt with by Le Sueur County.

Roger Hanson, Elysian Emergency Management team, updated the council on funding notice received from FEMA. To date, Elysian has received in writing \$11,413.09 to be used for specific damages due to the fall 2010 flooding. Hanson mentioned the week of April 11 – 15 as Tornado Awareness Week. He mentioned how a person becomes a member of the emergency management team with training to be a storm spotter. Max Venero and Mike Meyer are the newest members to the emergency management team. Emergency management and the fire department will be going to an 800 MHz emergency system.

Discussion was held on the tabled request for a variance for Daryl and Pam Meyer, 103 Second Street NW. Pictures of the foundation of the Meyers home were presented by Meyer. Attorney Moran stated that the pictures told the story. On motion by Thayer, seconded by Opshal, all voting in favor, due to undue hardship, the variance was approved.

Tom Springmeyer, 718 Lakeside Drive – presented to the council thoughts on helping to preserve the lakes surrounding the city by reducing surface water run off. Rain gardens, or rain barrels installed would be a good means of reducing run-off. He indicated that a funding source would be legacy funds. These are funds set aside out of the state sales tax of which 12.4 cents on every \$100 goes to the clean water fund and in turn, these funds can be allocated as grants to water resource projects. He asked the council for support in approval to proceed with the investigative phase of the project, which, if funds would be granted from the legacy fund, surface water could be addressed by doing some of the items proposed. On motion by Ziemer, seconded by Thayer, all voting in favor, to offer verbal support to proceed with the grant.

#### **Public Works Report – John Roessler**

1. Infiltration of water into the manholes is creating problems at the sanitary sewer ponds. Out of 15 manholes investigated, 8 were leaking. On motion by Stoen, seconded by Thayer, to have Roessler get bids for the repair of three manholes or as many as possible up to \$5,000.
2. Street Repair – City blacktopped streets are in disrepair. Discussion was held on streets that could be patched temporarily and those that needed immediate attention. A map was presented showing the worst streets needing repair. Roessler offered to get quotes for the next meeting, in the meantime will continue to cold patch.
3. Seal coating of Shoreview Drive, (Roemhildt's Addition #2), Lake View Manor, Jill Lynn Circle, and James Drive. On motion by Anttila, seconded by Stoen, all voting in favor, bids will be obtained on sealcoating for the next meeting.
4. Mowing – Discussion on mowing of certain parcels of city-owned property. On motion by Antilla, seconded by Thayer, to get bids for mowing of the following parcels and to do no mowing on parcels until quotes are reviewed. Parcels include sanitary sewer ponds area, Lake View Manor holding pond area, Roemhildt's Park area and Tustin Park area. Voting Yes: Anttila, Thayer, Ziemer. Voting No: Opsahl, Stoen. Motion declared carried. Additional mowing guidelines were presented:
  - a) No mowing of private property – mow only if owned by the city or DNR (no mowing south of Highway 60 or county land adjoining County Road #11.
  - b) Roots's Beach – DNR land adjoining the road – one pass out and one back.

- c) No mowing of sewer ponds until the possibility of baling is investigated.

Discussion on the need to mow sewer pond area before the next council meeting. On motion by Anttila, to amend the prior motion to mow the sewer pond area between now and May. Motion died for a lack of a second.

**Administration:**

1. Loss and Control Review Report – a recent review of city-owned facilities was made by the League of MN Cities Insurance Trust. A report was reviewed by the council with input by fire chief Jason James and public works director John Roessler. Some of the items are being worked on and others will take funds from the city to bring up to code. A response within 60 days will be made to the Insurance trust as to the progress of items in report.

**City Administrator updates:**

1. Open Book Property Valuation Meeting – April 18<sup>th</sup> at 6:30 p.m. at City Hall.
2. Congratulations to John Roessler and the City of Elysian on an award recognizing exemplary effort expended in the year 2010, to comply with the Minnesota Pollution Control Agency's Permit Program.
3. Spring clean up – April 30, 2011 from 8:30 a.m. – 11:00 a.m. in front of the Elysian Area Learning Center.
4. Leaf and branch pick up by council members – May 7<sup>th</sup> starting at 9:00 a.m.
5. Special assessment policy – a workshop meeting will be set after dates are reviewed with the Engineer.

The EDA has approved a new loan and has publicized the stimulus program.

Discussion was held on various bills over \$500. The question as to whether shipping and tax are to be included in the \$500. Mayor Anttila questioned as to whether Elysian shall continue to be a part of MN Valley Council of Governments. Administrator Nusbaum stated that the organization has helped the city over the years in many respects. On motion by Stoen, seconded by Opsahl, all voting in favor, bills, payroll, and transfers were approved in the amount of \$54,172.81.

Questions as to approval of the closing of streets, approval of the liquor license for the Elysian Area Chamber of Commerce, raffle permit for the July 4<sup>th</sup> celebration.

Questions by Councilmember Ziemer as to the Chamber of Commerce ever having had liquor liability insurance and the Chamber being a 501c3 non-profit organization. Celebration Chair Pat Nusbaum stated that the Elysian Area Chamber of Commerce has always had liquor liability and that they had a 501c6 non-profit status.

Discussion on the fire department having the license during the fire fighters dance. Fire department member Dennis Schnoor stated that he had been on the department for over 20 years and had no recall of the department ever wanting to run the beer garden. He stated that the fire department has no interest in running the beer garden. Fire chief Jason James also spoke, stating that Mayor Anttila had called him yesterday suggesting that he go to the chamber and take over the beer garden on the night of the fire fighters dance. He stated that the fire department has plenty to do over the July 4<sup>th</sup>

celebration with setting up for the dance, two stages, bingo, silent auction, helping with moving trucks out for the queen pageant, setting up chairs, and the breakfast.

On motion by Opsahl, seconded by Stoen, to grant approval to the Elysian Area Chamber of Commerce for a four day liquor license, July 1-2-3-4; approval for a permit to hold a raffle, and approval to block off streets as per schedule. Voting Yes: Opsahl, Stoen, Thayer, Anttila. Voting No: Ziemer. Motion declared carried.

#### **Visitors' Comments:**

1. Roger Hanson – 309 Third Street NW – Regarding the alley which addressed earlier- he and John Roessler will review and submit to FEMA a new claim as was done last fall. Regarding the leaking manholes, Roessler and Hanson will look at asking FEMA for funding to help with the repair. He will take the plan to a meeting with FEMA on Thursday. On motion by Stoen, seconded by Opsahl, all voting in favor, council authorized Hanson and Roessler to submit costs to FEMA.
2. Mack Evans – 103 Park Avenue NW – Thanked the council for approving the Chamber's request for the July 4<sup>th</sup> celebration and asked the city administrator to present to the council next meeting, all of the things that the chamber has accomplished for the City of Elysian community, and he asked council member Ziemer to give him a call, and they would go to Jared La France, chamber insurance agent, who has always handled the liquor liability for the chamber. He stated that if the fire department works the beer garden, then the city will be liable if something should happen.
3. Wendell Bolstad – 209 5<sup>th</sup>. Street SW – He stated that he had worked at North Mankato Fun Days for 8 years. He was a reserve police officer and handled security. The fire department worked in the beer garden and took all the proceeds. He has lived here for 8 years and did not know that the fire department did not run the beer garden here.
4. Rick Galewski – 109 Shoreview Drive – He stated that he was one of the fire fighters had received a check which the mayor had signed. He wanted to know where the dollars came from. The fire department applied for a grant. Who authorized the signing of the checks to 26 fire fighters? He stated we have a "weak mayor, strong council" form of government. The mayor wrote checks, which is a misappropriation of writing out checks without council approval. This should have gone before the council. What was the procedure? Wouldn't you go to the fire chief, joint fire board, and not the person who wrote the grant? Was the Joint Fire Board informed?

Jason James – Fire Chief – There were three parts to the FEMA grant, and this was the end of the grant. The grant was written in 2007. Tim Bengtson submitted the bills. The mayor did not like the way it was submitted, and wanted each fire fighter to receive \$50 less income taxes. This was grant money - not tax payers' dollars. The grant allowed for all of the fire fighters to help put new batteries in smoke detectors and new detectors. Eight people helped - not 26. Tim Bengtson and Tom Laska did a lot of the work. The grant also provided \$2,700 to purchase prints to be used by the fire department, and the grant also allowed \$6,500 for the fire fighters pension fund. No comment was made (by the mayor)

about the pension funds. It is not for the government to pick and choose how grant funds will be spent, or getting competitive bids on the prints. The grant people approved and gave us the funds to use as we see fit. The grant signers know how much we have to spend.

James stated that the county had received a grant in the amount of \$96,900, which will be used for 800 MHz radios throughout the county. The city would be responsible for approximately \$12,000 for radios for the Elysian fire department.

Chief James stated that the grant writer for the fire department is done writing grants. James indicated that he had on his desk a DNR grant that he was sure that the department would get, but it was a match grant of \$2,500, and he was not sure he was going to fill out the grant because of all the trouble with the last grant. He asked the council whether he should fill out the grant. He also stated that the mayor had told the insurance agent not to renew a bond for the gambling manager, and that it was not paid. The gambling board came down on the fire department for not having a gambling bond and came close to issuing a fine.

5. Lorrie Kopsichke, deputy clerk – stated that tonight, 23 minutes was spent on the issue of whether a bill of \$500 would or would not include the shipping and tax. No decision was arrived at. The staff needs to know how we are to carry through. The council makes all of these policies and then do not give guidelines in which to work. This makes for a very difficult work environment. The staff does not care which way as long as we know what we are to do. Discussion was held, and on motion by Ziemer, seconded by Thayer, all voting in favor, to state that all purchases could reach \$500 and \$1,000 with shipping and tax not included in the amount.

On motion by Ziemer, seconded by Stoen, all voting in favor, meeting adjourned at 9:07 p.m.

Attest:

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Kathleen Anttila, Mayor

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Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL  
APRIL 18, 2011  
SPECIAL MEETING  
BOARD OF REVIEW  
OPEN BOOK  
MINUTES  
6:30 P.M.**

**The Elysian City Council met in special session on Monday April 18, 2011, at City Hall at 6:30 p.m.**

**Members present were: Mayor Katy Anttila; Councilmembers Clinton Stoen, Edna Thayer, Brian Ziemer, City Administrator Patricia Nusbaum. Absent: Councilmember Mary Opsahl.**

**Also present: Dave Armstrong and Jay Sowieja, Le Sueur County Assessors, Jim Pemble and Mark Vagts Assessor from Waseca County.**

**Meeting was called to order by Mayor Anttila. Meeting was turned over to Le Sueur and Waseca County Assessors. Armstrong stated that the criteria for this year did not change. He stated that the Department of Revenue states that the County Assessing has to be between 90 and 105 percent on all arm's length sales. Foreclosures and short sales are not considered an arm's length sale. Tax court has ruled that forclosure sales will not be considered.**

**Public present:**

**Dennis Langanski, 123 Shoreview Drive was present to question why one of his lots was valued at \$39,500 and one at \$30,000 when the property behind The Bears Den had been selling for \$7,000 per lot. He stated that he cannot sell his property for the amount valued. He stated that lots in the Roemhildt Addition #3 were selling for \$15,000. He felt that his lots were valued too high. Armstrong stated that he had based the lot value on the past sales, not counting foreclosures. He also stated that two lots had sold that day on German Lake for \$60,000 per lot. He indicated that the Mr.Langanski lots were probably valued at what they stated. Assessor Jay Sowieja will view Mr. Langanski's property.**

**Assessors Pemble and Vagts updated any activity in Waseca County and concurred with Le Sueur County Assessors.**

**On motion by Ziemer, seconded by Stoen, all voting in favor, meeting adjourned at 7:02 p.m.**

**Attest:**

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**Kathleen Anttila, Mayor**

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**Patricia Nusbaum, City Administrator**

**ELYSIAN CITY COUNCIL**  
**MAY 9, 2011 – 6 PM**  
**REGULAR MEETING MINUTES**

The Elysian city council met in regular session on Monday, May 9, 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 was opened with a pledge to the flag.

On motion by Stoen, seconded by Thayer, all voting in favor, to approve the April 11, 2011 and April 18, 2011 minutes as presented.

On motion by Ziemer, seconded by Thayer, all voting in favor, to approve the agenda to include the following additional items:

1. Budget and Finance Committee
2. Employee personnel matter

**Visitors Comments:**

1. Tim Bengtson – 22281 Lake Francis Road – Bengtson stated he was here to support John Roessler keeping his job and discussing the renewal of his contract. He stated that he was speaking on behalf of himself and his fellow firemen. He stated that he had been on the fire department over twenty years and John had recruited him to be a member of the fire department. He stated that John was his mentor just as he has been with many other firemen. He stated that John taught him how to be a volunteer, and as result of the volunteer mentoring, he volunteers in the community. Bengtson stated that he does not like to mention what he does to volunteer, but he named a few which included use of his equipment; cleaned snow away from the fire hydrants, placed flags by highway and Main Street, cleaning of culvert under County Road 11, unloading tables for the July 4<sup>th</sup> celebration and placing them under the tent, putting up Christmas lights. Bengtson stated that he has a lot of respect and admiration for John Roessler. He goes above and beyond the call of duty helping people in the community and is not compensated for it. Bengtson stated that he could not imagine not renewing John's contract. John is a hard worker. Bengtson stated that there are a lot of days his employees do not work due to being too cold or too hot, but the city employees, they work; it doesn't matter about the weather. John Roessler supports all the local businesses. "I am appalled at the things that go on toward the city employees. They need to be treated with respect. If you do not renew John's contract there will be no more volunteering by me."
2. Carl Morsching – 43616 Reed's Lake Road – Morsching stated that he knew John, and he got him on the fire department, and that John mentors the new fire fighters. Morsching stated that he has been on the fire department for twenty-seven years. Morsching stated that he owns a business in Elysian, on Main Street, and he needs to have the streets plowed so that cars can be left at his business early in the morning, and he needs to have the snow removed. John always has it plowed. Morsching stated that John goes out of his way to volunteer. He cares about Elysian. He asked the council to renew John's contract and hire a new employee so that the person can be mentored by John, and it could take two years. The nice write up in the paper about John tells why he should stay.

3. Sue Morsching – 43616 Reed’s Lake Road – Morsching stated that she respects John Roessler. “Our business needs to have the roads cleaned each morning in order to get our customers in and out. When I had a large water bill, John came to check, and in twenty-five minutes he had me up and running. John is a great volunteer, very professional. John does much more than [maintain] the sewer ponds. He is looking out for the people to be sure they are safe.” Morsching stated that twenty-seven years ago she was living in a trailer home, and John was on civil defense, and knocked on doors to make sure people were safe. It is not always the bottom line. Sure the streets need repair, but take care of our city employees, business people, and volunteers who do a lot of things and do not get thanked for it.

On motion by Thayer, seconded by Ziemer, to give notice to MNCOG, as of June 30, 2011 the city of Elysian will discontinue being a member of the organization.

Laura Elvebak, MN Valley council of Governments, was present to offer an explanation on the benefits of the Council of Governments of which Elysian has been a member for twenty-six years. Elvebak gave many examples of the many ways that cities in the area are helped. She also explained the ramifications of a violation of the open meeting law. Voting Yes: Thayer, Ziemer, Anttila. Voting No: Opsahl, Stoen. Motion declared carried.

#### **Public Works Report – John Roessler**

1. Retroreflectivity signs were discussed. Compliance to meet the standard requires the city to establish a traffic sign maintenance program by January 2012. By January 2015, all cities must comply with the new retroreflectivity requirements for all regulatory signs, all warning signs, and post-mounted guide signs. By January 2018, all cities must comply with the new retroreflectivity requirements for overhead guide signs and all street name signs. An inventory of Elysian’s signs will begin in June.
2. Mowing Quotes: Roessler stated that four parcels had been advertised for bidding. He presented a letter from the MN Pollution Control Agency stating how the pond area has to be maintained. Attorney Moran suggested the pond area to continue to be mowed by the city. Administrator Nusbaum presented the cost for the city (employee and equipment) to mow the parcels advertised for bid. On motion by Ziemer, seconded by Thayer, to approve Oachs Lawn Service to mow the Tustin Park area at a rate of \$50 per mowing; to approve Roemhildt’s Lake Lawn Care to mow the Roemhildt Park area for a flat \$2,000 for the season, and the Lakeview Manor pond area at a flat rate of \$800 for the season, with each mowing service providing a minimum \$500,000 insurance coverage. Voting Yes: Ziemer, Thayer, Anttila. Voting No: Opsahl, Stoen.
3. Discussion on Maple Street SW was held. On motion by Anttila, seconded by Ziemer, to authorize John Roessler to solicit quotes to remove the blacktop and install tile line on both sides from 308 Maple Avenue SW 625 feet to end of road and to research tile line to hook up to 4<sup>th</sup> Street tile. An amendment to the motion was offered by Anttila and seconded by Thayer to include two members of the council and John Roessler to work as a subcommittee to approach Janesville township to offer discussion as to a way to get the road repaired as quickly as possible, to consider the sharing of some of the costs not exceed the amount in the engineers letter. All voting in favor; motion declared carried.

4. Street repair and patching – Discussion was held on a quote from Borgen Incorporated in the amount of \$5,000 for gap treatment and \$5,000 for crack repair. Roessler explained that this was the only company that he knew of that did this type of work, and they have always done a good job for the city . On motion by Ziemer, seconded by Stoen, all voting in favor, to approve the quote of Borgen Incorporated.
5. On motion by Thayer, seconded by Stoen, all voting in favor, to approve the seal coat bid from Pearson, Inc. in the amount of \$25,500 for the Lakeview Manor and Roemhildt's Shoreview Drive including James Drive and Jill Lynn Circle.
6. Manhole repair – Infratech, Inc. gave a quote of approximately \$1,500 for repair of manholes which are taking on water, causing problems in the sanitary sewer ponding system. On motion by Thayer, seconded by Ziemer, to repair ten manholes according to the recommendation of Roessler as to which are the worst. Council member Thayer amended the motion, with a second by Ziemer to allow the quote of \$15,000 to repair the worst leaking manholes.
7. Discussion on the Lakeview Manor problem of sinking areas. Roessler explained that the city owns up to the water shut off. Roessler will do more investigation and coordinate with the president of the Lakeview Manor Association and determine city responsibility.
8. Discussion was held on the signing of John Roessler's employment contract between John Roessler, State of Minnesota, and the city of Elysian. Contract will run from June 1, 2011 through May 31, 2012. On motion by Ziemer, seconded by Thayer, all voting in favor, to approve the employment contract with John Roessler from June 1, 2011 through May 31, 2012 for a total of up to 1040 hours.

#### **Administration:**

1. Roger Hanson, Elysian Emergency Management and FEMA report. Reported that the 800 mHz new county communication system must be enacted by 2013. There will be cost to the city, but hopefully some grants will be obtained prior to the mandate. Reported that FEMA had sent a check to the city in the amount of \$1,476.16 for pumping charges by the city due to damages during last fall's rain event.
2. A pipeline safety explosion drill will be held on July 30<sup>th</sup> in Kilkenny. Emergency management members and fire departments are part of the first responders to the drill. Hanson mentioned that Lakeville had a used emergency siren for sale.
3. Administrator Nusbaum gave an update on information received from DNR regarding the Sakatah Singing Hills Trail. Funding is allowing the trail to be upgraded from Faribault into the State Park and from Mankato to past Madison Lake. Elysian will be upgraded in 2012. Chamber of Commerce will be doing extensive advertising this spring and summer to let all know that trail through Elysian is open and the businesses welcome them.
4. Leaf and branch pickup was completed by the council with only mayor Anttila and council member Ziemer participating in the work that was done.
5. Special Assessment Policy Workshop will be held during a special meeting on May 25, 2011, at City Hall at 4:00 p.m.
6. Thanked the little league for cleaning the ball field.

7. Contact will be made with Jason Coon regarding the moving of the fencing adjacent to County Road 11 to be moved behind the hydrant since it is a safety situation for city employees to have to crawl under the fence to flush hydrants and for fire department emergency use.
8. Request to turn on one light in Roemhildt Addition 3, and a report of one of the lights has been shot out.
9. Court action is proceeding against Jeff Coon, 207 Third Street NW, for tampering with the city water service.
10. Notation that information regarding vendor inquiries involving former mayor Rager has been given to the council under the Freedom of Information Act.
11. On motion by Thayer, seconded by Stoen, all voting in favor, to approve the following resolutions as presented.

CITY OF ELYSIAN

ELYSIAN, MINNESOTA

RESOLUTION 2011-368

RESOLUTION ACKNOWLEDGING THE DONATION FROM  
ELYSIAN FIRE DEPARTMENT RELIEF ASSOCIATION

WHEREAS, the city of Elysian has received a donation in the amount of \$5,000.00 from the Elysian Fire Department Relief Association and have designated as a donation to be used by Elysian Fire Department toward vehicle extrication equipment named the Jaws of Life.

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 the Elysian Fire Relief Association.

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

The resolution was presented by council member Thayer, seconded by council member Stoen to approve the acceptance of \$5,000 from the Elysian Fire Relief Association to be designated as a donation to the Elysian Fire Department toward vehicle extrication equipment named the Jaws of Life.

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

Council Members voting in the negative: None

Adopted by the City Council of the city of Elysian this 9<sup>th</sup> day of May, 2011.

CITY OF ELYSIAN

Attest:

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Patricia Nusbaum, City Administrator

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Kathleen Anttila, Mayor

RESOLUTION 369/11

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 Stoen to approve one day off site lawful gambling for July 2, 2011.

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

Voting No: None

Dated this 9<sup>th</sup> day of May, 2011

Attest:

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Patricia Nusbaum, City Administrator

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Kathleen Anttila, Mayor

Personnel issue – Motion was made by Anttila, and seconded by Ziemer requesting a disciplinary meeting due to employee failing to post notice of a meeting, had to cancel and valuable time was lost. Feel this is a serious infraction and does not meet city standards. It is viewed as substandard conduct and council will meet in closed session. Voting yes: Anttila, Ziemer, Thayer. Voting No: Opsahl, Stoen. Meeting will be held on May 25, 2011 following the 4:00 p.m. special assessment policy meeting. Administrator Nusbaum requested an open meeting. Request was allowed.

Discussion on recommendation of the Planning & Zoning Commission to deny the request for a Conditional Use Permit for Karen Kaplan, 10 Cedar Point Drive. On motion by Thayer, seconded by Stoen, all voting in favor, to deny the Conditional Use Permit and to note the 60-day rule deadline as of May 10, 2011 based on the following finding of facts:

1. The use was in conflict with the Elysian Zoning Ordinance due to it being a business in a residentially zoned area.
2. The Use was not compatible for the area.
3. The applicant, at this time, was not going to pursue the request.

**Park Committee – council member Stoen –**

Report on work to be done at Lake Francis Park with funding paid by FEMA , \$9,288.98 from heavy rainfall damages last fall:

Berm to be built South of outfield fence to allow water running across ball field and damaging park area to try to control storm water flow, remove outfield ball fence, place catch basin on SE corner of park, replace a 6" pipe with a 12" pipe from the catch basin, digout and replace with clay and fill with sand a large washout caused by fall flooding, replace volleyball sand, mitigation-place grass between lake and volley ball court stretching along full area from parking lot to past volley ball court.

Ball field improvements: lime on ball field, grass taken from infield, (donated time and equipment by volunteers) field chalker, portable fence, accessibility portable restroom. Total

from park fund -\$2,260. On motion by Ziemer, seconded by Anttila, all voting in favor, to allow the park updating within costs specified on the request by the Park Committee.

### **Budget and Finance Committee**

Due to resignation of Attorney Moran from the budget and finance committee, on motion by Anttila, seconded by Thayer, all voting in favor, to approve John Hoeft, 306 Frank Avenue NW, to the budget and finance committee along with council member Opsahl volunteering to be also on the committee.

### **Personnel Committee –**

On motion by Ziemer, seconded by Thayer, to make recommendation from committee for approval by council an amendment to Employee Personnel Policy regarding worker's compensation insurance with the following amendment being included: All employees are covered by Worker's Compensation Insurance to the extent of normal legal benefits. Employees the responsibility of immediately reporting any accident or injury which occurs while working to his/her immediate supervisor. Reimbursement of mileage and /or claims for lost wages due to lost time, medical appointments, or rehabilitation resulting from a Worker's Compensation claim will be handled between the Worker's Compensation insurance company and the employee. It will be the employee's responsibility to submit requests for reimbursement directly to the insurance company on his/her own behalf. The employee cannot receive Worker's Compensation and sick/vacation pay for the same hours. Proof of Worker's Compensation claims and return to work permits and/or any restrictions must be turned in to the city office.

Voting Yes: Ziemer, Thayer, Anttila. Voting No: Opsahl, Stoen. Motion declared carried.

Discussion was held on a recommendation of the Personnel Committee regarding a notification of absence form when taking vacation or sick time. On motion by Stoen seconded by Ziemer, all voting in favor, to accept the offer of council member Stoen to be the designee for review of the city administrator's notification of absence form.

On motion by Thayer, seconded by Stoen, all voting in favor, to approve the bills, payroll, and transfers in the amount of \$129,932.66.

### **Visitors Comments:**

Christina James – 43911 43<sup>rd</sup>. Street – She asked that if a fire fighter would have a work comp claim, is the fire fighter responsible for their own paperwork. She was told yes. James stated that a fire fighter's work comp payment at a fire fighter's rate of pay was minimal. These are the people who serve the community and department for twenty years, 365 days a year, which impacts spouses and children, and they have to file their own claim when injured on the job? This is an insult. She stated that there is a need to find a person to take John Roessler's position. Need a backup, and it could take months to find and hire.

Steve Ritchison – 101 4<sup>th</sup>. Street NW – Thanked those who represent the city and worked to keep costs down. Ritchison stated that he has a big concern with his backyard and was concerned about it being a health hazard. He state that the sump pump from across the street was coming into his yard. When he owned the whole piece of property, water was pumped over the side of road, then Wayne James bought a chunk of the property, 10-15 feet was taken care of by the city .

Roger Hanson – 309 NW Third Street – Kudos to council member Ziemer for rethinking John Roessler's contract. He states that he had to agree with Mrs. James that it will take time to find someone to hire as public works director and allow John to mentor. Hanson asked as to why there are no reports from the Joint Fire Board meetings? No real report. Hanson stated that if a person awarded the bid and it was

only for one section, that maybe that person would not want to do only one section, he may say thanks, but no thanks.

Dan Engebretson – 30 Osprey Way – Agreed with all that felt that John Roessler should have his contract renewed. He stated that we voted for the city council to operate and make decisions. Everything needs to be brought up at the meeting. Not a lot of things are brought up at the meeting and fully discussed. He stated that things should be brought up at the meeting and not left up to committees to decide. He stated that when you vote, you are voting for all the citizens, not just those who put you into office.

Megan James – 48230 121<sup>st</sup>. Street – She stated that regarding the sump pump mentioned tonight, she owns the property from where the water is being pumped. She was sorry, and it was not intentional, but is not in violation. She stated that the Horizon's program, of which she is a member, has \$8,000 in reserve funds to maybe help with some things at the park. Horizons donates to community assets like the food shelf and sharing tree. James asked whether the city employees are asked their input on matters. James asked if the business community was asked for their opinion. She has been here ten years and owns two businesses and has never been approached for her opinion. James asked as to what decisions are based on, or do you just vote on the info in front of you. James stated that most of the business owners do not live in the city and have no vote and have no way of sharing their opinion. James stated that it seem that decisions of the council are made with little scrutinizing, decisions have already been made. James stated that the city is not a bank, but a lot of talk tonight about dollars and cents. You seemed to be so focused on the bottom line and pennies which is a small piece of the pie, not the entire pie. When did money takes over ethics and morals? Ethics and morals in this community are being jeopardized.

Mike Meyer – 26 Osprey Way – Complimented John Roessler for all of the good things he does and has done for the city . Thanks to all for the people who got up and told how John is needed in the position he is serving. Meyer stated that John and Roger Hanson got him interested in emergency management. Meyer read a letter sent by Mike Kauss, President of Lakeview Manor Association, stating that he is concerned about the areas that the city will not be mowing. He stated that the mayor indicated that there would be no mowing of the Lakeview holding pond area. He stated that the Association is concerned that if this areas is not maintained, rodents and mosquito population may increase. Kauss stated that the mayor indicated that by getting quotes, the council could determine if this would be cheaper than having the city employees do the work as they have done in the past. He stated that it might be prudent for the council to explain to the citizens what it actually costs the city to maintain these areas with the existing crew; something that Kauss doubts has been evaluated. Mike Meyer thanked the fire fighters. It is a disgrace and hurts the families to have to deal with work comp and is a burden because the city will not do it.

Jason James, Fire Chief – 43911 43<sup>rd</sup> Street – reported that at the last Joint Fire Board meeting they discussed that the fire building has now been paid off. In their last two meetings, discussion has been held on the purchase of a new rescue vehicle. The present rescue vehicle has been used for over ten years. Quotes are being taken on a new rescue vehicle. James indicated that there was to be training on a controlled LP burn. He stated that in his sixteen years on the fire department, he has never been involved with an LP burn training. Council member Ziemer mentioned that the EDA gave permission for the burn to be held on EDA owned property in the block between County Road 11 and Second Street NE.

Jan Hoeft – 306 Frank Avenue NW – lives in Elysian and pays property taxes. Thanked former mayor Dave Rager for helping the people who are struggling by lowering taxes. Before, taxes went up, but he brought them down. Hoeft stated that Rager did a wonderful job. He looks out for those struggling.

Chris Johnson – Janesville – has lots of friends and businesses in Elysian. Johnson stated that he wanted to read another portion of the Mike Kauss letter stating that he is proud of the work that the city

employees are doing as seen by the recent award presented to John Roessler for Elysian. He stated that he has spoken to many citizens and they agree. Kauss stated that it appears that there is a portion of the city council that lives by the word “cheaper” and fail to understand that quality performance builds the city. He stated that it might seem great to some people that lowering taxes is utopia, but if property values decline and service in the city disappears, then why would anyone want to move to Elysian?

Johnson stated that he is an attorney and was concerned about the work comp being placed as a burden on the employees. He indicated that many people may find that work comp claims may end up in litigation and if this happens, there will be no income until and if the matter is settled. Johnson stated that it is a disservice to the employee to limit the employee’s access to income, not being able to use sick time during the interim. He stated that the matter is not as black and white as it may seem.

Mack Evans – 103 Park Avenue NW - he stated that at the last meeting councilmember Ziemer needed proof of a few things, including a copy of Chamber of Commerce liquor liability for the 4<sup>th</sup> of July celebration. The Chamber of Commerce puts approximately \$20,000 back into the community. The fire department gives back to the community, Horizons, and the American Legion. It is the responsibility of the city to step forward and do things for the people. There are all kinds of volunteers at the Library. Since the city won’t do these things, the citizens had to step forward, but it is the responsibility of the city to do these things. He stated that it does not look good to see a majority of council members going into the Thirsty Beaver after a council meeting. He stated that he is not saying that anyone is having a meeting or breaking any laws, but it did not look good. He questioned the authority of the mayor to write out checks for \$50 to 26 fire fighters. Should not have happened, should have come before the council. He stated that he would like proof in writing that what was done was acceptable. He stated that he would like legal proof. Evans then handed out a list of activities that the Chamber of Commerce has done this past year for the city as follows:

#### CHAMBER-SPONSORED EVENTS THIS PAST YEAR

- Bulk mail for use by local businesses
- Provided dessert/coffee/non-alcoholic beverages for annual dinner
- Paid for gas for volunteers who drive “Miss Elysian” attendants and princesses in neighboring parades
- Paid for entry fee and trip for Elysian royalty to St. Paul Winter Carnival
- Provided scholarships for Miss Elysian and attendants
- Provided flowers for new businesses and open houses
- Provided flowers for planters, welcome sign, flag pole and Tourism Center and arbor in cooperation with the Lake Area Women
- Sponsored Halloween party for kids
- Provided utilities (phone, electricity, heat, AC) and supplies for tourism building
- Provide flower pots at each door of tourism center
- Hosted holiday lighting contest
- Advertise area in various publications and travel centers
- Sponsored annual public holiday open house (Thanks to the American Legion for their donation of their building for all of our events.)
- Sponsored annual volunteer appreciation evening
- Donated to the library
- Sponsored two days of highway and trail clean up
- Sponsored annual city-wide garage sale
- Sponsored advertising to encourage shopping at local businesses
- Sponsored all events for 4<sup>th</sup> of July celebration

Thanks to all businesses and individuals who continue to volunteer throughout the year, and to those who make donations of sponsorship to the July 4<sup>th</sup>. Celebration

On motion by Opsahl, seconded by Stoen, all voting in favor, meeting adjourned at 9:33 p.m.

Attest:

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Patricia Nusbaum, City Administrator

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Kathleen Anttila, Mayor

**ELYSIAN CITY COUNCIL  
MAY 25, 2011  
REGULAR MEETING  
MINUTES  
4:00 P.M.**

**The Elysian City Council met in special session on Wednesday, May 25, 2011, at City Hall at 4:00 p.m.**

**Members present were: Mayor Katy Anttila; Councilmembers 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. Also present: Engineer John Schulte V, Jones, Haugh & Smith Inc.**

**The first part of the meeting was to review the proposed special assessment policy for the City of Elysian with the Engineer.**

**On motion by Stoen, seconded by Opsahl, all voting in favor, to approve the removing from Section 1, Subdivision 1, # 2 - parking lots; # 8 Parks, playgrounds, and recreational facilities, including the purchase of equipment, within or without the corporate limits; # 14 – Public malls, plazas or courtyards.**

**Attorney Moran recommended a separate boulevard tree ordinance.**

**The complete policy was reviewed and several changes were made. On motion by Stoen, seconded by Ziemer, all voting in favor, to approve the policy changes and to hold a public hearing on the policy on June 13, 2011 at 6:00 p.m. at City Hall. A recess was called at 6:30 p.m. (The next portion of the meeting, personnel issue, minutes were taken by City Attorney Moran.)**

**Attest:**

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**Kathleen Anttila, Mayor**

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**Patricia Nusbaum, Administrator**

ELYSIAN CITY COUNCIL  
MAY 25, 2011  
MEETING MINUTES  
6:39 PM

The Elysian City Council met in session on Wednesday, May 25, 2011 at City Hall to discuss the issue pertaining to an employee, City Administrator Patricia Nusbaum, who failed to post notice of a special meeting.

Members present were: Mayor Kathleen Anttila and Councilmembers Mary Opsahl, Edna Thayer, Brian Ziemer, and Clinton Stoen. City Attorney Jason Moran was present as was City Administrator Patricia Nusbaum and others in attendance as the audience.

Prior to the opening of the meeting Patricia Nusbaum, the subject of the misconduct meeting slated for today, advised the City Council that she desired to have what would ordinarily be a closed meeting, open to the public. The request for the meeting to be open was approved at the last regularly scheduled City Council Meeting held on May 9, 2011.

Mayor Kathleen Anttila opened the discussion and advised that a special city council meeting which was set to be held on May 4, 2011 had to be cancelled because Ms. Nusbaum failed to post notice of that meeting as is required by law. Mayor Anttila opined that Ms. Nusbaum is very familiar with the law on posting meetings and that this is a serious issue and should not have happened and cannot be allowed to go undocumented. Mayor Anttila also pointed out that one of the duties of the Administrator is to post notices as required by law. Mayor Anttila opined that the special assessment policy was consequently delayed in its implementation and all involved lost time because of having to reschedule the meeting on the special assessment policy. Mayor Anttila wanted this documented.

Councilmember Clinton Stoen then commented and opined about citizen complaints to him concerning potential violations of the open meeting law and the vote to have tonight's meeting was a very quick 3:2 vote and seemed predetermined. Stoen opined that it is being perceived by members of the public that the open meeting law is being violated by some councilmembers and that serial meetings are occurring. Stoen advised the council that he is receiving complaints from members of the public to this effect and Stoen cautioned the council that he is not making accusations that the open meeting law is being violated but is concerned about the perception of the same and that he can't go anywhere without someone bringing these perceptions to his attention.

Mayor Anttila then responded to Stoen's remarks stating that she has not discussed this with anyone except Ms. Nusbaum. Mayor Anttila advised the council that she told Ms.

Nusbaum that her failure to post the notice was a serious issue and it needs attention. Mayor Anttila reiterated that she has discussed this issue with no one except Ms. Nusbaum. Mayor Anttila responded saying that perception is difficult to control and that just voicing a concern does not make that concern a fact. Mayor Anttila advised that she wanted the failure to post the required notice issue documented and that she had no particular solution or action in mind. Mayor Anttila then referred to the City of Elysian's Personnel Policy on the types of discipline that can be imposed for misconduct ranging from oral reprimand to written reprimand to suspension with and without pay. Mayor Anttila advised that it is up to the Council as to what action needs to be taken.

Councilmember Ziemer then inquired as to what latitude the council has on this issue? Ziemer questioned if the council set goals and objectives for the Administrator and wanted to know what to look for in making an evaluation. Ziemer then inquired whether Ms. Nusbaum had any prior reprimands in her personnel file that can be discussed and City Attorney Moran replied in the affirmative that there was one written reprimand from years ago pertaining to a different issue. Ziemer inquired as to the age of the reprimand and advised that if the reprimand was several years old that it should be purged from the file if the conduct had been remedied. Moran advised that the reprimand was from years ago and concerned the untimely filing of a form for the fire department.

City Administrator Patricia Nusbaum then inquired of the council if she could speak and have her attorney sit next to her. No objection was raised and Nusbaum spoke to the council. Nusbaum then admitted that she made a mistake in not posting the notice and apologized for that. She advised that she has been an employee with the City of Elysian for 40 some years and she promotes the city and has devoted herself to the City she loves and takes pride in. Nusbaum recalled the evaluation from 2010 and advised that the evaluation from the council was good. Nusbaum reiterated that she was sorry and acknowledged the mistake and advised that she has been feeling pressured over the past few years and certainly over the past few months because of the council attitude toward City Employees. Nusbaum opined that the council is creating a hostile work environment for the employees and that all of their work has been affected. Nusbaum advised she spoke with the personnel committee about this very issue and addressed her concerns in that setting and wanted to do so again tonight to the council. Nusbaum was concerned about a lack of communication between the employees and the council and that in her opinion the council is denigrating the employees. Nusbaum called the working relationship "tough" and that because of all the new directives she forgot to post the notice. Nusbaum opined that members of the council "skirt" her office and do not come in and address issues with her. Nusbaum closed with the statement that she hopes this does not happen again and that she cannot ever recall this ever happening before.

Mayor Anttila then commented that this type of issue needs to be documented, not to shame the employee, but to address it.

Councilmember Stoen then suggested that it be documented with a verbal warning and that some notation be made in Ms. Nusbaum's personnel file and it remain there for a

period of 6 months. Stoen then made the appropriate motion, Councilmember Thayer seconded the same and on unanimous vote the same passed.

Councilmember Ziemer then moved that the previous reprimand in Ms. Nusbaum's file to which Attorney Moran spoke of from years ago be purged from her personnel file. The same was seconded by Councilmember Osphal with the same passing on unanimous vote.

A motion was then made by Councilmember Ziemer to adjourn the meeting with Councilmember Stoen seconding the same. On Unanimous vote adjournment occurred at 7:03 PM.

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**\*\*OF NOTE...CONSISTENT WITH MINENSOTA LAW, CITY ATTORNEY MORAN WILL PLACE A COPY OF THE APPROVED MINUTES OF THIS MEETING IN MS. NUSBAUM'S PERSONNEL FILE AND THE SAME SHALL SUFFICE AS PROOF OF THE VERBAL REPRIMAND WITH THE SAME BEIGN PURGED FROM THE FILE 6 MONTHS FROM THE DATE OF THIS MEETING CONSISTENT WITH THE DIRECTIVES FROM THE ELYSIAN CITY COUNCIL. DATE OF PURGE TO BE NOVEMBER 25, 2011.**

**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 4<sup>th</sup> 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 4<sup>th</sup> holiday and then not to mow any property after the 4<sup>th</sup> 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; 3<sup>rd</sup> 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 14<sup>th</sup> 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 30<sup>th</sup>, 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 14<sup>th</sup> 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:

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Kathleen Anttila, Mayor

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Patricia Nusbaum, City Administrator

**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 Kopischke, 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. That 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

**ELYSIAN CITY COUNCIL  
SPECIAL MEETING  
JULY 14, 2011  
6:00 P.M.**

The Elysian City Council met in regular session on Thursday, July 14, 2011, at City Hall at 6:00 p.m.

Members present were: Mayor Katy Anttila; Councilmembers Mary Opsahl, Clinton Stoen, Edna Thayer, Brian Ziemer, City Administrator Patricia Nusbaum, Public Works Director John Roessler, and City Attorney Jason Moran.

Meeting was opened with Pledge to US Flag.

Discussion was held on the appointment of the Emergency Management Employees. On motion by Thayer, seconded by Stoen, all voting in favor, Emergency Management Personnel applications will be reviewed prior to the August meeting.

On motion by Thayer, seconded by Stoen, all voting in favor, to accept the letter of intent from John Roessler to retire as a full-time employee for the City of Elysian effective September 16, 2012.

In depth discussion was held with Roessler on his position and what he does as a Public Works Director. A concern that another full-time employee will be going on work comp leave due to surgery and will be out for approximately eight weeks. On motion by Ziemer, seconded by Stoen, all voting in favor, to advertise for a temporary employee to work up to forty hours a week for up to eight weeks. Applications will close July 27, 2011. Interviews will follow with approval of applicant at the regular August council meeting.

More discussion was held with Roessler providing answers to Councilmembers questions.

On motion by Ziemer, seconded by Stoen, all voting in favor, meeting adjourned at 8:12 p.m.

Attest:



Kathleen Anttila, Mayor



Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
AUGUST 8, 2011, 6:00 P.M.**

The Elysian City Council met in regular session on Monday August 8, 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 was opened with Pledge to US Flag.

On motion by Thayer, seconded by Stoen, all voting in favor, to approve the minutes of the July 11, 2011 meeting to include building, equipment and vehicles purchased during the tenure of the agreement, and to include under item 6, comments made by John Stephanie to include Clinton Stoen as part of the cutting taxes for 2011; to also include the amending of the June 13, 2011 minutes to include the special assessment policy approval motion which was overlooked in the July minutes; and to approve the July 14, 2011 as presented.

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

1. Roger Hanson – FEMA update.

Present at the meeting were members of the Janesville Township Board to review quotes for repair to Maple Avenue which borders the Le Sueur/Waseca County line. Discussion was held on the road repair, installation of catch basins, and who would be paying for the improvement. Quotes obtained did not include catch basins. On motion by Ziemer, seconded by Thayer, all voting in favor, to obtain two quotes for catch basins which Mayor Anttila and council member Ziemer will meet with Janesville Township at their regular township board meeting to be held on September 6<sup>th</sup> to discuss the Maple Avenue project.

Council member Thayer reported on the recommendation of the Planning and Zoning Commission meeting regarding the moving ahead on the request on the petition of Willow Point Drive on the consideration of converting the street from a private drive to a public street. Attorney Moran stated that it could be possible with 100% petition of the property owners. He stated that it would come under the "Common Law" designation. A motion was made by Thayer, seconded by Stoen, to hold a public hearing if 100% of property owners have signed the petition by August 29, 2011. Voting Yes: Thayer, Stoen. Voting No: Opsahl, Ziemer, Anttila. Motion did not pass. On motion by Opsahl, seconded by Ziemer, all voting in favor, to hold a public hearing on September 12, 2011 at 6:00 p.m. on the request of the petitioners of Willow Point Drive.

John Schulte V was present to update the Council on the Capital Improvement Plan and to preliminarily discuss the proposed improvement. On motion by Stoen, seconded by Thayer, all voting in favor, to accept the Capital Improvement Plan as presented allowing the ability to fully discuss the project at a workshop with the engineer. On motion by Opsahl, seconded by Stoen to hold a separate budget workshop and a separate improvement project meeting with the engineer. Voting Yes: Opsahl, Stoen, Thayer, Ziemer. Voting No: Anttila. Motion declared carried.

On motion by Anttila, seconded by Thayer, all voting in favor, to hold a special meeting with the engineer to go over the proposed improvement project on September 1, 2011 at 5:00 p.m. and to hold a special meeting to review the 2012 payable budget on September 7, 2011 at 5:00 p.m.

#### **Visitors' Comments:**

Brad Gohla – 117 Main Street East – Questioned the procedure as to whether the three minutes for visitors comments meant three minutes per issue. Mayor Anttila stated yes, three minutes per issue, and he would have to sit down after each issue to allow someone else to speak. He was concerned that council member Ziemer voted in favor of the private drive that he lives on to become a city street, and should abstain due to a conflict of interest. He stated he had heard a comment made by Mayor Anttila at the start of the July 11<sup>th</sup> meeting that the first amendment rights did not apply to council meetings. Mayor Anttila stated that what she read she gave to the administrator and that she had stated nothing stating the first amendment. He also wondered why the meetings were not being recorded.

Steve Ritchison – 101 4<sup>th</sup> Street NW – He stated it was sad to hear people clapping after Mayor Anttila and council member Ziemer were asked to resign. People should be applauding for all the good they have done to make this place a better place to live. It all started with Mayor Rager. Edna, Katy, and Brian, have gone above and beyond their duties responding to the citizens of Elysian. “Mary and Clinton, I do not always agree with you very often – thank you for your service.” He stated that he did not want the position. He stated that accusations of last month of facts and name calling [by] those who clapped may be a majority at the meetings, but are a minority in the city for which he thanked God.

Brad Gohla – 117 Main Street East – He stated he had a concern about the mayor in her opening to the last month’s meeting making a statement regarding that he was not necessarily covered by the first amendment during these council meetings and that the first amendment rights do not necessarily apply. He further asked that the meetings be taped. Then the following was read by Gohla: “The following is from a commencement speech by former Chief Justice Warren Burger: to a graduating class of political science laureates. When asked later as to the candor with which he spoke he replied, I did not want to sound as though I was offering a supreme court ruling, which in most cases requires another attorney to decipher what I said. I wanted to speak in common, understandable English.”

“There is no greater freedom granted to the citizens of this nation by the Bill of Rights than that of the freedom of expression, specifically the freedom of speech. It is what prevents our country from being ruled by tyrants, miscreants, and other wrongdoers. Of all forms of available speech, political speech is the most protected form imaginable. The courts have even gone to the extent of protecting the rebellious who burn our American Flag in protest. Those who attempt to quiet that outrage rather than address it, are bound to be overthrown. The British learned this full well a while back in our history. Simply put....You cannot gag the first amendment.”

Political speech is the most highly guarded form of speech because of its purely expressive nature and importance to a functional republic. Restrictions placed upon core political speech must weather Strict Scrutiny analysis or they will be struck down.

Strict scrutiny is the most stringent standard of judicial review used by United States courts. It is part of the hierarchy of standards that courts use to weigh the government’s interest against a

constitutional right or principle. Statutes and policies that are subjected to strict scrutiny most often fail to meet it.

Many people elected to political posts do not realize while running for these offices that political free speech has basically no rules, and they automatically inherit, for the most part, no protection against it or its content. They simply inherit a large target.

Jack Frank – 9 Roots Beach Lane – He stated that he had not been here for the past 4 or 5 months. 5 to 5 – somehow get someone off the Council, taxes are going down too.

Brad Gohla – 117 Main Street East – Found recently a city ordinance about signage. He was concerned that he had asked for a 2-sided placard sign to be placed in front of his business a few years ago and was denied and since then a number of businesses have signs advertising their business. The rules are not being applied equitably.

Mike Meyer – Representing the Elysian Area Chamber of Commerce as their vice president. He had been asked from the last meeting to bring quotes for a new hot water heater and air exchanger for the Tourism Center. Quotes were presented and it was determined that all were not equal in consideration. Meyer will bring to the September meeting quotes with all vendors quoting the exact same items.

Council member Stoen questioned as to why items he had placed on the agenda had been removed by the mayor, and stated it is not appropriate to use control in that manner. For the next meeting if he puts something on the agenda, he needs to be respected as a council member and needs to be called. He also questioned the letter sent by the mayor to the people of the city. He did not receive one and was wondering how many other council members had received a letter. City employees did not receive a letter. He asked what the process was and why not everyone was included. Mayor Anttila responded stating that it was a personal letter and she did not need to explain, and that it did not belong at a city council meeting. She stated she had purchased a mailing list, and some of the lists people have requested to not be on the list so letters were sent only to those on the list.

Council member Stoen, as the president of the Roemhildt Addition Association, questioned the protocol as to how letters are sent to property owners whose grass has exceeded the 6" length. Do we call the mayor or the administrator? He has had trouble with a property for over two years and needs to know the process. Mayor Anttila responded that city administrator handled the letter, she was not the compliance officer for mowing of grass over 6". Administrator Nusbaum explained that the mayor is in charge of noxious weeds; mowing is handled by the office. When the grass on a property is over the 6", a letter is sent to the property owner, and it states that if the grass is not cut by a named date, the city crew will mow. The letter states also that this is the letter for the entire year, thus allowing whenever the grass gets above 6" the city can go in and mow, and the property owner will be billed for the service. Council member Stoen asked about the possibility of consideration in the 2012 budget the costs for mosquito spraying of the city. Administrator will check into the costs.

On motion by Stoen, seconded by Thayer, all voting in favor, to approve the budgeted \$750 for National Night Out.

**John Roessler – Public Works Director report:**

1. Quotes on generator will be presented at the September meeting.
2. Reported on a trip to view the storm water ponds with council member Ziemer as to signage on ponds. The pond on the north side of the Roemhildt Addition will be filled with black dirt, and included in the process will be the installation of a 40' drainage pipe which will divert a safety hazard.
3. Water tower update – Painting of the tower will be within the next couple of weeks. Water will be pumped directly into the mains since the tower will be empty while being repaired and painted. Pumping into the water mains under pressure needs to be observed as to the rate of pressure. Every four hours the rate of pressure must be checked. On motion by Ziemer, seconded by Stoen, all voting in favor, to hire Roger Hanson to observe the pressure during the night time hours at a rate of \$10.00 per hour plus mileage.
4. A break in a water line was found between the fire hall and the city shop. Repair must happen soon due to potential damage to the fire hall. On motion by Ziemer, seconded by Stoen, all voting favor, quotes will be obtained by Roessler with lowest quality quote to be approved by Roessler prior to work beginning. A shut off will be placed to each building.

Roger Hanson, Assistant Emergency Management Director, updated the council on FEMA funding from the state and federal government. Total funds secured are \$21,988.03. The spring rain event and claims on the park playground area have been submitted which are just under \$4,000.

Council member Opsahl updated the council on the information she had obtained regarding the length of yellow to be painted on the curb from the corner of an intersection. She stated that there is no law saying what the length of the curb paint shall be, it is up to the jurisdiction. Roessler was authorized to paint the curbs as quickly as possible using his discretion as to the length.

On motion by Opsahl, seconded by Stoen, all voting in favor, the following resolutions were approved in block:

**RESOLUTION 370-11  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN FIRE DEPARTMENT RELIEF ASSOCIATION**

WHEREAS, the City of Elysian has received a donation in the amount of \$2,761.00 from the Elysian Fire Department Relief Association, and have designated this donation be used for the purchase of a mini cutter 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 \$ 2,761.00 donation from the Elysian Fire Department Relief Association.

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

Council member Opsahl introduced the resolution and was seconded by Council member Stoen.

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

Council Members voting in the negative: None.

Council Members abstain: None.

Adopted by the City Council of the City of Elysian this 8<sup>th</sup>.day of August, 2011.

ATTEST:

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Kathleen Anttila, Mayor

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Patricia Nusbaum, City Administrator

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 371-11  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
COUNCIL MEMBER BRIAN ZIEMER**

WHEREAS, the City of Elysian has received a donation in the amount of \$566.10 from Council member Brian Ziemer, to the City of Elysian for placement in the Fire Equipment Fund which has been designated for the purpose of purchasing of fire equipment 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 \$566.10 donation from Council member Brian Ziemer.

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

Council member Opsahl introduced the resolution and was seconded by Council member Stoen.

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

Council Members voting in the negative: None.

Council Members abstained: None.

Adopted by the City Council of the City of Elysian this 8<sup>th</sup>.day of August, 2011.

ATTEST:

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Kathleen Anttila, Mayor

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Patricia Nusbaum, City Administrator

**RESOLUTION 372-11  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
LAKE FRANCIS ASSOCIATION**

WHEREAS, the City of Elysian has received a donation in the amount of \$166.23 from the Lake Francis Association, and have designated this donation be used to purchase a buoy to be used at the Lake Francis swimming beach.

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 \$166.23 donation from the Lake Francis Association.

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

Council member Opsahl introduced the resolution and was seconded by Council member Stoen.

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

Council Members voting in the negative: None.

Council Members abstain: None.

Adopted by the City Council of the City of Elysian this 8<sup>th</sup>.day of August, 2011.

ATTEST:

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Kathleen Anttila, Mayor

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Patricia Nusbaum, City Administrator

**RESOLUTION 373/11**

WHEREAS; THE ELYSIAN CITY COUNCIL WAS PRESENTED WITH A REQUEST FROM THE ELYSIAN AMERICAN LEGION POST #311 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,

WHEREAS; THE REQUEST WAS MADE AT A REGULAR MEETING OF THE ELYSIAN CITY COUNCIL,

NOW THEREFORE, BE IT RESOLVED; THE ELYSIAN CITY COUNCIL GRANTED APPROVAL FOR A ONE DAY OFF SITE LAWFUL GAMBLING LICENSE TO THE ELYSIAN AMERICAN LEGION POST #311, WITH A FISHING CONTEST TO BE HELD ON

FEBRUARY 5, 2012, OR IN THE CASE OF INCLEMENT WEATHER, TO BE HELD ON FEBRUARY 12, 2012.

THE MOTION FOR THE ADOPTION OF THE FOREGOING RESOLUTION WAS PRESENTED BY MEMBER OPSAHL AND SECONDED BY MEMBER STOEN, AND

AFTER FULL DISCUSSION THEREOF AND UPON VOTE BEING TAKEN THEREON, THE FOLLOWING VOTED IN FAVOR THEREOF; OPSAHL, STOEN, THAYER, ZIEMER, ANTILA.

AND THE FOLLOWING VOTED AGAINST THE SAME: NONE.

WHEREUPON SAID RESOLUTION WAS DECLARED DULY PASSED AND ADOPTED.

DATED THIS 8TH. DAY OF AUGUST, 2011.

ATTEST:

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Kathleen Anttila, Mayor

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Patricia Nusbaum, City Administrator

Attorney Moran updated the council on the newly drafted snow and ice removal ordinance. A public hearing will be scheduled for October. The snow and ice removal procedure policy was discussed. The question as to the alleys running east and west on the north and south side of the commercial district between First Street North and Second Street NE and the fact they are not declared alleys was discussed. Another matter of concern was the brooming of the Main Street sidewalks to remove the first snow prior to the public walking on them. On motion by Ziemer to not do initial clearing of snow in front of the businesses, and if they do not do it the city will do it and assess it to the property owner. Motion died for a lack of a second. On motion by Thayer, seconded by Stoen, to further discuss Section 8 of the Snow and Ice Removal Procedure and to hold a public hearing at the October regular meeting on the Snow and Ice Removal and Snow and Ice Ordinance. Voting Yes: Stoen, Thayer, Opsahl, Anttila. Voting No: Ziemer.

Discussion was held on the alleys bordering Main Street on the north and the south.

On motion by Stoen, seconded by Ziemer, all voting in favor, the curfew ordinance was approved as presented with a public hearing to be held at the September meeting.

On motion by Ziemer, seconded by Thayer, all voting in favor, to approve Mike Meyer as a temporary employee for eight week up to 40 hours per week at a rate of \$10.00 per hour.

On motion by Stoen, seconded by Ziemer, all voting in favor, to approve the hiring of Dan Engebretson as a part-time employee to help with the brush pile at a rate of \$7.55 per hour.

**Administrator Nusbaum gave update:**

1. Thank you to Roger Hanson, Jared La France, Chris Roessler, John Roessler, Chuck Taylor, Katy Anttila and Dave Rager for helping with the clean up of City Hall when it became flooded in July due to heavy rains, and to Garrett Schmahl, Ted Zwart, and Tim Bengtson for equipment.
2. On August 18<sup>th</sup> 275 bikers will be on the trail and stopping in Elysian. The group is BAM – Biking across Minnesota – they are promoting tourism.

Personnel Committee handed out a salary survey from other communities.

Mayor Anttila reported on the Joint Fire Board meeting indicating that the concern of the Joint Fire Board is that the City of Elysian budget overrides the budget they set. Chief Jason James and First Assistant Chief Mark Muellerleile reported on the repair to one of the pumpers, due to vehicle having a brake problem. Estimated costs will run around \$2,500. James also reported on the need to purchase a new rescue vehicle. The present rescue vehicle is quite old and has many ailments. James stated that the vehicle estimated cost is around \$175,000. Council will consider cost for a new vehicle when reviewing the 2012 budget. More discussion will be held at the Joint Fire Board meeting on August 29<sup>th</sup>.

On motion by Ziemer, seconded by Stoen, all voting in favor, bills, payroll, transfers in the amount of \$64,953.89 were approved.

**Visitors Comments:**

Brad Gohla – 117 Main Street East – (in reference and part of the Declaration of Independence) - That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government. But, when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Legislative bodies have been called together at places unusual,

uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with measures.

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever. Domestic insurrections have been excited amongst us.

On motion by Ziemer, seconded by Stoen, all voting in favor, meeting adjourned at 10:19 p.m.

ATTEST:

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Kathleen Anttila, Mayor

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Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL  
SPECIAL MEETING  
SEPTEMBER 1, 2011  
5:12 P.M.**

**The Elysian City Council met in special session on Monday, September 1, 2011, at City Hall at 5:00 p.m.**

**Members present were: Mayor Katy Anttila; Councilmembers Mary Opsahl, Clinton Stoen, Edna Thayer, Brian Ziemer, City Administrator Patricia Nusbaum. Also present: City Engineer John Schulte V.**

**Purpose of the meeting is to review with the Engineer the consideration of the proposed street, water line and storm sewer project.**

**Various aspects of the four Phase project were discussed with most concentration on Phase I. After much discussion, a motion was presented by Stoen, seconded by Opsahl, to order the Feasibility Study, based on the Capital Improvement Plan as presented, for all of Phase I. Voting Yes: Stoen, Opsahl, Thayer, Ziemer. Voting No. Anttila. Motion declared carried.**

**Engineer Schulte will present a letter to the Council for the September 12, 2011 regular meeting requesting the acceptance of the letter to proceed with the feasibility study and calling for a hearing on the improvement.**

**On motion by Stoen, seconded by Ziemer, all voting in favor, meeting adjourned at 7:37 p.m.**

**Attest:**

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**Kathleen Anttila, Mayor**

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**Patricia Nusbaum, City Administrator**

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 7, 2011  
5:00 P.M.**

The Elysian City Council met in regular session on Wednesday September 7, 2011, at City Hall at 5:00 p.m.

Members present were: Mayor Katy Anttila: Councilmembers 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 was opened with Pledge to US Flag.

A budget work shop was held on the payable 2012 budget.

On motion by Thayer, seconded by Stoen, all voting in favor, the preliminary 2011 tax levy, payable for 2012 for the City of Elysian was approved as follows with all voting in favor.

**RESOLUTION 274/11**

**RESOLUTION ADOPTING PRELIMINARY 2011 TAX LEVY, PAYABLE 2012  
CITY OF ELYSIAN  
LE SUEUR AND WASECA COUNTIES**

**BE IT RESOLVED;** the Elysian City Councilor of the City of Elysian, Le Sueur and Waseca Counties, Minnesota, that the following sums of money be levied for the current year, collectible in 2012, upon taxable property in the City of Elysian, for the following purposes:

General Fund	\$363,205
Fire Relief	\$ 10,345
Fire Equipment	\$ 17,325
Public Works Reserve	\$ 2,000
Maint. Replacement Eq.	\$ 10,000
City Hall Debt	\$ 29,200
1998 GO Improvement Levy	\$ 37,925


Total Final levy

\$470,000

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

Adopted by the Elysian City Council on September 7, 2011.

Attest:

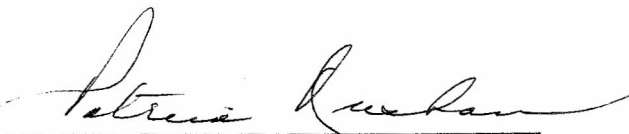
  
Patricia Nusbaum, Clerk Administrator

  
Kathleen Anttila, Mayor

On motion by Stoen, seconded by Ziemer, all voting in favor, meeting adjourned at 5:35 p.m.

Attest:

  
Kathleen Anttila, Mayor

  
Patricia Nusbaum, City Administrator

# **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 18<sup>th</sup>. and was published on April 7<sup>th</sup>.

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. 2<sup>nd</sup> and Aug 4<sup>th</sup>. 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 4<sup>th</sup>., 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 5<sup>th</sup> 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 Zierner 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. Lurken 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 commenting .....we 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 Cawmer, 501 Lake Avenue NW. Cawmer inquired if Anttila wrote this letter herself. Anttila said "yes, I drafted this letter." Cawmer said that he just heard that she shouldn't be doing this. Cawmer 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." Cawmer then inquired if anyone else was with Anttila when the letter was given to Pat and Anttila responded "Mrs. Thayer." Cawmer then inquired if Thayer knew what was in the letter and she said "no." Cawmer 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. Cawmer 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. Cawmer 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. Cawmer 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 43<sup>rd</sup> 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 4<sup>th</sup> 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:

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Kathleen Anttila, Mayor

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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 12<sup>th</sup>. day of September, 2011.

ATTEST:

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Kathleen Anttila, Mayor

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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 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 12<sup>th</sup>.day of September, 2011.

ATTEST:

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Kathleen Anttila, Mayor

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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 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 12<sup>th</sup>. day of September, 2011.

ATTEST:

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Kathleen Anttila, Mayor

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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 12<sup>th</sup>. day of September, 2011

ATTEST:

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Kathleen Anttila, Mayor

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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 10<sup>th</sup> at 4:30 p.m. for Public Works Director, November 14<sup>th</sup>. 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:

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Kathleen Anttila, Mayor

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Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL  
SPECIAL MEETING  
SEPTEMBER 29, 2011  
6:00 P.M.**

The Elysian City Council met in special session on Thursday, September 29, 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; deputy clerk, Lorri Kopischke; and city attorney, Jason Moran.

Meeting opened with a pledge to the US flag.

Mayor Anttila asked that other than emergency services, all cell phones be turned off. She stated that she had been criticized for not controlling the meetings and asked that the audience not converse with each other, no outbursts or clapping. Disrespect will not be tolerated. She asked that the audience comments be written down and shared appropriately with the people after the meeting.

The special meeting was called in writing by council members Stoen and Opsahl.

**First item on the agenda:** Public reaction/fallout of council meeting on September 12, 2011. Council members Stoen and Opsahl aired the following concerns:

1. Not working together as a Council; some members are left in the dark as to issues coming before the Council;
2. Questions as to who knew about the letter served city administrator Nusbaum;
3. Voting without research;
4. The potential legal situation that the city has been put in.

**Second item on the agenda:** The removal of Ms. Nusbaum from the EDA as executive director. Council member Stoen stated that council members Ziemer and Thayer, at the February 14, 2011 meeting, motioned and seconded that the EDA directorship be removed from the city administrator's job description with question being raised as to the conflict of interest regarding the city administrator, Ms. Nusbaum. A long discussion ensued as to the conflict of interest. Council member Ziemer stated that he was questioning himself as to whether he had a conflict of interest. He stated that after he reflected on the September 12<sup>th</sup> meeting, he did not feel that he had a conflict of interest. Attorney Moran stated that he had stated it [he had a conflict of interest] at the September 12, 2011 meeting, and it is part of the record. Council member Ziemer stated that he had stated that at the September 12<sup>th</sup> meeting, but since [then,] he felt that maybe [because of] having to make a quick decision, he now was feeling that he may not have a conflict of interest. Questions arose as to a conflict of interest on all of the 3-2 votes regarding the city administrator. Stoen made a motion that was seconded by Opsahl, to direct attorney Moran to investigate the EDA, council, and personnel committee minutes based on the 3-2 votes directly regarding city administrator Nusbaum. A question arose as to whether council member Ziemer can vote. Attorney Moran indicated that it needed to [be] sorted out. He stated that if the vote of Ziemer is involved with a conflict as to the removal of the city administrator from the EDA executive director position, this may have opened a situation of a wrongful termination of the executive director. Attorney Moran stated that an investigation should be done as to the conflict of interest. On motion by Stoen, seconded by Opsahl, to authorize attorney Moran to proceed with investigating of the conflict of

interest involving the voting of council member Ziemer on issues regarding the city administrator. Attorney Moran stated that he had to declare to the council that council member Ziemer had filed an ethics accusation against him 4-5 years ago and it went to the Lawyer's Professional Responsibility Board and was dismissed without investigation or action taken. Mayor Anttila asked attorney Moran if he was the appropriate person to do the investigating. He stated that he could do the investigating and has no animosity toward council member Ziemer and would be unbiased. Attorney Moran then stated that he would withdraw from doing the investigating due to not wanting any perceived conception due to history as mentioned. He stated he could attempt to locate an attorney willing to provide an opinion on this matter. Council member Stoen withdrew his motion.

On motion by Stoen, seconded by Opsahl, to authorize attorney Moran to locate an attorney willing to provide an opinion on the potential conflict of interest involving council member Brian Ziemer. Voting Yes: Stoen, Opsahl, Thayer, Ziemer, Anttila. Motion declared carried.

**Third item on the agenda:** Disbanding of Personnel and Budget and Finance Committees. Council members Stoen and Opsahl stated that they saw no need in the Budget and Finance Committee due to decisions being made in those committee meetings, items that should have been brought to the Council for their full consideration. Stoen indicated the number of members that have been on the committee and have gotten off due to its ridiculousness. He indicated that committee members were making calls all over including the MPCA and other entities which is not their duty to do. He also stated that the Personnel Committee had made several bad judgments and recommendations. He stated that the Council had not assigned any duties to the Personnel Committee. He felt that the Personnel Committee was there for updating the personnel policy when needed. It [updating the personnel policy] was just completed in March, 2010. Mayor Anttila stated that the committees need [to pay] attention to guidelines, not elimination. Council member Stoen stated that duties should be assigned to the committees so that they stay within their parameters. On motion by Stoen, seconded by Opsahl, to disband the Personnel and Budget and Finance Committees. Voting Yes: Stoen, Opsahl. Voting No: Thayer, Ziemer, Anttila. Motion denied.

**Fourth item on agenda:** Responsibilities and expectations of council members and mayor based on a strong council-weak mayor form of government (Type A statute city). Council member Stoen made mention of how a Plan A form of government works in which the mayor has no more authority than a council member minus a few other duties pertaining to being mayor. He stated that the mayor had overstepped the bounds of office in dealing with personnel at the September 12<sup>th</sup> meeting. He read from page 48 of the Minnesota Mayors Handbook, stating, in part, that the mayor has no authority to supervise, appoint, terminate, investigate, or discipline employees. The authority for all of the previous is delegated to the council as a whole. He also read from page 49, same handbook, attempting to directly supervise employees without council consent may create unintended legal liability for a mayor. Mayor Anttila explained that there was no attempt to terminate without council approval. Attorney Moran stated that many of the public's comments at the September 12<sup>th</sup> meeting were untrue. He acknowledged that all procedures were correctly followed and that no charge of age or gender discrimination would prevail because all issues were performance-related. Attorney Moran was concerned as to city exposure. Attorney Moran asked administrator Nusbaum if she wanted to be the EDA executive director. Administrator Nusbaum stated that she was not prepared to answer that at this time.

Add to end of paragraph: Mayor Anttila cautioned attorney Moran to be careful of pronouncing an opinion before consulting all relevant minutes. (Reference to the vote of the preceding minutes of September 29, 2011: November 14, 2011 meeting vote being taken on the September 29, 2011

corrected minutes was as follows: Voting in favor of corrected minutes: Thayer, Anttila, Ziemer. Voting No: Opsahl, Stoen. Motion declared carried.)

On motion by Ziemer, seconded by Thayer, to adjourn the meeting. Voting Yes: Ziemer, Thayer, Opsahl, Anttila. Voting No: Stoen. Meeting adjourned at 7:19 p.m.

Attest:

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Kathleen Anttila, Mayor

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Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING, 4:37 PM  
OCTOBER 10, 2011**

The Elysian City Council met in regular session on Monday October 10, 2011, at City Hall at 4:37 p.m.

Members present were: Mayor Katy Anttila: Council members Mary Opsahl, Clinton Stoen, Edna Thayer, Brian Ziemer, City Administrator Patricia Nusbaum.

Review and discussion was held on the employee evaluation forms. Consensus was that the evaluations would be held November 14, 2011, at 4:00 p.m. with the first evaluation, dministrator Nusbaum, to be held at 4:15 p.m. followed by public works director John Roessler at 5:00 p.m. followed by the meeting room doors opened at 5:45 p.m.

On motion by Ziemer, seconded by Opsahl, all voting in favor, to have completed evaluation forms to Clinton Stoen by November 7, 2011, at 4:00 p.m. so that he could complete the processing prior to the November 14<sup>th</sup> meeting.

On motion by Ziemer, seconded by Stoen, meeting recessed at 5:33p.m. until regular meeting at 6:00 p.m.

**REGULAR MEETING  
6:00 p.m.**

Meeting opened with a pledge to the US Flag.

Member present: 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.

**Public Hearing  
Notice of Hearing on Improvement  
Phase One – Street, Utilities, Storm Sewer**

The City Council of the City of Elysian has called for a public hearing to consider the making of improvements on the following streets:

Park Avenue – 1<sup>st</sup> Street to 2<sup>nd</sup> Street East  
2<sup>nd</sup> Street – Lake Francis to Frank Avenue  
3<sup>rd</sup> Street – Lake Francis to Frank Avenue  
4<sup>th</sup> Street – Lake Francis to Frank Avenue

Pursuant to Minn Stat. 429.011 to 429.111. The area proposed to be assessed for such improvement is as follows:

Park Avenue – 1<sup>st</sup> Street to 2<sup>nd</sup> Street East  
2<sup>nd</sup> Street – Lake Francis to Frank Avenue  
3<sup>rd</sup> Street – Lake Francis to Frank Avenue  
4<sup>th</sup> Street – Lake Francis to Frank Avenue

The estimated cost of the improvement is \$1,624,587.98

Administrator Nusbaum read the notice of hearing followed by City Engineer John Schulte V from the firm of Jones, Haugh & Smith, Inc. proceeding with the presentation of the proposed improvement project.

Engineer Schulte stated that proposed storm sewer plans could include “green improvements, which will cost more. Each of the “green” catch basins needed to be deeper and would cost around \$10,000 each. As to the cost of the project, it would be paid by special assessments and general obligations. A couple members from the Council felt that in order to help to keep the lakes clean the extra cost for the catch basins may be a consideration. The timeline on the project consideration would be after approval to move ahead with the preparation of the plans the engineer would be back in December and then, if approved, would go to bidding, and bids would be considered in February.

**Public Comment:**

Roger Hanson - 309 Third Street NW. – He understands the need for the project. 3<sup>rd</sup> Street NW is the busiest street due to the park visitors. He was concerned about the electric pole in the middle of the street and wondering if it could be removed during the project. Damage has been done to many vehicles that often hit the pole. He also asked if the parking area could be striped. He also asked that the water line be looped to discontinue the dead end line that presently is producing stagnant water.

Joyce Bohlen – 106 First Street North – She was concerned about the width of the present street and the terribly busy intersection at County Road #11 and Park Avenue. She would like to have the Council consider widening the street, knowing that it would be of a greater cost, and that a decent curb and gutter of concrete be placed on street. Since this is the first street to be redone, it will be setting a precedence for all of the streets in the future.

John Hoeft – 306 Frank Avenue NW – He is a concerned Lake Francis Lake Association member. He is concerned about the amount of water from the street running into the lake. He felt that the \$10,000 cost would be nothing compared to the benefit to the lake. Need to continue to keep the good lake quality.

Pat Nusbaum, 104 Park Avenue NE – Stated that she did not like the bituminous curbs, and would like concrete. She also stated that the streets need to be widened. July 4<sup>th</sup> is always a problem, but that happens only one time a year, but throughout the year the intersection with County Road #11 is a real hazard due to the narrow streets.

Wayne Unke – 124 Willow Point Drive – What other things could be used to take water from the streets. We need to keep the lake as clean as possible. Engineer explained that rain gardens work in many communities, but are of high maintenance, do need to be maintained by the property owners, or by city employees. Engineer would not recommend unless a lot of care will be given to the project.

Roger Hanson – 309 Third Street NW – Burnsville/Eagan areas have private property with areas much like holding ponds. They have to be taken care of and would the property owners do this since it would take a lot of time and effort. He indicated that he, as a property owner, would probably not want to do the maintaining.

Bob Tetzloff – 310 4<sup>th</sup> Street NW – He asked as to why was the improvement starting at the bottom of the hill? The water flows from the school past my house at a fast rate of speed. Why are there no catch basins on Frank Avenue? The water comes fast enough to float a boat. Engineer stated that Frank and Park would be dealt with in a future improvement.

Council discussed the options of curb and gutter, bituminous versus concrete, how some of the water on top of the hill can be dealt with in a more timely manner, consideration of removal of pole on Third Street NW, widening or to not widen street.

On motion by Thayer, seconded by Stoen, all voting in favor, hearing was adjourned at 6:52 p.m.

On motion by Thayer, seconded by Ziemer, all voting in favor, to go to regular meeting at 6:53 p.m.

Discussion was held on the public improvement hearing. On motion by Stoen, seconded by Opsahl, all voting in favor, the following resolution was approved along with allowing the engineer to offer alternatives to the plans for street widening, curb and gutter, the deeper set "green" catch basins, manhole interceptors, piping, and any other areas that may need consideration by the Council.

### **RESOLUTION 382-11**

#### **RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS**

WHEREAS, a resolution of the City Council adopted the 12<sup>th</sup> day of September, 2011, fixed a date for Council hearing on the proposed improvement of:

#### Phase One – Street, Utilities, Storm Sewer

The City Council of the City of Elysian has called for a public hearing to consider the making of improvements on the following streets:

Park Avenue – 1<sup>st</sup> Street to 2<sup>nd</sup> Street East  
2<sup>nd</sup> Street – Lake Francis to Frank Avenue  
3<sup>rd</sup> Street – Lake Francis to Frank Avenue  
4<sup>th</sup> Street – Lake Francis to Frank Avenue

Pursuant to Minn Stat. 429.011 to 429.111. The area proposed to be assessed for such improvement is as follows:

Park Avenue – 1<sup>st</sup> Street to 2<sup>nd</sup> Street East  
2<sup>nd</sup> Street – Lake Francis to Frank Avenue  
3<sup>rd</sup> Street – Lake Francis to Frank Avenue  
4<sup>th</sup> Street – Lake Francis to Frank Avenue

AND WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon the 10<sup>th</sup> day of October, 2011, at which time all persons desiring to be heard were given an opportunity to be heard thereon,

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

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Such improvement as hereby described above, is hereby ordered as proposed in the council resolution adopted October 10, 2011.

3. The Engineering firm of Jones, Haugh & Smith Inc. is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.
4. The City Council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of the tax exempt bond.

Adopted by the Council of the City of Elysian this 10<sup>th</sup> day of October, 2011.

ATTEST:

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Kathleen Anttila, Mayor

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Patricia Nusbaum, City Administrator

On motion by Thayer, seconded by Stoen, all voting in favor, to go to public hearing at 6:58 p.m. for the purpose of consideration of the proposed city ordinance 70/11 Snow and ice Removal and Snow and Ice Removal Procedure Policy.

Attorney Moran presented the ordinance and the snow removal procedure.

Roger Hanson- 309 Third Street NW – Questioned the procedure regarding snow plowing hours of fifteen hours or was it to be twelve hours? Attorney Moran stated that it was for 12 hours.

Tom Crawmer – 501 Lake Avenue NW - Questioned where are cars placed after being towed? Attorney Moran answered stating to call the sheriff's department.

Gordon Kritzer – 310 East Main Street – Concerned about the speed of the vehicles traveling on the east end of Main Street, concerned about the house with all of the excess vehicles parked in the street including motorcycles. Called the Sheriff, they ask what is the city policy?

Concerns as to whether snow removal signs and no parking signs could be considered in the central commercial district. Questions as to the three inches of snow before snow removal begins, and the application of chemicals to the streets. The public works director's discretion as to time to plow and as to what is needed for ice removal.

Discussion was held on the cleaning central commercial district sidewalks by brooming prior to moving snow from streets. On motion by Ziemer, seconded by Anttila, to strike on page two of the Snow and Ice Removal Procedure Policy stating: the initial cleaning of sidewalks in the central business district shall be a priority for street department personnel. Voting Yes: Ziemer. Voting No: Thayer, Opsahl, Stoen, Anttila. Motion denied.

On motion by Thayer, seconded by Stoen, all voting in favor, hearing was closed at 7:28 p.m. on motion by Stoen, seconded by Ziemer, all voting in favor, to go to regular meeting at 7:29 p.m.

Minutes of the September 12, 2011 regular Council meeting were discussed with noted corrections:

Regarding example of portion of taxes being paid by a property off lake and a lake home owner it was stated that the lake home would pay \$3.50 to every dollar put in by the non-lake home owner; should read \$4.50 instead of \$3.50; to insert did into page two 4<sup>th</sup> paragraph regarding a lake home owner paying \$46,000 to \$50,000, should read; did not get anything from city.

Page 20, add address of Attorney Moran – 219 James Drive – speaking as a citizen, last paragraph. Page 19 – 2<sup>nd</sup> to last paragraph to state that only Janesville Township had approved their portion of the vehicle purchase.

Questions regarding the verbiage between Attorney Moran and Council member Ziemer regarding the minutes of the September 12, 2011 meeting. On motion by Ziemer, seconded by Thayer, to approve the minutes of September 12, 2011 with the corrections except for references regarding Ziemer and Moran. Voting Yes: Ziemer, Thayer, Opsahl, Anttila. Voting No: Stoen. Motion declared carried.

Discussion was held on the September 29, 2011 special meeting. Concern as to the minutes being in too much detail. Administrator Nusbaum indicated that minutes should only be the general item being discussed and then the recording of the motion and the vote. Questions arose as to whether the Council would want the meetings to be taped. On motion by Anttila, seconded by Thayer, all voting in favor, to have City Administrator refer to the tape of the meeting and correct the minutes for approval at the next meeting.

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

1. Council member Opsahl – Community Ed report
2. Remove # 14 from the agenda
3. Council member Ziemer – Private drives
  - Chamber of Commerce
  - Purchasing Policy prior to 2011
  - Utilities bills

#### **Public Comment:**

Steve Ritchison – 101 4<sup>th</sup> St. NW – thanked Anttila and Thayer for their courageous vote last month. He feels that the conflict of interest is a big joke. Special meeting is a loss of time and taxpayers money.

Mike Meyer – 26 Osprey Way – Was not here for 9/12/11 meeting. Did not understand when he read the minutes why is not the Council considering giving the Wilderness gambling license locally to the Elysian Fire Department or American Legion?

On motion by Stoen, seconded by Thayer, to approve Ordinance # 70/11 Snow and Ice Removal and Snow and Ice Removal Procedure Policy as presented. Voting Yes: Stoen, Thayer, Opsahl, Anttila. Voting No: Ziemer. Motion carried.

Joe Fasnacht, Madison Lake American Legion, was present to discuss his request for a gambling license for The Wilderness Bar and Grill. Discussion was offered that the Elysian Fire Department and the Elysian American Legion Post #311 presently had gambling licenses and it could remain local. On motion by Ziemer, seconded by Stoen, all voting in favor, to deny the request from the Madison Lake American Legion and to allow a local license to have the opportunity to offer a license before an offer from outside the city would be accepted.

#### **John Roessler – Public Works Director**

1. Generator quotes were presented as follows: Mayer Electric - \$13,559.00; Interstate Power Systems - \$17,740; Winco Inc - \$14,673.40. Mayer Electric was not considered due to no set up involved. Roessler indicated that the Winco, Inc. quote was cheaper over all. On motion Stoen, seconded Thayer, to approve the purchase of the Winco generator in the amount of \$14,673.40. Generator will be placed at the Lake Francis park sanitary sewer lift station. Further discussion

consisted of charges by Xcel Energy to get natural gas to the site, and setting up the generator, and slab for generator to be set upon. Council member Stoen retracted his first motion, to move the Winco Generator be purchased with all other additional costs to be included in the amount of \$25,491.02. Motion was seconded by Opsahl. Voting Yes: Stoen, Opsahl, Thayer. Voting No: Ziemer, Anttila.

2. Roessler reported that the catch basin to be placed at the park will be put on hold due to the possibility of the street project addressing it.
3. Discussion on sink holes under street and on properties at Lake View Manor. Mike Kauss, President of the Lake View Manor Association, offered two quotes to repair the project. Quotes were from Atherton Landscaping - \$1,085.00; Greenwald Greenhouse and Landscaping – 1,062.50. On motion by Stoen, seconded by Thayer, all voting in favor, to approve the quote of Greenwald Greenhouse and Landscaping in the amount of \$1062.50 which will be a 50/50 payment by the City and by Lake View Manor Association.

#### **Administration**

1. On motion by Stoen, seconded by Opsahl, all voting in favor, to approve Resolution 379/11 – financing of Fire Department Rescue Vehicle with the inserting of Mayor Anttila's name on 13b.1 of the financing document.
2. On motion by Ziemer, seconded by Stoen, all voting in favor, to approve Resolution 381/11 accepting donation for tax relief from the Elysian Fire Department Relief Association which was designated to the Fire Fighters Pension Fund.

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 381/11  
RESOLUTION ACKNOWLEDGING THE DONATION FROM  
Elysian Fire Department Fire Relief Association**

WHEREAS, the City of Elysian has received a donation from the Elysian Fire Department Relief Association in the amount of \$5,000 and as this donation has been designated to be used for tax relief, City Council approves this donation to be placed toward the Fire Fighter Pension Fund.

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 in the amount of \$5,000.

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

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 10<sup>th</sup> day of October, 2011

CITY OF ELYSIAN

ATTEST:

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Kathleen Anttila, Mayor

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Patricia Nusbaum, City Administrator

3. Nusbaum reported on the four city safety meetings to be held at the Tourism Center on November 3, 2011, with two sessions being offered from 4:30 p.m. to 6:00 p.m. and 6:30 p.m. to 8:00 p.m. Meetings are for employees including the fire fighters.
4. No action was taken on retroreflectivity signs. More information coming from federal regulations will be considered later.
5. No Council leaf pick up this year.
6. Attorney Moran explained options on the consideration of the petitioned Willow Point Drive to becoming a public street. On motion by Thayer, seconded by Opsahl, to accept the petition making the private drive a public street under the condition that the property owner's attorney prepare the deed transfer prior to turning over to the City, along with that section of the drive that is not blacktopped must be blacktopped.  
  
Voting Yes: Thayer, Opsahl, Stoen, Anttila. Abstaining: Ziemer.
7. Free fall clean up on October 15, 2011 in front of Elysian Learning Center 7:00 a.m. to 12:00 noon. An appliance truck will also be available with client paying for the appliance disposal.
8. On motion by Stoen, seconded by Anttila, all voting in favor, to block off 3<sup>rd</sup> Street SW and 4<sup>th</sup> Street SW from Main Street to Highway #60, between 4:00 p.m. and 8:00 p.m. for the Halloween Spook Trail on Sunday, October 30<sup>th</sup>.
9. Budget workshop will be November 17, 2011 at 5:30 p.m.

Council member Ziemer asked that his additions to agenda be removed.

Roger Hanson, Assistant Emergency Management Director, reported on a recent Le Sueur County Emergency Management meeting which updated the cities on the 800 Mega Hertz radio system that will be coming to the area, and mentioned the need for a new emergency warning siren which he is working on and will have an update for the next meeting. He also mentioned that the upcoming week is Fire Prevention Awareness Week.

Mayor Anttila reported on the Joint Fire Board meeting, EDA, and a suggestion as to consideration of making the park in the Roemhildt Addition #2 to be offered for a college landscaping course.

Council member Stoen updated the Council on the positive things that happened at the park this year.

Council member Opsahl, gave an update on the WEM Community Education meeting she attended on behalf of the City.

On motion by Ziemer, seconded by Stoen, all voting in favor, bills, payroll, and transfers were approved in the amount of \$49,492.16.

On motion by Ziemer, seconded by Thayer, all voting in favor, meeting adjourned at 9:26 p.m.

ATTEST:

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Kathleen Anttila, Mayor

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Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL  
NOVEMBER 17, 2011  
ADJOURNED MEETING FROM  
NOVEMBER 14, 2011  
MINUTES  
4:02 P.M.**

The Elysian City Council met in session on Thursday, November 17, 2011, at City Hall at 4:02 p.m. This is an adjourned meeting from November 14, 2011.

Members present were: Mayor Katy Anttila: Councilmembers Mary Opsahl, (arriving at 4:04 p.m.), Clinton Stoen, Edna Thayer, Brian Ziemer, City Administrator Patricia Nusbaum, Public Works Director John Roessler.

The purpose of the continuance of the regular meeting held November 14, 2011 was to hold the annual performance evaluation for Public Works Director John Roessler, to hold a staff meeting and to work on the 2011 payable 2012 budget. Due to the City office being open until 4:30 p.m. it was agreed to hold the staff meeting first and then go to closed session for the Roessler evaluation after the office was no longer open to the public.

Informal discussion was held on various topics regarding the position of the Public Works Director including thoughts on consideration of his replacement. On motion by Thayer, seconded by Opsahl, all voting in favor, to refer to the Personnel Committee to review the job description, and consider a salary range for the position of Public Works Director, and to bring recommendations to the January Council meeting.

Items for consideration on the equipment that Roessler felt was most important regarding budget requests. Roessler indicated that the request for a used bob cat was the most urgent.

At this time, 4:48 p.m., on motion by Thayer, seconded by Stoen, all voting in favor, to go to a closed session for Roessler's performance review. City Administrator Nusbaum left the building.

The meeting was opened with Mayor Attila stating that Roessler's evaluation met expectations with three goals being recommended.

1. Facilitate a smooth transition to the new Public Works Director who will replace John when he retires in September.
2. Work with the Council to review and update the mowing policy, and then facilitate enforcing the policy.
3. Follow the city's personnel guidelines more closely, especially when directing others.

Budget workshop reconvened at 5:30 p.m. All members were present including City Administrator Patricia Nusbaum. Public Works Director was not present.

Nusbaum walked through the budget proposal with informal discussion being held. The Budget and Finance Committee had presented a recommendation as to their position on the proposed budget as follows:

**ELYSIAN BUDGET & FINANCE COMMITTEE  
2012 BUDGET RECOMMENDATIONS**

1. A levy increase of no more than 2% over 2011. (2011 was 445,562; 2% increase = \$454,473)

The Minnesota Legislature removed the homestead credit in 2011. As a result Elysian will not be receiving approximately \$22,000 of revenue it formerly received from the State, so even if our expenses remain the same as 2011, some taxpayers may see as much as a 5% increase in their property taxes. For that reason, we recommend as small an increase as possible in the levy.

2. Simplify the budget process by removing equipment purchases from the operating budget and designate an annual levy amount for a capital equipment fund. Capital improvements, by definition, are meant to last for more than one year and, therefore, do not belong in an operating budget which is designed for one calendar year's operations. The City already has a Maintenance Equipment savings account for such purchases but also designates equipment in many other line items. For example, pickup truck replacement amounts are found in six different lines in four departmental budgets. If one total amount was allocated to equipment and placed in the Maintenance Equipment savings account, the Council and staff could see at a glance the amount available for future investments in equipment and could prioritize equipment acquisitions more easily.

Before approving the purchase of specific equipment, evaluate how much each item would be used and compare the cost of purchase, maintenance and housing to the cost of renting or contracting its use. We recommend establishing a capital equipment plan and policy in 2012.

3. Monthly savings of at least \$100/month and considerable staff time could be realized by implementing a postcard utility bill. The Committee recommends this change as soon as practicable.
4. The Committee supports the proposed levy amount of \$17,325 for the fire rescue truck. However, this amount could be reduced somewhat if necessary to control the 2012 total levy as the City has approximately \$37,000 in savings for fire equipment at this time.
5. The Committee recommends that engineering fees for the proposed capital improvement plan for streets be paid from accumulated reserves rather than increasing the operating budget for these costs.

Discussion was held on the possibility of going to a post card system for the utility billings, to save costs of postage, envelopes, and staff time. On motion by Thayer, seconded by Stoen, all voting in favor, to authorize post card utility billings starting with the December billing.

More discussion centered on the newsletter with the agreement that it should be placed on the web site and anyone not having access to the internet, they may call city hall and request the newsletter to be sent by mail.

On motion by Anttila, seconded by Ziemer, all voting in favor, to eliminate Public Works Reserve levy of \$2,000 and combine it with Maintenance Equipment levy of \$10,000 making it a \$12,000 levy.

On motion by Thayer, seconded by Stoen, all voting in favor, to set the levy the same as last year, \$445,561.

On motion by Stoen, seconded by Thayer, all voting in favor, meeting adjourned at 7:30 p.m.

Attest:

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Kathleen Anttila, Mayor

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Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL  
NOVEMBER 28, 2011  
SPECIAL MEETING  
MINUTES  
6:00 P.M.**

**TRUTH IN TAXATION PUBLIC MEETING**

The Elysian City Council met in special session on Monday, November 28, 2011, at City Hall at 6:00 p.m.

Members present were: Mayor Katy Anttila: Councilmembers Mary Opsahl, Edna Thayer, and City Administrator Patricia Nusbaum. Absent: Councilmembers Clinton Stoen, Brian Ziemer.

Mayor Anttila presented the proposed levy stating that the levy will not change from last year. She explained the situation of the property values and how the loss of the former Homestead Market Value will affect all Minnesota tax payers. Since the City of Elysian levy will remain the same as last year, any increase that is associated with the property owners taxes will have come from other taxing districts such as county and school district.

**Public Comment:**

Roger Hanson- 309 Third Street NW – Comments regarding the decrease in property value of his property and the increase of the tax on the common area of the Woodbine Townhome area. He will be at the April Board of Review meeting to discuss the values.

Wayne Unke – 124 Willow Point Drive – Commented that he had not been to a meeting such as this before and was interested in what is done at the meeting. Commented on the value and tax of a lot he purchased this year, but felt that in six to seven years it will balance out.

John Stephanie – 205 Lake View Court – Questioned the tax statement he received and was wondering if the city levy stayed the same would the tax amount go down? Mayor Anttila explained that a lot of factors entered into the formula based on what the other entities end up doing, living in a lake home was a factor. A lake home and commercial pay the bigger piece of the pie.

John Severns – 203 Third Street NE – had various questions regarding what makes up the levy and where do the other funds come from to make up the budget. Questions were answered by Mayor Anttila and City Administrator Nusbaum.

On motion by Opsahl, seconded by Thayer, all voting in favor, meeting adjourned at 6:53 pm.

Attest:

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Kathleen Anttila, Mayor

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Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
DECEMBER 12, 2011  
6:00 P.M.**

The Elysian City Council met in regular meeting on Monday, December 12, 2011 at 6:00 p.m. at Elysian City Hall. Meeting opened with the Pledge to the US Flag.

Members present were: Mayor Katy Attila; Councilmembers 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.

Minutes September 12, 2011 (portion of) not approved at the October regular meeting, Councilmember Ziemer provided a statement which says: after further reflection on the September 12 meeting, he believes he does not have a conflict of interest. Attorney Moran stated that he had stated it at the September 12, 2011, meeting and it is part of the record. Councilmember Ziemer stated that at the September 12 meeting he felt he had to make a quick decision, but now believes he does not have a conflict of interest.

Discussion was held on the minutes of the September 29, 2011 special meeting. On motion by Thayer, seconded by Stoen, all voting in favor, minutes will be corrected, as stated on a presented sheet of paper, with changes added directly into the minutes not as an amendment.

On motion by Thayer, seconded by Ziemer, all voting in favor, to approve the minutes of the November 17, 2011 hearing on the 2011 levy payable 2012 as presented.

On motion by Thayer, seconded by Opsahl, all voting in favor, to approve the November 28, 2011 minutes as presented.

On motion by Stoen, seconded by Thayer, all voting in favor, to approve the agenda as presented.

No one came forward for Public Comment time.

John Schulte V, City Engineer, was present to review the final plans and specifications for Phase One of the street/storm water project. On motion by Stoen, seconded by Thayer, all voting in favor, to approve the calculating of assessments and to hold the assessment hearing on the project following the project construction.

On motion by Stoen, seconded by Thayer, all voting in favor, to establish the completion date of street/storm water project for October 15, 2012.

Councilmember Stoen presented the following resolution, with Member Opsahl seconding the motion as follows:

**RESOLUTION 385/11  
RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING  
ADVERTISEMENT FOR BIDS**

WHEREAS, pursuant to a resolution passed by the council on October 10, 2011, the city engineer has prepared plans and specifications as follows:

Phase One – Street, Utilities, Storm Sewer

The City Council of the City of Elysian has called for a public hearing to consider the making of improvements on the following streets:

Park Avenue – 1<sup>st</sup> Street to 2<sup>nd</sup> Street East

2<sup>nd</sup> Street – Lake Francis to Frank Avenue

3<sup>rd</sup> Street – Lake Francis to Frank Avenue

4<sup>th</sup> Street – Lake Francis to Frank Avenue.

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

1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
2. The City Administrator shall prepare and cause to be inserted in the official paper the Elysian Enterprise an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for forty (40) days, shall specify the work to be done, shall state that bids will be received by the City Administrator until 2:00 p.m. on Wednesday, February 1, 2012, at which time they will be publicly opened in the council chamber of the city hall by the City Administrator and Engineer, will then be tabulated, and be considered by the city council on Monday, February 13, 2012, at the council's regular monthly meeting in the council chambers of city hall.

Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the council on the issue of responsibility. No bids will be considered unless sealed and filed with the City Administrator and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the City for 5 percent of the amount of such bid.

Voting Yes, Stoen, Opsahl, Thayer, Ziemer, Anttila. Voting No: None. Abstain: None.

Adopted by the Elysian City Council this 12<sup>th</sup>. day of December, 2011.

Attest:

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Kathleen Anttila, Mayor

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Patricia Nusbaum, City Administrator

Public Works – John Roessler update:

1. Discussion was held on the consideration of approving the repair of the County Road #11 lift station in the amount of \$4,767.56 or to install a new pump at \$15,894.45. On motion by Ziemer, seconded by Stoen, all voting in favor, to repair the lift station pump in the amount of \$4,767.56.

On motion by Anttila, seconded by Ziemer, to allow no part-time employee to work more than 32 hours in a 5 day week with the extra eight hours to be saved in case a snow fall should happen on the weekend, thus allowing for no overtime being expended. Vote: Anttila, Ziemer, Thayer. Voting No: Opsahl, Stoen. Motion declared carried.

On motion by Stoen, seconded by Opsahl, all voting in favor, to approve \$875 to repair broom.

Administration – City Administrator Nusbaum

1. On motion by Ziemer, seconded by Stoen, all voting in favor, to not waive the monetary limits on municipal tort liability established by MN Statutes 466.04. On motion by Stoen, seconded by Opsahl, all voting in favor, liquor licenses, and soft drink licenses were approved for 2012 as presented. Approval of the 2011 levy, 2012 payable was tabled until the year-end meeting, which will be held on Tuesday, December 27, 2011 at 5:00 p.m.

Mayor Anttila reported on recent Joint Fire Board meeting. Complemented Chief James on his fire run report.

On motion by Ziemer, seconded by Stoen, all voting in favor, bills, payroll, and transfers were approved in the amount of \$102,744.69.

On motion by Ziemer, seconded by Stoen, all voting in favor, meeting adjourned at 7:30 p.m.

Attest:

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Kathleen Anttila, Mayor

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Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL  
DECEMBER 29, 2011  
SPECIAL MEETING  
MINUTES  
9:01 A.M.**

The Elysian City Council met in regular session on Thursday,, December 29, 2011, at City Hall at 9:01 a.m.

Members present were: Mayor Katy Anttila: Councilmembers Edna Thayer, Brian Ziemer, City Administrator Patricia Nusbaum. Absent: Councilmembers Mary Opsahl, Clinton Stoen.

Purpose of the meeting was to approve the bill of the December 27, 2011 special meeting at which time no motion of acceptance of the bills had been made.

On motion by Thayer, seconded by Ziemer, all voting in favor, to allow the bills of December 27, 2011 in the amount of \$13,647.25 after the deletion of Tourism Advertising of \$1,200 and Experience Works donation of \$100.00.

On motion by Thayer, seconded by Ziemer, all voting in favor, meeting adjourned at 9:03 a.m.

Attest:

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Kathleen Anttila, Mayor

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Patricia Nusbaum, City Administrator