

**ELYSIAN CITY COUNCIL
REGULAR MEETING
JANUARY 9, 2012
6:00 P.M.**

The Elysian City Council met in regular session on Monday, January 9, 2012, at City Hall at 6:00 p.m.

Present were: Mayor Kathleen Anttila; Councilmembers Mary Opsahl, Clinton Stoen, Edna Thayer, Brian Ziemer. City Administrator Patricia Nusbaum; Public Works Director John Roessler, Deputy Clerk Lorri Kopischke, City Attorney Jason Moran (he was released as City Attorney at 6:19 p.m.)

On motion by Thayer, seconded by Stoen, all voting in favor, to approve the minutes of the December 12, 2011 regular meeting as presented.

On motion by Stoen, seconded by Thayer, all voting in favor, to approve the minutes of the December 27, 2011 special meeting with corrections to be placed into the presented minutes instead of placing in next month's minutes as a correction to the minutes.

On motion by Thayer, seconded by Stoen, all voting in favor, to approve the minutes of the December 29, 2011 special meeting as presented.

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

1. Attorney Moran to address legal issue
2. Civil Defense Announcement
3. Board of Review meeting
4. Water Quality report
5. Remove Member Stoen under public works
6. Table Budget and Finance guidelines

No one was present for public comment.

The following designations for the 2012 year were approved:

Regular council meeting will be held on the second Monday of each month at 6:00 p.m. unless otherwise designated.

Acting Mayor – Councilmember Mary Opsahl

Official Depository – Elysian Bank, Northland Securities

Official Publication – Elysian Enterprise

Approval to reinstate Jason Moran, Christian, Keogh, Moran, & King, as the City Attorney.

Voting Yes: Stoen, Opsahl. Voting No: Thayer, Ziemer, Anttila.

Discussion followed on seeking another Attorney to represent the City. Mayor Anttila produced a list of potential law firms. On motion by Ziemer, seconded by Thayer, to advertise for an attorney to work with the City providing civil and/or criminal legal services, not only in Le Sueur County, but surrounding area. Voting Yes: Thayer, Ziemer, Anttila. Voting No: Opsahl, Stoen. Motion declared carried. Administrator Nusbaum is to prepare the request for proposals to be sent to law firms.

Mayor Anttila stated that the slate is not full. Would like to solicit the community for additional members to the committees with appointments at the next meeting.

The following were presented and asked for approval.

Planning Commission Representative – Councilmember Edna Thayer.

EDA Commission Representatives – Mayor Anttila and Councilmember Ziemer.

Park Committee Representatives - Councilmembers Opsahl and Stoen.

Personnel Committee – Councilmembers Thayer and Ziemer. Concerns were raised as to the appointee to the the Personnel Committee. Member Stoen questioned the placement of Member Ziemer on the committee due to his conflict of interest regarding employees in the city. Vote was taken on the consideration of the appointments to the Personnel Committee of Thayer and Ziemer. Vote Yes: Thayer, Ziemer, Anttila. Voting No: Opsahl, Stoen. Appointment carried.

Designee to WEM Community Service Advisory Board – Councilmember Opsahl.

Joint Fire Board Representative – Mayor Anttila.

Fire Relief Association representatives – Mayor Anttila and Councilmember Stoen.

Budget and Finance committee regulations were tabled for further consideration.

Discussion followed regarding the appointment of EDA representatives, Stoen offered that himself and possibly Opsahl would like to be considered for the EDA, to show transparency and to allow other members of the Council to serve on other committees. Vote being taken on committees as appointed: Voting Yes: Thayer, Ziemer, Anttila. Voting No: Stoen, Opsahl. Vote carried.

Approval of Fire Chief and two Assistants – one year terms

Chief – Jason James

1st Assistant – Mark Muellerleile

2nd Assistant – Eric Muellerleile

Discussion on the Fire Department not following the purchasing policy and how it will get corrected. Member Ziemer stated that there is no input from the Council as to the spending of the department. Administrator Nusbaum stated that the Fire Chief was listening to two entities, the Council and the Joint Fire Board. Mayor Anttila stated that this matter would be addressed at the next Joint Fire Board meeting.

Emergency Management - Director – John Roessler, Asst. Director Roger Hanson.

All appointments presented were approved.

Discussion followed on the concern of the lawsuit against the City being turned over to the League of MN Cities Insurance Trust. Member Stoen questioned the vote at a prior meeting stating the matter would be dealt with internally by the City Attorney. Stoen asked why the vote taken meant nothing? On motion by Thayer, seconded by Ziemer, to turn the suit over to the League of MN Cities Insurance Trust. At that point it was noted that the suit had already been turned over by Mayor Anttila. Member

Stoen questioned as to her authority to do that after the vote had been taken to deal with the matter internally. Voting Yes: Ziemer, Thayer, Anttila. Voting No: Opsahl, Stoen. Motion declared carried.

Roger Hanson, Assistant Emergency Management Director updated the Council on the funding from FEMA/State regarding the flooding of 2011 in the amount of \$4,954.27. Within 30 days another \$3,810.98 will arrive plus state share of \$1,143.29. It appears that \$3,659.50 will be available for the Maple and Hwy #60 project. Total on project to date is \$33,709.16. The new emergency management siren has arrived and will possibly be installed this week.

Public Works Director – John Roessler

1. Update on the cleaning of the sludge on lift station on County Road #11.
2. Tree removed on Frank Avenue due to being cracked and involved with power lines.
3. Stated that he was confused as to the discussion on the removal of eight hours from the temporary employee presently working for the city, thinking that the question was regarding his hours. He stated that he needed to have the employee reinstated the eight hours, due to not getting the work done. On motion by Stoen, seconded by Opsahl to lift the restriction on the 32 hours and leave to the Public Works Director discretion keeping in mind overtime. A motion was made by Thayer to amend the motion to allow for one month giving time for the Personnel Committee to meet and consider the flex hours to be used in a two week span rather than the week accumulated, seconded by Stoen, vote taken: Yes: Thayer, Stoen, Opsahl, Anttila. Voting No: Ziemer. Amendment to the motion carried. Vote was taken to reinstate the temporary employee to eight hours until the next regular meeting when it will again be reviewed. Voting Yes: Stoen, Opsahl, Thayer, Anttila. Voting No: Ziemer. Motion declared carried.

Administration – Nusbaum

1. A staff meeting will be held on January 17, 2012 at 6:30 p.m. at City Hall.
2. Bid opening on improvement project at 2:00 p.m. February 1, 2012.
3. Mike Meyer, Vice President Elysian Area Chamber of Commerce presented two quotes for a new air exchanger for the Tourism Center. On motion by Thayer, seconded by Stoen, all voting in favor, the quote was awarded to Northwinds Plumbing, Heating & Air LLC, Elysian in the amount of \$1,550.00.
4. On motion by Ziemer, seconded by Stoen, all voting in favor, to approve the elimination of the Board of Equalization for the council as a special meeting. It will be an open book meeting with the County Assessors from both counties in attendance with the City being responsible for the advertising of the meeting. The open book meeting will be held this year on April 16th. at 6:30 p.m.
5. Nusbaum updated the Council on the MN Board of Health Lead and Copper testing of water on ten homes in Elysian. Testing have been going on at the same ten homes for many years and is done every other year. Nine bottles were collected with the tenth bottle not being able to be collected. The tenth bottle was collected shortly after, but since all ten were not turned at the same time, a violation letter has been sent to the City. Due to the violation letter, a letter must be sent to all of the public in order to meet the requirements. The letter will be sent to the residents of the City.

Personnel Committee

1. Discussed the presented addition/adjustments to the City Personnel Policy. Concerns as to meeting with the staff to get their input into the policy, the questions of Committee meeting and not having a quorum. Note was made by Member Ziemer that Tess Koster had sent her resignation from the Personnel Committee to the Mayor. On motion by Thayer, seconded by Stoen, all voting in favor, to approve the adjustments to the Personnel Policy, but policy will not be retyped at his time, and to hold a meeting with staff to consider input on the Policy. Approved adjustments are as follows:

SUMMARY OF RECOMMENDED CHANGES TO CITY OF ELYSIAN PERSONNEL POLICY December, 2011

Page 6 – under “Conflict of Interest” It now reads:

City employees are to remove themselves from situations in which they would have to take action or make a decision where that action or decision could be perceived as, or if an actual conflict of interest exists. If an employee has any question about whether such a conflict exists he/she should consult with the city administrator.

Add: If it involves the city administrator, he/she should consult with the mayor or the council.

Page 7 – under “Work Product”. It now reads:

No employee shall deprive the City or its agencies of their original files. All original work products generated or obtained by a City official on City time shall be the property of the City of Elysian and shall remain so after an employee leaves City employment. Examples of work product include but are not limited to research, investigative reports, legal briefs, official letters, memoranda, (Add:) *time card sheets, and requests for or notification of absences if/when approved.*

Page 14 -- second paragraph under Employee Evaluations, first sentence now reads:

All full time and part time employees must be evaluated annually.

Add: It is recommended that the evaluations occur prior to the end of 3 months for a new hire, and during the month of October thereafter.

Page 15 – under “Insurance” It now reads:

The City of Elysian provides each regular employee with a per month payment (applicable taxes to be withheld) to be determined by the City Council to be used for insurance/medical purposes.

Recommended to change the word “regular” to *full time*.

Page 16 – under “floating holidays” It now reads:

Eligible employees are granted one floating holiday per year. Floating holidays are granted on January 1st of each year.

Recommended change is to insert here: *In order to be eligible for a floating holiday, an employee must have been employed for a minimum of six months.*

Page 18 – under “Sick Leave” Start the paragraph the same as under “Vacation Leave” by starting with:

Full-time employees who have worked for the city at least six months are eligible for paid sick leave. Paid sick leave is not available to temporary/seasonal or part-time employees.

Page 37 – Substitute the paragraph regarding “Worker’s Compensation Insurance” with the following which has already been approved by the City Council:

All employees are covered by Worker’s Compensation Insurance to the extent of normal legal benefits. The employee has the responsibility of immediately reporting any accident or injury which occurs while working to his/her immediate supervisor. The City staff will submit the First Report of Injury on behalf of the employee. Reimbursement of mileage and/or claims for lost wages due to lost time, doctor’s appointments, or rehabilitation resulting from a Worker’s Compensation claim will be handled by the City staff as standard practice. 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.

2. Discussion on process for hiring a Public Works Director. Further discussion will be held at the staff meeting on the 17th.
3. Questions as to when Tess Koster had resigned from Personnel Committee.

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

**CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION 386 -12
RESOLUTION ACKNOWLEDGING A DONATION FROM
COUNCILMEMBER BRIAN ZIEMER**

WHEREAS, the City of Elysian has received a donation in the amount of \$943.50 from Councilmember 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 \$943.50 donation from Councilmember Brian Ziemer.

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

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

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

Council Members voting in the negative: None.

Council Members abstained: None:

Adopted by the City Council of the City of Elysian this 9th.day of January, 2012.

CITY OF ELYSIAN

Kathleen Anttila, Mayor

ATTEST:

Patricia Nusbaum, City Administrator

Discussion was held on the Relief Association donation of tax relief. Concern as to the placement of the donation to the fill station or a concern as to the Fire Department's promise of payment toward the new rescue vehicle which is on order. On motion by Opsahl, seconded by Thayer, all voting in favor, to place the \$3,000 tax relief donation from the Elysian Fire Relief Association in the Fire Equipment savings account.

**CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION 387-12
RESOLUTION ACKNOWLEDGING A DONATION FROM
ELYSIAN FIRE DEPARTMENT RELIEF ASSOCIATION**

WHEREAS, the City of Elysian has received a donation in the amount of \$3,000 from the Elysian Fire Department Relief Association, designated for tax relief.

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 \$ 3,000.00 donation from the Elysian Fire Department Relief Association, which will be placed in the Fire Equipment savings account and to be used toward the purchase of a fill station.

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

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

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

Council Members voting in the negative: None.

Council Members abstain: None.

Adopted by the City Council of the City of Elysian this 9th.day of January, 2012.

CITY OF ELYSIAN

Kathleen Anttila, Mayor

ATTEST:

Patricia Nusbaum, City Administrator

**CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION 388/12
RESOLUTION ACKNOWLEDGING THE DONATION FROM
Mayor Kathleen Anttila**

WHEREAS, the City of Elysian has received a donation as a reimbursement for a special meeting from Mayor Kathleen Anttila in the amount of \$50.00.

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 Kathleen Anttila.

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

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 9th day of January, 2012

CITY OF ELYSIAN

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

On motion by Thayer, seconded by Stoen, all voting in favor, to approve bills, transfers, and payroll in the amount of \$117,960.32.

Public Comment:

Roger Hanson- 309 Third Street NW - He stated that the Council had mishandled the position of Jason Moran. It is totally irresponsible to continue without legal representation. Anytime the city is without legal representation, the Council is making an awful mistake. The Council is doing to the city a real disservice.

Jason Moran – 219 James Drive - He stated that now the Council works for him. He stated that since he is no longer the City Attorney, and while he was sitting in the audience, the Council has committed five legal violations. He stated that the appointment of Ziemer and Anttila to the EDA, a conflict arises due to their voting for their appointment to the EDA and the EDA is a paid position. He stated that Anttila talks transparency but only allows the public to speak for 3 minutes. He would like to see the public comment time be increased to 10 minutes. It would do the public good to be able to air their concerns thereby allowing complete transparency. He thanked Councilmember Stoen and Opsahl, City Administrator Pat Nusbaum, Public Works Director John Roessler for their work for the city. He stated that members of the Council have tried to attack the Chamber of Commerce, the Fire Department and its employees, tried to get rid of John, Pat, with end result the City Attorney. The Council will be held accountable to the public. He felt it was totally repugnant for the Mayor to do what she did in turning over to the League Insurance Trust to pay for her mistake. He stated he was fired because of it.

Donna Stark – 43 Egret Lane – She wanted to address Mayor Anttila personally. She asked if she had called Jason Moran and asked if he would consider being the Attorney for 2012? She questioned the hurried vote (to get rid of the Attorney). She stated that the Mayor is going down the wrong road. The people will speak, this will be a costly thing.

On motion by Ziemer, seconded by Thayer, all voting in favor, meeting adjourned 8:24 p.m.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL
SPECIAL MEETING
JANUARY 17, 2012
6:30 P.M.**

The Elysian City Council met in special session on Tuesday, January 17, 2012 at 6:30 p.m. at Elysian City Hall. Meeting opened with the Pledge to the US Flag.

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.

The main purpose of the meeting was to hold a staff meeting and to discuss with Public Works Director John Roessler some of the daily tasks that are pertinent to the position and to make a decision on the options to securing a replacement for Roessler who is retiring in September, 2012. It was agreed that a full-time person would work best for the City.

On motion by Stoen, seconded by Thayer, all voting in favor, to advertise for the position of Public Works Director with an annual salary between \$30,000 and \$40,000 depending on qualifications, with application deadline of March 1, 2012. Advertising will be left to the discretion of the City Administrator.

Discussion was held on a weekly meeting of staff with City Administrator after which will an e-mail of a synopsis of the meeting/goals for the week/month will be sent to the Council.

Discussion followed on a request of Roessler to hire another temporary employee. On motion by Ziemer, seconded by Stoen, all voting in favor, to advertise for another temporary employee for up to 40 hours per week.

Discussion was held on the hiring of a temporary prosecuting attorney for the City of Elysian. On motion by Anttila seconded by Thayer, to hire Attorney Timothy Warnemunde as a temporary prosecuting attorney for the City of Elysian at a rate of \$90.00 per hour, until which time the Council hires a civil and a prosecuting attorney to fill the position of City Attorney. Voting Yes: Anttila, Thayer, Ziemer. Voting No: Opsahl, Stoen. Motion declared carried.

Administrator Nusbaum presented the draft request for proposals for advertising for a City Attorney. After review, on motion by Thayer, seconded by Ziemer, all voting in favor, to approve the request for proposal with changes and to proceed with the advertising for a city attorney to handle civil and prosecution work for the City of Elysian.

Public Comment Time:

Roger Hanson – 309 Third Street NW - Not to allow a wholesale search by an individual. This is exactly what you did to get the person for a prosecuting attorney. He stated that he did not think one of you had the authority to go out and talk to people. There is a job description. Did the Mayor say we would tailor the job description to the applicant? Mayor responded, no, if the person we hire has skills we did not anticipate, we can modify the job description to utilize those skills.

On motion by Ziemer, seconded by Stoen, all voting in favor, meeting adjourned at 8:15 p.m.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL
SPECIAL MEETING
JANUARY 19, 2012
6:00 P.M.**

The Elysian City Council met in special meeting on Thursday, January 19, 2012 at 6:00 p.m. at Elysian City Hall. Meeting opened with the pledge to the US flag.

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.

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

Public Comment:

Mayor Anttila opened with a statement to the public regarding the procedure at public comment with comments not to go over 3 minutes and that Deputy Clerk Kopsichke was handling the timer.

Jason Moran – 219 James Avenue – The past couple of years the Council has talked about transparency. He suggested that consideration be made to lengthen the public comment time to be extended to ten minutes. Three minutes is not enough time.

Member Stoen noted that since the newsletter was taken out of the water bill, 55 people requested them and now the newsletter has been removed from the web site. He asked why was the council not asked about removing the newsletter from the web site? Discussion followed regarding the time line of the decision as to what various council members recalled as to whether the newsletter was to be placed on the web site or the understanding of just announcements and actions of the Council. Stoen noted that when the water billings went to a post card the newsletter was to be placed on the web site. Since the last meeting the EDA has taken action to not allow a synopsis of the Council meeting on the web site. Discussion followed regarding Mayor Anttila's response as to a community bulletin board being placed on the web site for governmental and for community activities. City Administrator Nusbaum indicated that the Council approved the writing of the newsletter, and Nusbaum had approached Mayor Anttila for her to mention to the EDA that the newsletter was to be placed on the web site. Anttila indicated at the December 12th meeting that the EDA had approved the web site for the placement of the newsletter. Then, a motion had been made by Anttila at the January 5, 2012 EDA meeting to not allow the newsletter on the web site as follows:

On motion by Anttila, second by Kinyon, public notices, announcements and regulations are to be listed in the newsletter section, and approved minutes will be placed in the City Council and EDA sections of the website. Motion carried unanimously. Motion by Anttila, second by Frechette, to develop a community bulletin board for the website to announce public

community events. Announcement of profit-motivated ventures will not be allowed. If any questions arise concerning the propriety of website information, President Kinyon is to be consulted for clarification. Motion carried unanimously.

Basically, what we are asking is that only public notices, city business/government related announcements and regulations be listed on the newsletter section. This would not include meeting minutes, community events announcements or a monthly synopsis. We did give authorization to develop a "community bulletin board" to announce public community events.

Nusbaum stated that the EDA is holding the city hostage. She suggested that the City Council move ahead to get a city web site.

Member Ziemer suggested that the minutes should be placed on the web site only after approval, since he feels that the minutes are often being changed and the synopsis is not completely correct. He stated that he had had half a dozen calls wanting the truth of the story.

Member Opsahl, stated that the minutes were too long. Did not like adding and going back and changing. She stated that it was ridiculous and uncalled for. On motion by Opsahl, seconded by Stoen, to have the City develop their own city based website. After discussion, Mayor asked for a vote after changing the motion to state the investigation the possibly of a web site and give two months to investigate various ways of hosting the web site done by city staff or someone else. Voting Yes: Opsahl, Stoen, Thayer, Ziemer. Voting No: Anttila. Motion carried.

Discussion was held on the concern of Member Stoen to revert back to the former practice of sending out the newsletter to the citizens with their water bill. On motion by Stoen, seconded by Opsahl, until the website is developed, the city newsletter shall be mailed to the general public. Voting Yes: Stoen, Opsahl. Voting No: Thayer, Ziemer, Anttila. Motion failed.

Stoen asked question of Mayor Antilla as to the transparency of actions of the Council. He was concerned about the Mayor going around the council and taking a law suit to the League of MN Cities Insurance Trust and not informing the Council of this action.

Member Opsahl stated that the decisions of the Council are one sided and the Mayor has made decisions that the Council is not aware of; Council has a right to know along with the tax payers, should have the right to know especially being a council person, she stated that it was embarrassing, when she does not know what is going on. We have worked very hard with Mayor to be unified; budget is down to every penny spent. Hope in the future with personal problems that the community would not be getting big bills to be paid. By overstepping she felt that the Mayor has been making big decisions and not involving the council.

More discussion followed regarding the law suits against the city and having been turned over to the League of MN Cities Insurance Trust. Regarding that the Mayor read the following statement

Last week I learned I was being sued for certain actions I have taken as Mayor of the City of Elysian. The League of MN Cities Insurance Trust provides insurance coverage to elected officials who have been sued for their official actions Pursuant to the Cities Covenant with the League. I tendered the lawsuit and the League has assigned legal counsel. Legal Counsel will provide information to this Council regarding this law suit at another time and as appropriate. Any questions should be addressed to legal counsel, whose contact information I will provide upon request.

I will not comment further on this matter because it is the subject of litigation and we all are not to discuss that. It is a private issue.

Member Thayer asked if the city would be getting the bill. Stoen stated that we pay as part of payment to the League. He felt that there was a need for discussion from the Council.

Mayor stated under a covenant with league and to submit all claims, it is not a council decision whether or not to do so. The decision could be to not submit it, however, not to do so, we may lose our insurance coverage.

An issue of transparency was next on the agenda. Councilmember Stoen stated that the Council is not being kept in the loop. Stoen stated that you did not appoint Attorney Moran because he was up to speed, and that is why you wanted to get rid of him. Requested a copy of the tape, Mayor indicated that it did not work, it was not intentional. Not appointing Mr.Moran, which passed with a swift 3/2 vote, and the Mayor shows up with a list of Attorney that Mayor stated she had already talked to. How was that transparent? Appointed an interim attorney, we do not know who he is. He stated that there was no transparency in the selection. Mayor stated that there was an opportunity for discussion. How committee appointments were made was discussed. There was discussion on the opinions of the other members of the Council.

Councilmember Ziemer answered that he felt that the Council is doing a good job.

Member Thayer thought it was good that the Mayor did such a good through investigation. I think the route to go was with the insurance company. We are fortunate that the Mayor did explore the matter and we are lucky.

Stoen stated that he did not like being put in positions of these matters because of some else's actions.

Public Comments:

Cathy Houlihan – 443 Blue Bay Lane NW - She stated that she lived the 1st house outside the city limits. All three of her children own property in the city, and they cannot afford litigation. There is a white elephant in the room. Most professional people I know

have an umbrella policy for their protection. If our Mayor was not aware of that, our poor cities may pay huge consequences. You brag about cutting the budget and complimenting yourself on lowering taxes even property values are going down. This could take every savings, people you cut, hours you cut, I do hope you have an umbrella policy.

Jason Moran 219 James Avenue – Over the past year there has been a lot of talk about transparency. If the meetings were videotaped they could be down loaded immediately to the website and then it would not be left to anyone's interpretation. The videotape would create transparency. Would be on the web site immediately. Mayor has taped the last couple of month and it could be loaded on web site. Two months ago I offered to handle the suit against the city, swiftly, painlessly, a swift as possible. Someone went behind the Council's back. It should not have been turned over to firm, you should take ownership for what you do. Ziemer should resign from the Personnel Committee so the committee can do their work. Nothing is positive anymore. When he and his wife moved here, it was a quiet positive city. Now there is constant negativity. Moran stated that he had accomplished a great deal working for the City. He had gotten the Altell contract up to \$1,500 per month for rent, he accomplished getting \$130,000 on a funding project. Who is looking for grants, all this negativity, Once again information is being withheld. It is as transparent as concrete. He stated that the election is held in November. Urge people to get involved. Get your name on the list to sign up for the newsletter to be mailed to you. The Council better get legal council because they are going to need it.

On motion by Ziemer, seconded by Thayer, all voting in favor, meeting adjourned at 6:55 p.m.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL
FEBRUARY 13, 2012
CLOSED SPECIAL MEETING
MINUTES
5:00 P.M.**

The Elysian City Council met in a closed session on Monday, February 13, 2012 at City Hall at 5:00 p.m. to discuss pending litigation.

**ELYSIAN CITY COUNCIL
REGULAR MEETING
FEBRUARY 13, 2012
6:00 P.M.**

Regular meeting of the Elysian City Council was opened at 6:00 p.m. with the Pledge to the US Flag.

Present were: Roll Call: Mayor Katy Anttila____ Councilmembers Mary Opsahl____, Clint Stoen____, Edna Thayer____, Brian Ziemer____, Administrator Patricia Nusbaum____, Deputy Clerk Lorri Kopischke____, Public Works Director John Roessler____.

On motion by Stoen, seconded by Opsahl, to approve the minutes of the January 9th regular council meeting as presented.

On motion by Stoen, seconded by Opsahl, all voting in favor to approve the minutes of the January 17, 2012 special meeting with the following correction: Paragraph 5 delete "will"

On motion by Anttila, seconded by Thayer, to table the minutes of the January 19, 2012 special meeting minutes and to rewrite the minutes after listening to the recording of the meeting. Voting Yes: Anttila, Thayer, Ziemer. Voting No: Opsahl, Stoen, Motion declared carried.

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

1. Action on temporary employee decision
2. Add to administrative # 7 – Add decision on recording policy for city council minutes
3. Add handicap door to Administrative #8

Public Comments:

Dave Rager, 207 Maple Avenue SW – Asked as to why the minutes were not on the web site. 5/25/11; 11 and 12/ 2011 are not there. EDA has approved putting minutes on the web site. He stated that he agrees that a synopsis of the minutes should not be posted on the web site. Council meetings need to be recorded on the web site and made available to the public.

Donna Stark, 43 Egret Lane – stated that it was hard to hear, microphones are too far away.

Dave Thayer – 7 Root's Beach Lane – He stated that he was the past president of the Lake Francis Lake Association, he would like to work with the Engineer and MPCA to put the best catch basins in the project to help keep the lake the way it is, and for both Lake Francis Assn. and Lake Elysian Assn. to work closely with the Engineer on this.

The first item on the agenda:

Dennis Schnoor – 308 Maple Avenue SW - was present as to his concern on what is planned to repair Maple Avenue? He was concerned as to why the whole street was ripped up when only four frost boils needed repair? He stated that people are getting nearly stuck in the ruts in the street; buses are finding a hard time getting through. Mayor Anttila stated that when she met with Janesville Township it was agreed to let it set over the winter. Janesville Township Board had stated that they would bring up to grade and place gravel but would not participate in blacktopping of the street. Mayor Anttila stated that she lived on Maple Avenue SW and to avoid a conflict of interest, she would turn the meeting over to the Vice Mayor to carry on the discussion. Vice Mayor Opsahl took over the meeting and stated that a decision had to be made on the matter. Public Works Director Roessler stated that the road has to be lifted and new catch basins had to be placed. The road needed to be reshaped and he was under the impression that the road was to be blacktopped.

On motion by Ziemer, seconded by Stoen, all voting in favor, to have Roessler or Ziemer make contact with Janesville Township and find out their intentions. On motion by Thayer to bid the blacktop for that section of road. Thayer withdrew her motion until further discussion could be held at the next regular meeting.

John Schulte V – representing Jones, Haugh and Smith Engineer Firm presented the bids for the improvement project. He stated bids were good. Council discussed the various streets for which the project was projected. Options were offered as to costs if only part of the project was approved.

Pat Nusbaum, 104 Park Avenue NE – addressed the Council as to all projects that have been in prior years have been done at 100% assessment. Our assessment policy states 30 percent assessment and 70 percent levy. She commented that she felt the assessment policy should be modified to be 100 % or even 50 % because of her fear that when we continue to levy projects we will run out of bonding power. Special assessments are not counted against the bonding power. She urged that Council to look at whatever they do with this project, a precedent has been set and it will carry on for the rest of the improvements. She urged the council to consider the assessment policy and to take the good bids that were presented.

On motion by Stoen, seconded by Opsahl, to accept the bid of WW Blacktopping in the amount of \$617,818.20 to complete all four phases of the improvement. Voting Yes: Stoen, Opsahl. Voting No: Thayer, Ziemer, Anttila. Motion denied.

Motion was made by Thayer to approve Park Avenue street project. Motion died for a lack of a second.

Motion was made by Ziemer to move on to the next item. Motion died for a lack of a second.

Motion was made by Opsahl, seconded by Thayer, to accept the bid of WW Blacktopping for phases one and three, being Park Avenue NE from First Street North to Second Street NE and Third Street NW from Frank Avenue NW north to Lake Francis in the amount of \$347,740.20. Voting Yes: Opsahl, Thayer, Stoen, Anttila. Voting No: Ziemer. Motion carried.

On motion by Stoen, seconded by Opsahl, to accept the bid of phase one and three with no alternates. Voting Yes; Stoen, Opsahl, Thayer. Voting No: Ziemer, Anttila. Motion declared carried.

Resolution was presented by Member Opsahl, seconded by Member Stoen.

RESOLUTION 389/12
Resolution Accepting Bid

WHEREAS, pursuant to an advertisement for bids for the City of Elysian Phase 1

Capital Improvements, the improvement of Park Avenue from First Street to Second Street East, Second Street from Frank Avenue to Lake Francis, Third Street from Frank Avenue to Lake Francis, and Fourth Street from Frank Avenue to Lake Francis, bids were received, opened, and tabulated according to the law, and the following bids were received complying with the advertisement:

WW Blacktopping, Heselton Construction, James Bros Construction, BCM Construction, Kuechle Underground, and Northdale Construction

AND WHEREAS, it appears that WW Blacktopping of Mankato is the lowest responsible bidder,

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

1. The Mayor and City Administrator are hereby authorized and directed to enter into the attached contract with WW Blacktopping of Mankato in the name of the City of Elysian for the improvement of Park Avenue from First Street to Second Street East and Third Street from Frank Avenue to Lake Francis according to the plans and specifications therefore approved by the city council and on file in the office of the City Administrator.
2. The City Administrator is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

Upon vote being taken: Voting Yes: Opshal, Stoen, Thayer, Anttila

Voting No: Ziemer

Adopted by the City Council this 13th day of February, 2012.

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

Councilmember Stoen questioned the personnel committee and their meetings. He questioned why the Council was not told of personnel committee member resigning? It appeared that members of the Council Thayer, Ziemer, and Anttila were apprised by e-mail that she had resigned. Councilmember Opsahl and himself did not know of it. Stoen was concerned about the personnel committee meeting that was held in January with Wendell Bolstad present and participating as a member of the committee when he had not been appointed in January to be on the committee. He stated that he felt that the meeting was illegal. Member Ziemer indicated that committee has not changed. Bolstad came because no one told him not to attend. Mayor Anttila suggested that maybe the committees should be left for this year with the two Councilmembers on the committee. She suggested that some of the data the committee works with could maybe at some time be confidential data.

Member Stoen questioned whether a conflict of members of the Council voting on their own appointment to the EDA Board since it was the only board who received a salary. He stated he will be doing more research on matter.

Public Works Director John Roessler gave his report:

1. A quote of state bid for a bobcat with tiller for purchase by the City was handed out. The bid on the bob cat was in the amount of \$26,280.10 and the tiller in the amount of \$3,273.00. On motion by Stoen, seconded by Opsahl to purchase the bob cat and tiller in the amount of \$29,553.10. Voting Yes: Stoen, Opsahl, Thayer. Voting No: Ziemer, Anttila. Motion declared carried.

Administration – Nusbaum report:

1. Nusbaum asked the Council as to what was their view of a temporary employee and the number of hours to be worked. Some applications have been received. Council left the hours to be worked up to the need determined by the Public Works Director.

(A recess was called at 8:00 p.m. due to an emergency in the council chambers, meeting reconvened at 8:09 p.m.)

Member Stoen made a motion to allow Nusbaum and Roessler select the top two candidates who are the most qualified. After further discussion Member Stoen withdrew his motion. Motion was made by Stoen, seconded by Opsahl, all voting in favor, to allow Nusbaum and Roessler to interview the top two applicants, make a decision and hire the candidate. A monthly report will be given as to status of temporary employee.

2. A question as to whether to tape the city council meeting. On motion by Stoen, seconded by Ziemer, all voting in favor, to allow Nusbaum to purchase to a digital recorder and flash drives to not exceed \$200 for the recording of city council meetings. On motion by Anttila, seconded by Thayer, all voting in favor, to amend the fee schedule to allow the public to purchase a copy of the tape for \$10.00 with public providing the zip drive.
3. Nusbaum asked if there could be approval for an additional signer for the Mayor's signature if needed. Motion made by Stoen to allow Vice Mayor be the additional signer. Motion died for the lack of a second.
4. Nusbaum asked if the Council would consider the EDA website, elysianmn.com, to be given to the city for their control. Question as to the newsletter not being allowed by the EDA on the web site, at present Nusbaum is writing a newsletter to be mailed to 60 plus people. On motion by Anttila, seconded by Thayer, to place approved minutes, announcements and community events, council actions, regulations, resolutions, on web site with synopsis of minutes no longer being prepared. Voting Yes: Anttila, Thayer, Ziemer. Voting No: Opsahl, Stoen. Motion declared carried.

The question of the city owning the web site was discussed. Due to all items placed on the web site have to be discussed and approved by the EDA, Nusbaum asked that the EDA relinquish the site to the City Council. Mayor Anttila asked Nusbaum to give a presentation at the March 1, 2012 EDA meeting.

5. The question of requirements of the LMCIT as to special insurance that needs to be provided to entities who use the city buildings. Nusbaum will report at the next meeting as to what is needed for the council to consider. On motion by Stoen, seconded by Thayer, all voting in favor, to allow the Fischer fund raiser to held in the Fire Hall.
6. Megan James and Kris Miller were present to offer a proposal of the Horizons Group to hold movies in the street this summer. They requested permission to block Second Street NE from Main Street North to the alley for Wednesday evening movies and to have the support of the

city to cover insurance for the events. On motion by Stoen, seconded by Opsahl, all voting in favor, to support the local Horizons Group to allow them to block off Second Street NE to the alley and to provide insurance coverage for the events.

7. Member Opsahl asked the Council to allow the public comment time to change from three minutes to ten minutes. After much discussion, on motion by Stoen, seconded by Opsahl, to allow ten minutes for each speaker instead of the three minutes now allowed. Voting Yes: Stoen, Opsahl. Voting No: Thayer, Ziemer, Anttila. Motion denied.
8. Mayor Anttila requested that all original records, also electronic copies of all original records which are being held by former City Attorney, Jason Moran, be turned over to Mayor Anttila. Deputy Clerk Kopischke stated that she was the City of Elysian Responsible Authority for receiving data for the City of Elysian and that the material can be given to the incoming attorney or could be placed in her care and she would decide whether a file was considered to be confidential or public. On motion by Stoen, seconded by Opsahl, to allow the files presently housed in former Attorney Moran's safe to be remain there and upon a new City Attorney being appointed be give to the Attorney. Voting Yes: Stoen, Opsahl, Thayer, Ziemer. Voting No: Anttila. Motion declared carried.
9. Nusbaum has received confirmation from the Secretary of States Office that a grant in the amount of \$4,000 written by Nusbaum has been approved for the making of City Hall door into an accessible door for handicap needs. On motion by Ziemer, seconded by Stoen, all voting in favor, to authorize the signatures of Mayor and Administrator in acceptance of grant documents.

Mayor Anttila reported on the recent Joint Fire Board meeting. She stated that the board will continue to work toward a new contract. Member Stoen stated that he also had attended the Joint Fire Board meeting and stated that the member of the township boards felt that city needed to get themselves in order and that the city needs to back off and let the fire department run the fire department. Mayor Anttila reminded Member Stoen that the joint cooperation was needed and that the fire department is a department of the City of Elysian and that City policy needs to be followed. Stoen felt that the department needs to run the department and do their jobs.

On motion by Thayer, seconded by Stoen, all voting in favor, to approve the bills, payroll, and transfers as presented.

Public Comment:

1. Christina James – 43911 43rd. Street – asked who does Fire Department work for? Mayor Anttila answered that the Fire Department is a department of the City of Elysian and is jointly operated by the townships and the City of Elysian. We are in the process of development of a new contract. James stated that you have to understand the situation, it is a department of the City, but it is not the only entity that the department reports to. I recommend you attend the Joint Fire Board meeting Mayor does not report the true picture. Things are not accurate. Things are not good.
2. Mike Kauss 6 Egret Lane – Public comment, in the past three years people who come before you with a comment he did not recall that the staff was ever directed to actually do anything to answer the comments asked. Two years ago he was placed on the Planning and Zoning Commission, he filled out an application, he went to the Council and I was approved. Right now, the two members whose terms were up were not reappointed or no new persons were appointed to the Commission. The City has an ordinance that states that seven members make

up the Commission, at present we have five. Why can't the positions be filled by applicants that fill out an application? We cannot meet until the board is filled. The City Administrator has to get permission from the EDA to put things on the web site. The EDA is leading the City around.

3. Gordon Kritzer - 213 Main Street East - stated that it took 25 minutes to decide that the 3 minutes public comment time will stay the same. He wants to have the newsletter sent out. He does not have a computer. If nothing else, the newsletter should be available at City Hall. He stated that Fire Department is city, but a separate entity. He stated that he has never served on any board that the meetings lasted over 1- 1½ hours.
4. Wayne Unke – 124 Willow Point Drive – He stated that he had been on the Budget Committee for the past three years. Learned a lot. Citizens of Elysian no information should go public unless it has passed by the Council. Causes lots of trouble. He stated he called Mike Kauss to sit and talk, called twice, did not get together. (Mike Kauss at this point disputed that he was called by Unke, and that he never talked with Unke.) Kauss stated that he did not want to visit with him.
5. Steve Ritchison – 101 Fourth Street NW – He was proud and honored to be on the EDA Board. Tad Kinyon does a good job. Name calling people, never occurred before Clinton Stoen, Mary Opsahl, and Pat Nusbaum were there.
6. Dan Engebretson – Lake View Manor – Was questioning who should run the web site, the City or the EDA. He thought the EDA was a committee of the city and responsible to the city. Regarding the road issue. You are looking at 20-30 years issue. You need to consider the people that will be here. He complimented Member Thayer for her support of the bobcat. He stated that the Mayor loses because you are making short term decisions on long term issues.
7. Jason Moran – 219 James Drive – Look at the long term. That gentleman made a good point. He stated that he is the Attorney for the City of Kilkenny. He told the Kilkenny Council that the City of Elysian meeting would probably still be going and it is. We should be looking for grants for road construction for projects. I am getting no answers from the people that represent me. Form a commission, study grants, look into and apply. Maple Avenue looks like a street in Baghdad. It is a mess. I&I is always a problem. Stop petty fighting.
8. Megan James – 511 West Highway #60 and 406 Frank Avenue NW – Request her water bills for her two address be mailed in an envelope, due to her bills being a privacy issue. She stated that buyers of homes and businesses in Elysian are interested in two things. #1What are the perks of living in Elysian. She stated she has run out of perks. City let me know what are the perks and I will sell houses in Elysian. #2. Who responds to fire in Elysian?
9. Pat Nusbaum – 104 Park Avenue NE – Stated that she attended an EDA Meeting when the stimulus package was approved. Steve Ritchison made a comment that we should have done this ten years ago. Ten years ago it was not needed. Sixty plus home were built. Comments like this are made off the cuff and are not accurate.

On motion by Thayer, seconded by Opsahl, all voting in favor, meeting adjourned at 9:50 p.m.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL
REGULAR MEETING
MARCH 12, 2012
ELYSIAN CITY HALL
6:00 P.M.**

The Elysian City Council met in regular session on Monday, March 12, 2012, at City Hall at 6:00 p.m.

Present were: Mayor Katy Anttila; Councilmembers Mary Opsahl, Clinton Stoen, Edna Thayer, Brian Ziemer, City Administrator Patricia Nusbaum; Deputy Clerk Lorri Kopischke.

Discussion was held on the redo of the minutes of January 19, 2012 and the presented minutes of February 13, 2012. On motion by Stoen, seconded by Opsahl, to approve the minutes of January 19, 2012 and February 13, 2012 as presented. Voting Yes: Stoen, Opsahl, Thayer. Voting No: Ziemer, Anttila. Motion declared carried.

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

- 1. Flex hours**
- 2. Water bill request – sealed envelope**
- 3. Recorder update**
- 4. Clarification of purchasing policy**

Public Comment:

Roger Hanson, 309 Third Street NW – Concerned about minutes missing on the web site – Council and EDA minutes.

Michael Meyer, 26 Osprey Way, representing the Elysian Area Chamber of Commerce was present with the following:

- 1. Stated that the Bob Cat was starting to be built.**
- 2. Offered quotes for under sink water on demand hot water heaters (4) for the Tourism Center. Quotes were from Menards - \$137; Lowes \$161; Home Depot \$171. Plumber needs to install units. Units would be placed under the sinks in the meeting room, both upstairs bathrooms, and in the basement. On motion by Stoen, seconded by Thayer, all voting in favor, to purchase 4 hot water units for the Tourism Center to include the cost of the plumbing installation.**

Discussion was held on the need for new carpeting in the Tourism Building. On motion by Thayer, seconded by Ziemer, all voting in favor, to refer to the finance committee for consideration in next years budget.

Maple Avenue SW road was discussed. Road appears to need more gravel and grading. Councilmember Ziemer will contact the Janesville Township Board to meet with them at

their next township board meeting to see if they will participate in doing more work on the road.

Discussed the placement on the next agenda, the costs for blacktopping of that portion of Maple Avenue SW that has been newly graveled.

On motion by Thayer, seconded by Stoen, all voting in favor, to advertise for quotes for mowing the following parcels for the month of May through October:

1. Tustin Park
2. Roemhildt Park
3. Lake View Manor Pond

and to authorize Ziemer and Roessler to meet and discuss a mowing policy.

Ziemer presented a report on snow removal which was to mirror a lawn mowing policy. Nusbaum will check with MNDOT, DNR, and Le Sueur County as to mowing on the edges of their property and to question if the city could be indemnified for insurance coverage for employees.

Flooding of city hall was discussed. Councilmember Stoen will obtain quotes as to costs for fixing the property around the building.

Deputy Clerk Lorri Kopischke gave an update on the question of allowing flex time over a two week period. A work week is 40 hours. Flex hours can only be used on the 40 hour work week, not on the two week pay period.

Nusbaum gave an update on the new temporary employee and stated that the STS Program (Sentencing to Service) would be available to help do some things in the city.

Administration update:

Nusbaum reviewed with the Council the Open Book – Board of Review meeting will no longer be held in the city, but will be held by the County in the Assessor's Office. The city will pay for the newspaper advertising of the dates of the meeting.

RESOLUTION 390/12 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 Councilmember Stoen, seconded by Councilmember Opsahl to approve one day off site lawful gambling for April 21, 2012.

**Voting Yes: Stoen, Opsahl, Thayer, Ziemer, Anttila
Voting No: None**

Dated this 12th. day of March, 2012

Attest:

Patricia Nusbaum, City Administrator

Kathleen Anttila, Mayor

Cathy Houlihan was present representing the Elysian Area Chamber of Commerce, to ask for permission to close Main Street from St. Andrew Church to the Fire Hall on May 5, 2012, to allow a fund raiser to be held at 3:00 p.m. On motion by Thayer, seconded by Stoen, all voting in favor, to allow the Main Street from St. Andrew's Church to the fire hall to be used by the Elysian Area Chamber of Commerce for a fund raiser on Saturday, May 5, 2012.

RESOLUTION 391/12

Resolution Reestablishing Precincts and Polling Places

WHEREAS, the legislature of the State of Minnesota has been redistricted; and

WHEREAS, Minnesota Statutes section 204B.14, subd.3 (d) requires that precinct boundaries must be reestablished within 60 days of when the legislature has been redistricted or at least 19 weeks before the state primary election, whichever comes first;

NOW, THEREFORE BE IT RESOLVED THAT THE City Council of the City of Elysian, County of Le Sueur, State of Minnesota hereby reestablishes the boundaries of the voting precincts and polling places as follows:

Precinct 1 (City Hall, 110 Main Street West)

"All territories within the municipal boundary of Elysian City, Le Sueur County."

Attached to this resolution, for illustrative purposes, is a map showing said precinct and the location of the polling place.

Resolution presented by Member Thayer, seconded by Member Stoen, with the following votes being taken:

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

Voting No: None

Abstaining: None

Adopted by the Elysian City Council this 12th. day of March, 2012.

Attest:

Patricia Nusbaum, City Administrator

Kathleen Anttila, Mayor

RESOLUTION 392/12

Resolution Establishing Precincts and Polling Places

WHEREAS, the legislature of the State of Minnesota has been redistricted; and

WHEREAS, Minnesota Statutes section 204B.14, subd.3 (d) requires that precinct boundaries must be reestablished within 60 days of when the legislature has been redistricted or at least 19 weeks before the state primary election, whichever comes first;

NOW, THEREFORE BE IT RESOLVED THAT THE City Council of the City of Elysian, County of Waseca, State of Minnesota hereby establishes the boundaries of the voting precincts and polling places as follows:

Precinct 2 (Ballot by Mail – Waseca County Courthouse)

Attached to this resolution, for illustrative purposes, is a map showing said precinct and the location of the polling place.

Resolution presented by Member Thayer, seconded by Member Stoen, with the following votes being taken:

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

Voting No: None

Abstaining: None

Adopted by the Elysian City Council this 12th. day of March, 2012.

Attest:

Patricia Nusbaum, City Administrator

Kathleen Anttila, Mayor

**RESOLUTION 393/12
STATEMENT OF INTEREST IN ALL-HAZARD MITIGATION PLANNING
CITY OF ELYSIAN**

As a potential participant in the Hazard Mitigation Assistance Program, the City of Elysian, Minnesota hereby states their interest in participating in the multi-jurisdictional Le Sueur County and Waseca County All-Hazard Mitigation Plan.

After FEMA funding approval and during the planning implementation, the City of Elysian, Minnesota agrees to participate in the hazard mitigation planning process.

As signed, we understand this is a voluntary program and our participation may benefit our jurisdiction by identifying hazards and prioritizing potential projects to mitigate the effects of natural hazards.

Resolution was brought forth by Councilmember Stoen, seconded by Councilmember Thayer and the following vote being taken:

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

Voting No: None.

Abstaining: None.

Adopted by the Elysian City Council this 12th. day of March, 2012.

Attest:

Patricia Nusbaum, City Administrator

Kathleen Anttila, Mayor

**RESOLUTION 394/12
REQUEST TO HOLD RAFFLE**

WHEREAS: the Elysian City Council was presented with a request from the Elysian Area Chamber of Commerce for the purpose of holding a raffle.

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 to the Elysian Area Chamber of Commerce to hold a raffle with drawing to be held on Saturday, July 7, 2012.

The resolution was presented by Councilmember Ziemer, seconded by Councilmember Stoen.

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

Voting No: None.

Dated this 12th. day of March, 2012.

Attest:

Patricia Nusbaum, City Administrator

Kathleen Anttila, Mayor

Spring Clean Up – May 19, 2012 and Fall Clean up - October 13, 2012.

Discussion was held on the process of moving ahead with selection of a city attorney. Nusbaum will contact Attorney Warnemunde as to whether he would consider staying on as the city's criminal attorney.

A special meeting will be held on March 26, 2012, at 6:00 p.m. to include the following on the agenda:

- 1. Goal review for Administrator and Public Works Director**
- 2. Attorney selection**
- 3. Public Works Director applicants**

Nusbaum presented a brief update on the request of the League of MN Cities on special event insurance to be obtained if city building and facilities are used by public purposes. Councilmember Stoen and Mayor Anttila will meet with Nusbaum within the month to review material and forms for usage of city owned properties.

On motion by Stoen, seconded by Thayer, all voting in favor, to hold a public hearing on Monday, April 9, 2012 at 6:00 p.m. to amend Ordinance #24 to consider the reduction of Planning and Zoning Commissioners from seven to five members.

Councilmember Thayer made a motion for anyone wishing to have their water billing in an envelope, they shall provide a self-addressed stamped envelope. Motion was seconded by Ziemer. Voting Yes: Thayer. Voting No: Ziemer, Opsahl, Stoen, Anttila. Motion denied.

On motion by Opsahl, seconded by Stoen, to continue mailing city water and sewer billing to those requesting it to be in an envelope on a monthly basis. Voting Yes: Opsahl, Stoen. Voting No: Thayer, Ziemer, Anttila. Motion denied.

Recorder has been purchased, need to get flash drives.

On motion by Stoen, seconded by Ziemer, all voting in favor, to approve bills, payroll, and transfers in the amount of \$113,659.55.

Public Comment:

Roger Hanson – 309 Third Street NW – He stated that he felt the Le Sueur County Maintenance Agreement the city had with the county, mowing was part of the agreement. He also mentioned a rain garden could be developed next to the city hall building.

On motion by Thayer, seconded by Ziemer, all voting in favor, meeting adjourned at 8:13 p.m.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL
EMERGENCY MEETING
MARCH 20, 2012
CITY HALL
12:00 Noon**

The Elysian City Council met in emergency session on Tuesday, March 20, 2012, at City Hall at 12:00 noon.

Present were: Roll Call: Mayor Katy Anttila; Councilmembers Clint Stoen, Edna Thayer, Brian Ziemer, Administrator Patricia Nusbaum, Deputy Clerk Lorri Kopischke, Public Works Director John Roessler. Absent: Councilmember Mary Opsahl.

Also present were Le Sueur County Emergency Management Director Ann Traxler and four associates from Le Sueur County. Also present were: two representatives from the National Weather Bureau, Elysian Emergency Management Assistant Roger Hanson, and City Employees.

The purpose of the meeting was to receive an update on the tornado disaster which hit a part of Elysian on the evening of March 19, 2012.

Elysian Emergency Management Director John Roessler gave an update on the destruction in various areas of the city. It appeared the hardest hit areas were the Roemhildt Addition, Shoreview Drive, James Drive and Willow Point Drive. Councilmember Stoen, who lives in the Shoreview Drive area asked for a dumpster to place the debris of shingles and twisted metal which was on the streets and public areas. Nusbaum will order a 40 yd. roll off to be placed in the Roemhildt Addition area.

The representatives from the National Weather Bureau stated that they were uncertain as of yet regarding the storm being designated a straight line wind or a tornado. They indicated that they would have to return to the bureau and re-evaluate the radar from the night before.

Elysian Assistant Emergency Management Director Roger Hanson presented an instructional letter which will be placed in the door of all homes in the affected area stating the procedure for getting rid of their brush, trees, and other debris. Councilmember Stoen and Ziemer, along with Hanson will distribute the materials. Information will be placed also on the web site and posted in various areas in the community.

On motion by Ziemer seconded by Stoen, all voting in favor, meeting adjourned at 12:53 p.m.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL
SPECIAL MEETING
ELYSIAN CITY HALL
MARCH 26, 2012
6:00 P.M.**

The Elysian City Council met in special session on Monday, March 26, 2012, at City Hall at 6:00 p.m.

Meeting opened with the Pledge to the US Flag.

Present were: Roll Call: Mayor Katy Anttila; Councilmembers Mary Opsah, Clint Stoen, Edna Thayer, Brian Ziemer, Administrator Patricia Nusbaum, Deputy Clerk Lorri Kopischke, Public Works Director John Roessler.

Goal reviews for Administrator Nusbaum and Public Works Director Roessler were held.

John Roessler's prior assigned goals were:

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.

Councilmember Ziemer and Roessler will meet to work on a mowing plan.

Roessler indicated that no employee were smoking in the vehicles.

Roessler was asked as to his choices of applicants for Public Works Director. He indicated that he felt #1, #3, & #6 were to be considered.

Pat Nusbaum's prior assigned goals were:

1. Improve organization and proofreading.
2. Be proactive in reducing conflict.
3. Develop and implement a plan for upkeep of city hall.

Comments made were: February Newsletter was good. Working with employees to understand the Purchasing Policy, need to develop a way to keep city hall clean. Assignment was to develop a plan for keeping city hall clean by the May regular meeting.

Review of request for proposals for City Attorney was held. Applicants were the following: Kennedy & Graven, Minneapolis; Kennedy & Kennedy, Mankato; Hoff, Barry & Kozar, P.A., Eden Prairie; Anderson & Skubitz, Le Sueur; Campbell Knutson, Eagan; Brandt Law Office, St. Peter; Smith, Tollefson, & Rahrlick, Owatonna; Dougherty Molenda, Apple Valley; Ratwik. Roszak & Maloney, Minneapolis.

On motion by Thayer, seconded by Anttila, to approve the firm of Anderson & Skubitz, Le Sueur, as the City of Elysian Criminal Attorney. Voting Yes: Thayer, Anttila, Opsahl. Voting No: Stoen, Ziemer. Motion declared carried.

On motion by Stoen, seconded by Thayer, all voting in favor, to approve the firm of Ratwik, Roszak & Maloney as the City of Elysian Civil Attorney and to have firm prepare a one year contract to run until April, 2013.

Discussion was held on the selection of applicants to be interviewed for the position of Public Works Director. On motion by Stoen, seconded by Ziemer, all voting in favor, to interview applicants of applications numbered 3 and 6.

On motion by Thayer, seconded by Stoen, all voting in favor, to have Councilmember Ziemer, Public Works Director Roessler, and City Administrator Nusbaum interview the applicants by the next council meeting.

Tornado storm update: Sentencing to Service personnel from Waseca and Le Sueur Counties and prisoners from Faribault have put in over 400 hours this past week. Clean up continues.

On motion by Ziemer, seconded by Thayer, all voting in favor, meeting adjourned at 7:32 p.m.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL
REGULAR MEETING
APRIL 9, 2012
ELYSIAN CITY HALL
6:00 P.M.**

The Elysian City Council met in regular session on Monday, April 9, 2012, at City Hall at 6:00 p.m.

Present were: Mayor Katy Anttila; Councilmembers Mary Opsahl, Clinton Stoen, Edna Thayer, Brian Ziemer, City Administrator Patricia Nusbaum; Public Works Director John Roessler. Absent: Deputy Clerk Lorri Kopischke.

On motion by Stoen, seconded by Ziemer, all voting in favor, to go to public hearing.

Public hearing to Amend Ordinance #24

An Ordinance Establishing A Planning and Zoning Commission for the City of Elysian

Amendment to be considered as to whether the Elysian City Council shall reduce the number of members of the Planning and Zoning Commission from seven members to five members.

Administrator Nusbaum presented a short history of the Planning and Zoning Commission. Comments from the public were as follows:

1. Mike Kauss – 4 Egret Lane – As President of the Elysian Planning and Zoning Commission he offered that he did not care whether it was seven members or five members. Was concerned about why it took so long to get people appointed to the Commission?
2. Ralph Dyer – 105 North Shore Drive – has been a member of the Planning Zoning Commission for many years. He indicated that the seven member board worked well and would like to see it remain that way.

There were no written comments.

On motion by Thayer, seconded by Stoen, all voting in favor, to close the hearing and go to the regular meeting of the City Council. Hearing closed at 6:08 p.m.

On motion by Anttila seconded by Ziemer, to approve the minutes of the March 12, 2012, March 20, 2012, and March 26, 2012 with discussion being held on the minutes of the March 20th meeting regarding the payment of the dumpster placed on Shoreview Drive after the tornado for clean up. Motion was made by Thayer, seconded by Ziemer, to allow the City to pay for the dumpster if the insurance company does not pay. Voting Yes: Thayer, Ziemer, Opsahl, Anttila. Voting No: Stoen. Motion declared carried.

An addition to the March 26th minutes to include the names of those interviewed for the Public Works Director position, Brian Backes, and Jeff Moe. Voting Yes: Anttila, Ziemer, Opsahl, Thayer. Voting No: Stoen. Motion declared carried.

On motion by Stoen, seconded by Thayer, all voting in favor, to approve agenda with the following changes. Under Administration #3 John Roessler state employment form to be removed until the next meeting, and to add under Public Works #10 Councilmember as liaison to public works.

Ron Frank, 200 Frank Street NE was not present.

The 2011 audit was presented by Mike Burkhardt, Burkhardt & Burkhardt Auditing, Mankato. He stated that all went well and was pleased with financial standing of the City at the end of 2011. On motion by Anttila, seconded by Thayer, all voting in favor, to approve the 2011 city audit as presented by Burkhardt & Burkhardt Auditing.

Discussion was held on the hearing to consider decreasing the number of Commissioners on the Planning Zoning Commission. On motion by Stoen, seconded by Opsahl, all voting in favor, to keep the Commission at seven members.

Public Works – John Roessler

1. Maple Avenue update – Janesville Township indicated that they will bring the street up to grade, but will not be part of blacktopping. On motion by Ziemer, seconded by Stoen, all voting in favor, to hold a hearing on the upgrading of Maple Avenue SW.
2. Discussion was held on Fifth Street NE. A question as who owns the street the City or Elysian Township. Roessler indicated that the City has always taken care of the road from Highway #60 to Lake Avenue NE. The Township took care of the part to the North past the Lake Tustin Park. More research will continue prior to the next meeting.
3. Roessler stated that the sanitary sewer pump at the park needs repair. On motion by Anttila, seconded by Thayer, all voting in favor, to approve the repair of the pump in the amount of \$3,800 not including installation costs, with funding coming from capital outlay sewer.
4. Mowing policy update – Roessler stated that Councilmember Ziemer and himself met to review the area of mowing. Ziemer stated that the city should not be mowing areas that are not city-owned properties. He had a diagram of outlots in the Shoreview Drive/Willow Point Drive area and that some of the outlots being maintained by the City [he felt] should be maintained by the homeowners association. Roessler indicated that the area around the ponds and lift stations are to be maintained according to MPCA. Ziemer was also concerned about the mowing of the DNR, DOT, and along County Road #11. On motion by Ziemer, seconded by Thayer, to continue to mow area owned by city, but not to mow outlots M & C, pond North of Sakatah Trail Estates. Voting Yes: Ziemer, Thayer, Anttila. Voting No: Opsahl, Stoen. Motion declared carried.
5. Mowing Quotes – Quotes were received from three entities. The Lawn Barber, Roemhildt Lawn Care, and City Public Works Department. On motion by Stoen, seconded by Opsahl, to approve the quote of the City of Elysian public works department as low bidder. Voting Yes: Stoen, Opsahl. Voting No: Thayer, Ziemer, Anttila. Motion denied.

On motion by Ziemer, seconded by Thayer, to approve the following mowing quotes: The Lawn Barber – Lake Tustin Park; Roemhildt Lawn Care – Roemhildt's Park and Lake View Manor storm water pond area. Voting Yes: Ziemer, Thayer, Anttila. Voting No: Opsahl, Stoen. Motion declared carried.

6. City Hall Flooding update – Member Stoen will continue to get quotes for the removal of the sidewalk west of the building.
7. There will be no leaf pick up this year by the Councilmembers. City wide cleanup will be Saturday, May 19, 2012 in front of the Elysian Learning Center between 8:00 a.m. and 12:00 noon.
8. On motion by Anttila, seconded by Thayer, all voting in favor, to get quotes on five areas of the city needing patching and crackfilling Roessler will review the areas and get quotes.

9. Authorized Nusbaum to write a letter to Le Sueur County Coordinator as to when seal coating can be expected on Main Street.
10. On motion Thayer seconded by Opsahl, all voting in favor, to appoint Councilmember Stoen to be the liaison from the Public Works Department to the City Council. Motion was made by Thayer, seconded by Stoen, to continue to mow the area north of Hwy #60 to the Sakatah Singing Hills Trail between the Welcome to Elysian sign on the East to the Tourism Center on the West. Voting Yes: Thayer, Stoen, Opsahl, Anttila. Voting No: Ziemer. Motion declared carried.

Discussion was held on mowing the edge of County Road #11, Nusbaum stated that the County Coordinator stated that the edges must be mowed for safety purposes and because we get the Municipal County Aid for maintenance of the County Road in the city limits, mowing is part of maintenance. On motion by Thayer, seconded by Opsahl to continue to mow the area along County Road #11 for now. Voting Yes: Thayer, Opsahl, Stoen, Anttila. Voting No: Ziemer. Motion declared carried.

On motion by Ziemer to notify the League of MN Insurance Trust to let them know that the City is mowing property that is not owned by the City. Motion died for the lack of a second.

Discussion was held on hours worked in the Public Works Department. On motion by Ziemer, seconded by Anttila, to allow 60 hours a week for all employees in the Public Works Department. Voting Yes: Ziemer. Voting No: Anttila, Opsahl, Stoen, Thayer. Motion failed.

On motion by Anttila, seconded by Ziemer, to allow 100 hours per week for all employees in the Public Works Department. Voting Yes: Anttila, Ziemer, Thayer. Voting No: Opsahl, Stoen. Motion declared carried.

Nusbaum updated the Council on the acceptance by the two attorney firms to working for the City. Criminal – Anderson & Skubitz Law Firm Le Sueur; and Jeff Langel, Rosak Ratwik and Maloney, Minneapolis.

On motion by Anttila, seconded by Ziemer, to add Mayor Anttila to be part of the interview committee for a Public Works Director along with Councilmember Ziemer, Administrator Nusbaum, and Public Works Director Roessler. Voting Yes: Anttila, Ziemer, Thayer. Voting No: Opsahl, Stoen. Motion declared carried.

On motion by Stoen, seconded by Opsahl, all voting in favor, to approve the increase in the purchase of a water meter from \$100 to \$125 and to add to the fee schedule.

Special Event Insurance update – a committee of Anttila, Stoen and Nusbaum will review materials.

April 16-20 – MN Severe Weather Awareness Week 2012 – Statewide drill Thursday, April 19th 1:45 p.m. and 6:55 p.m.

Safety meeting – April 11th. at Tourism Building – 6:30 p.m. – 8:30 p.m. – Storm Watchers, Weather reports, Warnings, Radios, & Shelters.

Nusbaum stated that a rental ordinance is needed. We now have several houses in the city that are being rented. An ordinance will allow the Building Official to enter for an annual check as to conditions in the building. Matter will be reviewed by the Planning and Zoning Commission.

Discussion was held on the amount of mailed requests from the public for the monthly newsletters. On motion by Thayer, seconded by Ziemer, to have City Administrator contact all those presently receiving the newsletter by mail to find out if they had access to the internet and if they do, to ask for their e-mail address so they could receive the newsletter in that manner; if they do not have e-mail access, ask if

they could pick a copy up at city hall, the library, or from the post office bulletin board; if they are unable to pickup a copy and they are requesting the newsletter to be mailed, then the staff will send the newsletter out by mail. Voting Yes: Thayer, Ziemer, Anttila. Voting No: Opsahl, Stoen. Motion declared carried.

Councilmember Ziemer offered the following resolution, seconded by Councilmember Anttila;

**CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION 395/12
RESOLUTION ACKNOWLEDGING THE DONATION FROM
Councilmember Edna Thayer**

WHEREAS, the City of Elysian has received a donation from Councilmember Edna Thayer of 300 envelopes and 300 stamps.

WHEREAS, hereafter donated envelopes and stamps will be used for the purpose of mailing city newsletters to residents of the City of Elysian who are unable to receive their newsletter in any other manner.

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 Edna Thayer.

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

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

Council Members voting in the negative: Stoen.

Adopted by the City Council of the City of Elysian this 9th day of April, 2012

CITY OF ELYSIAN

Attest:

Patricia Nusbaum, Clerk Administrator

Kathleen Anttila, Mayor

On motion by Thayer, seconded by Opsahl, all voting in favor, to approve the bills, transfers, and payroll in the amount of \$88,138.25, which excluded the billing of \$30.00 for Chamber of Commerce Fire Department membership.

Public Comment:

Chris Johnson – Janesville – Does business in Elysian. Enjoys coming to meetings. He questioned Councilmember Ziemer's statement about not spending any taxpayer dollars on non-city owned property. He also noted that it seemed that a majority of the council if they were offered a piece of property they should turn it down, would not want any more expenses such as mowing. He stated that he recalled discussion last fall by Councilmember Ziemer bringing up the turning over of Willow Point

Drive to the City as a public street which would shift the responsibility of maintaining and improving the street from Willow Point Drive to the City. He stated that as a suggestion for next months is to turn down the request offered by Ziemer and not take on the responsibility of Willow Point Drive and have the Willow Point Drive property owners to continue to be responsible for their street.

Roger Hanson – the picking of leaves is not only just about picking up leaves, but it was also to inform the citizens that the leaves are harmful to the lake, and by having the property owner pick up and bag the leaves it makes them aware of the good that it is doing. Mowing quotes – When he added up the money authorized to pay someone else. City can do it for less. Do not know why you want to out someone out of work who works for the city and give it to someone out of the city, it does not make any sense. He stated that in thinking it over on the outlets and holding ponds, when outlot C on Roemhildt's Addition began and it was prior to it being a development, he believes that the pond there before the development and is a part of Chestnut's 1 & 2. Lake View Manor was worked on by a very strong P&Z Committee and as we worked on the development plans, the pond was done before the development was turned over to the city and should be maintained. If it is a question of someone owning the property on other developments they would probably be happy to deed it over to the city.

Jason James – 43911 43rd Street, Elysian – I can't believe this mowing situation. Twenty six years ago I mowed all of this for the city. I do not know of anyone who would want the North side of the highway to be all weeds. It needs to look clean. He stated that he is concerned about this insurance thing for the fire hall. As of right now there will be no more fundraisers in the fire hall. Try to do a good thing for the community, checked with the League of MN Cities, no problem or need for extra insurance. Extra money for insurance, it is stupid, city has insurance, that is what it is for.

Jason Moran - 219 James Drive – I just got my property taxes, taxes went up, my property value went down, council is discussing mowing, cleaning bathrooms, Brian Ziemer's conflict of interest while the rest of taxpayers taking over Willow Point Drive. There is major street project coming up. Is anyone looking for low interest loans, grants for infrastructure? Instead of cleaning bathrooms, and mowing of public property, I want something for my taxes. We all pay the taxes, high taxes, sitting here at 6:00 p.m. and still hear at 10:00 p.m. and not getting anything done. The City Council has a fiduciary duty to us as tax payers to get stuff done. Stop talking about cleaning bathrooms. Thank you to Clint for helping out with tornado damage, to Roger Hanson and the Fire Department. Thanks to Mary.

On motion by Ziemer, seconded by Thayer, all voting in favor, meeting adjourned at 9:41 p.m.

Attest:

Attest:

Patricia Nusbaum, Clerk Administrator

Kathleen Anttila, Mayor

**ELYSIAN CITY COUNCIL
REGULAR MEETING
MAY 14, 2012
ELYSIAN CITY HALL
6:00 P.M.**

The Elysian City Council met in regular session on Monday, May 14, 2012, at City Hall at 6:00 p.m.

Present were: Mayor Katy Anttila; Councilmembers Mary Opsahl, Clinton Stoen, Edna Thayer, Brian Ziemer. City Administrator Patricia Nusbaum; Deputy Clerk Lorri Kopischke, Public Works Director John Roessler.

On motion by Stoen, seconded by Opsahl, all voting in favor, to approve the minutes with the inclusion that a member from the audience, Mike Kauss, interrupted the meeting by an outburst along with a couple of citizens, and was gaveled by the Mayor after which the Administrator made a call to the Le Sueur County Sheriff's Department for assistance. There was no need for the Sheriff to respond, Kauss left the building. On page 3 of the minutes it states that Councilmember Ziemer had made input of 80 hours in total for a consideration of the limit of hours worked by the Public Works Department, not 60 hours as stated.

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

1. Uniforms
2. Nuisances
3. Storm sewer

Public Comments:

Joyce Bohlen, owner of house located at 106 First Street North - asked that the tree which she stated is on the line of the boulevard and her property, be removed and she would pay for one-half of the costs if the city would pay the other one-half.

Max Venero, 217 Jill Lynn Circle – asked why when Mr. Kauss was gaveled was not Dave Rager and Wayne Unke also not asked to leave the building. Mayor Anttila stated that all three were inappropriate and she had asked all to be quiet and two did, but Mike Kauss left the building.

Mike Kauss, 6 Egret Lane – he admitted he was out of line at the April meeting, but the other people involved were not stopped. They are friends of yours, (the Mayor) all should be put up to the same standard. I put an article in the paper and admitted I was out of line. Why does Dave Rager susch people in the audience? If Kauss's name is in the paper then the other two people's names should be in paper.

Public Works

1. Mayor Anttila updated the Council on the Maple Avenue project. Project is projected to cost \$33,000. Citizen Dennis Schnoor , 308 Maple Avenue SW, remarked that at a prior meeting it was considered a repair. His opinion is that the street did not need to be ripped up. After discussion, a resolution was presented by Councilmember Thayer and seconded by Mayor Anttila as follows:

RESOLUTION 396/12

Resolution Ordering Preparation of Report on Improvement

WHEREAS, it is proposed to improve Maple Avenue SW between Fifth Street SW to a point of 515 feet East of Fifth Street SW, and to assess the benefited property for all or a portion of the cost of the improvement, to include a permanent surface of blacktopping, pursuant to Minnesota Statutes, Chapter 429.

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

That the proposed improvement be referred to Jones, Haugh & Smith Inc. Engineering, for study and that they are instructed to report to the council with all convenient speed advising the Council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible and as to whether it should best be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.

Upon vote being taken: Voting Yes: Thayer, Anttila, Opsahl, Stoen, Ziemer.

Voting No: None.

Adopted by the Council this 14th. day of May, 2012.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

The Excelsior Group was not in attendance. Public Works Director Roessler updated the council on the sanitary sewer situation on the bottom five lots located in the Roemhildt Addition #3. More information will be discussed as a future meeting.

Discussion was held on the request of Joyce Bohlen. On motion by Stoen, seconded by Ziemer, since it appears that the tree is on the line of boulevard and private property, to allow the city to pay one-half of the cost to have tree removed. Voting Yes: Stoen, Ziemer, Opsahl, Anttila. Abstain: Thayer. Motion declared carried. Bohlen will contact someone to remove the tree.

The consideration of a boulevard tree ordinance will be worked on by Councilmember Thayer and Administrator Nusbaum and brought to the June meeting. Discussion was held on the phased retirement agreement of Public Works Director John Roessler. On motion by Thayer, seconded by Ziemer, all voting in favor, to approve the phased retirement agreement and the employment contract until September 16, 2012 with a total of 304 hours at 20 hours per week and accumulated medical hours and vacation hours being paid upon full retirement.

On motion by Thayer, seconded by Ziemer, to refer to the City Attorney for an opinion on the employee longevity which has been attributed to City Administrator Nusbaum and Public Works Director Roessler. Voting Yes: Thayer, Ziemer, Opsahl, Antilla. Voting No: Stoen. Motion declared carried.

Discussion was held on Fifth Street NE, a portion of the street to the NE that is adjacent to the city limits. Roessler fixed the frost boil even though it has never been thought to be in the city limits. The road had become impassable. On motion by Anttila, seconded by Thayer, all voting in favor, matter was referred to the City Engineer to determine the section line which will determine if the street is in the city or township.

Discussion was held on the mowing around lift stations and ponds. Councilmember Ziemer and Roessler had information from PCA which was conflicting. On motion by Thayer, seconded by Ziemer, all voting in favor, to table until next month when further information can be gathered.

Storm Sewer catch basin will be repaired on EDA owned property.

City Hall flooding – sidewalk will be removed and tile will be placed along with landscaping.

On motion by Thayer, seconded by Stoen, all voting in favor, to approve Street Improvement Change Order #1 in the amount of \$5,075.00

On motion by Stoen, seconded by Thayer, all voting in favor, to proceed with the repair to the storm sewer catch basin located on the EDA property.

On motion by Ziemer, seconded by Opsahl, all voting in favor, to allow Roessler to get quotes for seal coating in the Sakatah Estates area and crack filling which will be presented at the next meeting.

On motion by Antilla, seconded by Ziemer, all voting in favor, to advertise for quotes on the sale of the Allis Chalmers 5020 tractor with quotes presented at the next meeting.

The uniform contract will be ready for the June meeting.

On motion by Ziemer, seconded by Thayer, all voting in favor, to appoint Gary Buchschacher and Roger Hanson to the Planning and Zoning Commission for a three-year term retroactive to January, 2012.

The Council will adjourn this meeting to May 17, 2012, at 6:00 p.m. at City Hall to further discuss the position of Public Works Director.

On motion by Anttila, seconded by Thayer, all voting in favor, to allow Anttila, Ziemer, and Nusbaum, to check personal and work references of two applicants who were interviewed for the Public Works Director.

Deputy Clerk Lorri Kopischke updated the Council on the PERA regulations regarding elected officials and their voluntary enrollment in PERA. She also spoke of the meeting sponsored by the Le Sueur County/City meeting held in New Prague. The next meeting will be May 24, 2012.

On motion by Antilla, seconded by Opsahl, all voting in favor, to spend the \$50.00 Elysian Dollars for first place in Holiday lighting contest, on an Elysian purchase.

On motion by Thayer, seconded by Stoen, all voting in favor, to advertise for someone to clean City Hall.

The City Attorney will be contacted as to the transferring of the materials from Jason Moran's office, former City Attorney, to Joe Langel, present City Attorney along with a list of files sent and received.

On motion by Stoen, seconded by Opsahl, all voting in favor, to approve a liquor license for the Elysian Area Chamber of Commerce, for June 30th - July 1st - July 3rd and July 4th excluding July 2nd, and to approve the blocking off of certain streets during the July 4th celebration and to be added as an additional insured on the Elysian Area Chamber of Commerce liability insurance.

Nuisance letters will be sent out to various properties that are in violation of the nuisance ordinance after the Spring clean up day.

Councilmember Stoen, liaison to the Public Works Department, gave the staff report which consisted of discussion on Roemhildt's lots, 5th Street NE, Maple Avenue SW, sand volleyball court, baseball field, city hall flooding, street sweeper repair, cleaning up ponds, discharge tests, 100 hours is not going to allow the city to be taken care of, pressure from public, summertime, so much to take care of, need more hours.

On motion by Stoen, seconded by Opsahl, to allow an additional 10 hours for the Public Works Department bringing hours per week up to 110 hour. Voting Yes: Stoen, Opsahl, Thayer. Voting No: Ziemer, Anttila. Motion declared carried.

Antilla updated the Council on the Joint Fire Board. Anttila will be meeting with a member of the Elysian Township Board and Fire Chief Jason James, to start the writing of a contract to be in place by the end of the year.

On motion by Ziemer, seconded by Stoen, to approve the bills, transfers, and payroll in the amount of \$83,902.38, with the removal of the \$10.00 for two meetings attended for Administrator Nusbaum, and \$5.00 for one meeting attended by Deputy Clerk Kopischke due to the meeting were not further away than 35 miles, and a charge from Waste Management in the amount of \$161.11. Voting Yes: Ziemer, Stoen, Opsahl, Anttila. Voting No: Stoen. Motion declared carried.

Public Comments:

Roger Hanson, 309 Third Street NW - Thanked the Council for his appointment to the Planning and Zoning Commission. He stressed the importance of wetland vegetation in city holding ponds. Rain gardens have a lot

of maintenance. Has checked on Beacon and found that several of the outlots mentioned by Brian Ziemer the owner is unknown.

Mack Evans, 103 Park Avenue NE – Listening tonight, it is unbelievable, need to continue to mow, lift stations should be mowed. Give John Roessler the time he needs to get the job done. All you want to do is cut, cut, cut. Need information, stop in at city hall and ask, not wait to get your packets and then go inspect. I live here and pay taxes and our values are going down. What is a special interest group? What is a Patriot? What is a Veteran? He stated that he is a Vietman Veteran and take offense that Brian Ziemer would have in his brochure that he was a Veteran of Vietnam. Ziemer responded that he had served, but was not called to Vietnam, but he is considered a Vietnam Vet due to serving during that time. Evans stated that he and his wife would pay for the meals that were denied for meetings. Evans stated that when Dennis Schnoor walked out, Dave Rager laughed.

Christopher Johnson, Janesville – disappointed in the classless way John Roessler’s contract was handled tonight. He has served honorably for 30 years. Felt that he is being treated appalling after all the years given to City. He seeks no fanfare. Regarding two public employees not allowed to recover meals costs, and the mayor stating that even the federal government doesn’t allow meals, no they allow federal employee to go to Vegas and spent \$150,000 on shrimp.

Mike Kauss, 6 Egret Lane – Special interest group, such as those who refurbished and put up the flags, are people who care. They donate their time and dollars. City known as an avenue of flags, You people never help out, but act like you care. He stated that he respects John almost like everyone in this room. John stated that he needed someone here by February. Stop micro managing the Public Works Director. Let him do his job. If, (he was John) on 9/16/12 if there is an emergency, he stated that he would tell you where to go. This was Kauss’s opinion. He questioned if the city has followed their own policies. City doesn’t own grass it should not be cut. City does not own Root’s Beach or Willow Point Drive, they can stop plowing those roads. Maybe we can save money by not plowing those streets. It doesn’t matter if it has been done in the past. We can get someone to clean out fire hydrants. You do not own, you do not maintain.

Dan Engebritson, 30 Egret Lane - He stated, why does anyone want to work for the city the way they are being treated. Pennywise and dollar service – have a council meeting once every other month. Save that money and pay the employees who do the work. Why would anyone want to work for the City?

On motion by Stoen, seconded by Thayer, all voting in favor, meeting adjourned at 9:20 p.m.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

ELYSIAN CITY COUNCIL
ADJOURNED MEETING FROM MAY 14, 2012
MAY 17, 2012
ELYSIAN CITY HALL
6:00 P.M.

The Elysian City Council met in adjourned session on Monday, May 17, 2012, at City Hall at 6:00 p.m.

Present were: Mayor Katy Anttila; Councilmembers Clinton Stoen, Edna Thayer, Brian Ziemer. City Administrator Patricia Nusbaum; Public Works Director John Roessler.
Absent: Councilmember Mary Opsahl.

Purpose of the meeting was to discuss the offer of employment as Public Works Director to one of the two applicants that had been interviewed and to consider bonding questions on the street improvement project.

Mayor Anttila stated that the two applicants being considered were Bryan Backes and Jeff Moe.

After much discussion and consideration, motion was made by Thayer, seconded by Stoen, all voting in favor, to offer Bryan Backes the position of Public Works Director.


On motion by Thayer, seconded by Stoen, all voting in favor, to offer the Public Works Director position(to Bryan Backes), pending a background check, as an exempt employee with an annual salary of \$40,000 per year with a start date of as soon as possible.

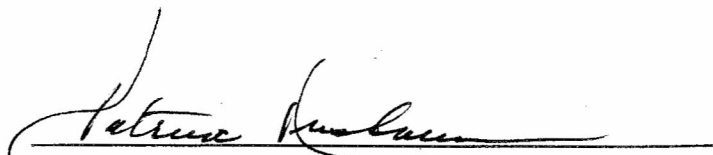
Administrator will make a call to Backes after the meeting, following with a letter stating that he must get back to the council no later than the end of the day on May 24, 2012. Background check will be immediately initiated.

Discussion was held on the question from Northland Securities as to whether the Council would want to consider a ten or a fifteen year debt service on the Park Avenue NE and Third Street NW street improvement project. On motion by Ziemer, seconded by Thayer, all voting in favor, to approve a ten year non-rated bond on the Park Avenue NE and Third Street NW street improvement project.

On motion by Stoen, seconded by Thayer, all voting in favor, meeting adjourned at 6:43 p.m.

Attest:


Kathleen Anttila, Mayor


Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL
SPECIAL MEETING
MAY 29, 2012
CITY HALL
5:00 P.M.**

The Elysian City Council met in special session on Tuesday, May 29, 2012, at City Hall at 5:00 p.m.

Present were: Mayor Katy Anttila; Councilmembers Mary Opsahl, Clinton Stoen, Edna Thayer, Brian Ziemer, Administrator Patricia Nusbaum.

Purpose of the meeting was to discuss the position of Public Works Director, which was offered to Bryan Backes. Since the last meeting Mr. Backes had requested that in lieu of the \$500.00 a month health benefit he requested that he would like it to be placed as salary in addition to the offered \$40,000 and he would like to be allowed ten days of vacation for the first and second year of employment. Since the last communication, Backes has declined the offer of employment. After a call to the Mayor, as of May 29, 2012, he asked that he be reconsidered for the position.

Discussion centered around the recent situation and his requests. Regarding the request for the \$500 to be placed into addition to his salary, motion was made by Thayer, seconded by Opsahl, all voting in favor, if it is legally allowed, we would entertain the ability to choose the tax free health benefit or taxable wage benefit as long as it is offered to all full time employees.

Discussion was held on the request of vacation of ten days for the first and second year of employment. On motion by Thayer, seconded by Stoen, in response to Backes request, due to prior experience, to allow ten days of vacation for the first and second weeks of employment. Voting Yes: Thayer, Stoen, Opsahl, Ziemer. Voting No: Anttila. Motion declared carried.

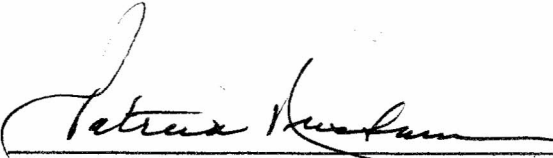
Discussion was held on Mr. Backes request to be reconsidered for the Public Works Director. Council asked that he let the city know no later than June 7, 2012 as to his intent.

On motion by Thayer, seconded by Ziemer, if Backes does not accept the Public Works position, to offer the position to the second interviewed applicant Mr. Moe. After discussion, motion was made by Thayer and seconded by Anttila, to table the motion to the next council meeting to be held on June 11, 2012. Voting Yes: Thayer, Anttila, Opsahl, Ziemer. Voting No: Stoen. Motion declared carried.

On motion by Stoen, seconded by Ziemer, all voting in favor, meeting adjourned at 6:14 p.m.

Attest:


Kathleen Anttila, Mayor


Patricia Nusbaum, City Administrator

ELYSIAN CITY COUNCIL
REGULAR MEETING
June 11, 2012
6:00 P.M.

The Elysian City Council met in regular session on Monday, June 11, 2012, at City Hall at 6:00 p.m.

Meeting opened with the pledge to the US Flag.

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.

On motion by Stoen, seconded by Opsahl, all voting in favor, to approve the minutes of the May 14, 2012 regular council meeting as presented. Discussion followed regarding the changing of the verbiage of longevity to "longevity vacation" for employees John Roessler and Patricia Nusbaum, and to strike that portion of comments at public comment time by Mack Evans, stating What is a Patriot? What is a Veteran? Also the comments relating serving of time in military of Councilmember Ziemer. On motion by Thayer, seconded by Ziemer, to approve the May 14, 2012 minutes as corrected. Voting Yes: Thayer, Ziemer, Anttila. Voting No: Stoen, Opsahl. Motion declared carried.

On motion by Ziemer, seconded by Stoen, all voting in favor, to approve the minutes of the May 17, 2012 special meeting as presented.

On motion by Stoen, seconded by Ziemer, all voting in favor, to approve the special meeting of May 29, 2012 as presented.

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

1. #8 Blue Sky Broadband – will not be present
2. Bill progress street project

Public Comment:

Chris Johnson, Janesville: I cannot believe that I just saw the council vote to censor a citizen's comments. Does the First Amendment not apply? How can you censor a private citizen's opinions? That's just not right. It's not American. I don't know how you can do that.

Mike Kauss, 6 Egret Lane: Two things. One, I agree with what was just said. I don't understand how you can censor someone's comments. Whether you agree with it or not is a different issue. I know I heard Edna said that they are not true. Actually they were true. So I am not sure why you would censor them. My comment though is that in my comments that I made, page 5, I said, "He stated that he respects John "more" than everyone in the room". Not "almost" like everyone in the room because I surely don't respect some of you the way that I respect him. I would like that corrected in the minutes.

Present was George Eilertson, Northland Securities, Inc., to update the Council on the bond process for the sale of bonds for a portion of Phase I in the amount of \$475,000. Councilmember Stoen presented the following resolution with Councilmember Opsahl, seconding.

RESOLUTION 399/12

**STREET IMPROVEMENT – PARK AVENUE NE
THIRD STREET NW**

**EXTRACT OF MINUTES OF A MEETING OF THE
CITY COUNCIL OF THE
CITY OF ELYSIAN, MINNESOTA
HELD: JUNE 11, 2012**

Pursuant to due call and notice thereof, a regular or special meeting of the City Council of the City of Elysian, Le Sueur and Waseca Counties, Minnesota, was duly held at the City Hall on June 11, 2012, at 6:00 P.M., for the purpose, in part, of authorizing the issuance and awarding the sale of \$475,000 General Obligation Improvement Bonds, Series 2012A.

The following members were present: Anttila, Opsahl, Stoen, Thayer, Ziemer. and the following were absent: None.

Member Stoen introduced the following resolution and moved its adoption:

**RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF
\$475,000 GENERAL OBLIGATION IMPROVEMENT BONDS,
SERIES 2012A, PLEDGING SPECIAL ASSESSMENTS FOR THE
SECURITY THEREOF AND LEVYING A TAX FOR THE
PAYMENT THEREOF**

A. WHEREAS, the City Council of the City of Elysian, Minnesota (the "City"), has heretofore determined and declared that it is necessary and expedient to issue \$475,000 General Obligation Improvement Bonds, Series 2012A (the "Bonds") of the City, pursuant to Minnesota Statutes, Chapters 429 and 475, to finance the construction of various public improvement projects within the City (the "Improvements"); and

B. WHEREAS, the Improvements and all their components have been ordered prior to the date hereof, after a hearing thereon for which notice was given describing the Improvements or all their components by general nature, estimated cost, and area to be assessed; and

C. WHEREAS, no other obligation have been sold pursuant to a private sale within the last twelve calendar months of the date hereof which when combined with this issue would exceed the \$1,200,000 limitation on negotiated sales as required by Minnesota Statutes, Section 475.60, Subdivision 2(2); and

D. WHEREAS, it is in the best interests of the City that the Bonds be issued in book-entry form as hereinafter provided; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elysian, Minnesota, as follows:

Acceptance of Offer. The offer of Northland Securities, Inc. (the "Purchaser"), to purchase the Bonds of the City (or individually, a "Bond"), in accordance with the terms and at the rates of interest hereinafter set forth, and to pay therefor the sum of \$475,000, plus interest accrued to settlement, is hereby accepted.

Bond Terms.

Title; Original Issue Date; Denominations; Maturities; Term Bond Option. The Bonds shall be titled "General Obligation Improvement Bonds, Series 2012A", shall be dated July 1, 2012, as the date of original issue and shall be issued forthwith on or after such date in fully registered form. The Bonds shall be numbered from R-1 upward in the denomination of \$5,000 each or in any integral multiple thereof of a single maturity (the "Authorized Denominations"). The Bonds shall mature on February 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2014	\$40,000	2019	\$50,000
2015	45,000	2020	50,000
2016	45,000	2021	50,000
2017	45,000	2022	50,000
2018	45,000	2023	55,000

As may be requested by the Purchaser, one or more term Bonds may be issued having mandatory sinking fund redemption and final maturity amounts conforming to the foregoing principal repayment schedule, and corresponding additions may be made to the provisions of the applicable Bond(s).

Book Entry Only System. The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York or any of its successors or its successors to its functions hereunder (the "Depository") will act as securities depository for the Bonds, and to this end:

The Bonds shall be initially issued and, so long as they remain in book entry form only (the "Book Entry Only Period"), shall at all times be in the form of a separate single fully registered Bond for each maturity of the Bonds; and for purposes of complying with this requirement under paragraphs 5 and 10 Authorized Denominations for any Bond shall be deemed to be limited during the Book Entry Only Period to the outstanding principal amount of that Bond.

Upon initial issuance, ownership of the Bonds shall be registered in a bond register maintained by the Bond Registrar (as hereinafter defined) in the name of CEDE & CO., as the nominee (it or any nominee of the existing or a successor Depository, the "Nominee").

With respect to the Bonds neither the City nor the Bond Registrar shall have any responsibility or obligation to any broker, dealer, bank, or any other financial institution for which the Depository holds Bonds as securities depository (the "Participant") or the person for which a Participant holds an interest in the Bonds shown on the books and records of the

Participant (the "Beneficial Owner"). Without limiting the immediately preceding sentence, neither the City, nor the Bond Registrar, shall have any such responsibility or obligation with respect to (A) the accuracy of the records of the Depository, the Nominee or any Participant with respect to any ownership interest in the Bonds, or (B) the delivery to any Participant, any Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption, or (C) the payment to any Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the principal of or premium, if any, or interest on the Bonds, or (D) the consent given or other action taken by the Depository as the Registered Holder of any Bonds (the "Holder"). For purposes of securing the vote or consent of any Holder under this Resolution, the City may, however, rely upon an omnibus proxy under which the Depository assigns its consenting or voting rights to certain Participants to whose accounts the Bonds are credited on the record date identified in a listing attached to the omnibus proxy.

The City and the Bond Registrar may treat as and deem the Depository to be the absolute owner of the Bonds for the purpose of payment of the principal of and premium, if any, and interest on the Bonds, for the purpose of giving notices of redemption and other matters with respect to the Bonds, for the purpose of obtaining any consent or other action to be taken by Holders for the purpose of registering transfers with respect to such Bonds, and for all purpose whatsoever. The Bond Registrar, as paying agent hereunder, shall pay all principal of and premium, if any, and interest on the Bonds only to the Holder or the Holders of the Bonds as shown on the bond register, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid.

Upon delivery by the Depository to the Bond Registrar of written notice to the effect that the Depository has determined to substitute a new Nominee in place of the existing Nominee, and subject to the transfer provisions in paragraph 10 hereof, references to the Nominee hereunder shall refer to such new Nominee.

So long as any Bond is registered in the name of a Nominee, all payments with respect to the principal of and premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, by the Bond Registrar or City, as the case may be, to the Depository as provided in the Letter of Representations to the Depository required by the Depository as a condition to its acting as book-entry Depository for the Bonds (said Letter of Representations, together with any replacement thereof or amendment or substitute thereto, including any standard procedures or policies referenced therein or applicable thereto respecting the procedures and other matters relating to the Depository's role as book-entry Depository for the Bonds, collectively hereinafter referred to as the "Letter of Representations").

All transfers of beneficial ownership interests in each Bond issued in book-entry form shall be limited in principal amount to Authorized Denominations and shall be effected by procedures by the Depository with the Participants for recording and transferring the ownership of beneficial interests in such Bonds.

In connection with any notice or other communication to be provided to the Holders pursuant to this Resolution by the City or Bond Registrar with respect to any consent or other

action to be taken by Holders, the Depository shall consider the date of receipt of notice requesting such consent or other action as the record date for such consent or other action; provided, that the City or the Bond Registrar may establish a special record date for such consent or other action. The City or the Bond Registrar shall, to the extent possible, give the Depository notice of such special record date not less than 15 calendar days in advance of such special record date to the extent possible.

Any successor Bond Registrar in its written acceptance of its duties under this Resolution and any paying agency/bond registrar agreement, shall agree to take any actions necessary from time to time to comply with the requirements of the Letter of Representations.

In the case of a partial prepayment of a Bond, the Holder may, in lieu of surrendering the Bonds for a Bond of a lesser denomination as provided in paragraph 5 hereof, make a notation of the reduction in principal amount on the panel provided on the Bond stating the amount so redeemed.

Termination of Book-Entry Only System. Discontinuance of a particular Depository's services and termination of the book-entry only system may be effected as follows:

The Depository may determine to discontinue providing its services with respect to the Bonds at any time by giving written notice to the City and discharging its responsibilities with respect thereto under applicable law. The City may terminate the services of the Depository with respect to the Bond if it determines that the Depository is no longer able to carry out its functions as securities depository or the continuation of the system of book-entry transfers through the Depository is not in the best interests of the City or the Beneficial Owners.

Upon termination of the services of the Depository as provided in the preceding paragraph, and if no substitute securities depository is willing to undertake the functions of the Depository hereunder can be found which, in the opinion of the City, is willing and able to assume such functions upon reasonable or customary terms, or if the City determines that it is in the best interests of the City or the Beneficial Owners of the Bond that the Beneficial Owners be able to obtain certificates for the Bonds, the Bonds shall no longer be registered as being registered in the bond register in the name of the Nominee, but may be registered in whatever name or names the Holder of the Bonds shall designate at that time, in accordance with paragraph 11. To the extent that the Beneficial Owners are designated as the transferee by the Holders, in accordance with paragraph 10 hereof, the Bonds will be delivered to the Beneficial Owners.

Nothing in this subparagraph (c) shall limit or restrict the provisions of paragraph 10.

Letter of Representations. The provisions in the Letter of Representations are incorporated herein by reference and made a part of the resolution, and if and to the extent any such provisions are inconsistent with the other provisions of this resolution, the provisions in the Letter of Representations shall control.

Purpose. The Bonds shall provide funds to finance the Improvements. The total cost of the Improvements, which shall include all costs enumerated in Minnesota Statutes, Section 475.65, is estimated to be at least equal to the amount of the Bonds. Work on the Improvements shall proceed with due diligence to completion. The City covenants that it shall do all things and perform all acts

required of it to assure that work on the Improvements proceeds with due diligence to completion and that any and all permits and studies required under law for the Improvements are obtained.

Interest. The Bonds shall bear interest payable semiannually on February 1 and August 1 of each year (each, an "Interest Payment Date"), commencing August 1, 2013, calculated on the basis of a 360-day year of twelve 30-day months, at the respective rates per annum set forth opposite the maturity years as follows:

<u>Maturity Year</u>	<u>Interest Rate</u>	<u>Maturity Year</u>	<u>Interest Rate</u>
2014	%	2019	%
2015		2020	
2016		2021	
2017		2022	
2018		2023	

Redemption. All Bonds maturing on February 1, 2020 and thereafter, shall be subject to redemption and prepayment at the option of the City on February 1, 2019, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the selection of the amounts and maturities of the Bonds to be prepaid shall be at the discretion of the City; and if only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected registered holder of the Bonds at least thirty days prior to the date fixed for redemption.

To effect a partial redemption of Bonds having a common maturity date, the Bond Registrar prior to giving notice of redemption shall assign to each Bond having a common maturity date a distinctive number for each \$5,000 of the principal amount of such Bond. The Bond Registrar shall then select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers so assigned to such Bonds, as many numbers as, at \$5,000 for each number, shall equal the principal amount of such Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided, however, that only so much of the principal amount of each such Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. If a Bond is to be redeemed only in part, it shall be surrendered to the Bond Registrar (with, if the City or Bond Registrar so requires, a written instrument of transfer in form satisfactory to the City and Bond Registrar duly executed by the Holder thereof or the Holder's attorney duly authorized in writing) and the City shall execute (if necessary) and the Bond Registrar shall authenticate and deliver to the Holder of the Bond, without service charge, a new Bond or Bonds having the same stated maturity and interest rate and of any Authorized Denomination or Denominations, as requested by the Holder, in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

Bond Registrar. Northland Trust Services, Inc., in Minneapolis, Minnesota, is appointed to act as bond registrar and transfer agent with respect to the Bonds (the "Bond Registrar"), and shall do so

unless and until a successor Bond Registrar is duly appointed, all pursuant to any contract the City and Bond Registrar shall execute which is consistent herewith. The Bond Registrar shall also serve as paying agent unless and until a successor paying agent is duly appointed. Principal and interest on the Bonds shall be paid to the registered holders (or record holders) of the Bonds in the manner set forth in the form of Bond and paragraph 12 of this resolution.

Form of Bond. The Bonds, together with the Bond Registrar's Certificate of Authentication, the form of Assignment and the registration information thereon, shall be in substantially the following form:

**UNITED STATES OF AMERICA
STATE OF MINNESOTA
LE SUEUR AND WASECA COUNTIES
CITY OF ELYSIAN**

R-_____ \$_____

GENERAL OBLIGATION IMPROVEMENT BOND, SERIES 2012A

INTEREST <u>RATE</u>	MATURITY <u>DATE</u>	DATE OF <u>ORIGINAL</u> <u>ISSUE</u>	<u>CUSIP</u>
_____%	FEBRUARY 1, ____	JULY 1, 2012	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

THE CITY OF ELYSIAN, LE SUEUR AND WASECA COUNTIES, MINNESOTA (the "Issuer"), certifies that it is indebted and for value received promises to pay to the registered owner specified above, or registered assigns in the manner hereinafter set forth, the principal amount specified above, on the maturity date specified above, and to pay interest thereon semiannually on February 1 and August 1 of each year (each, an "Interest Payment Date"), commencing August 1, 2013, at the rate per annum specified above (calculated on the basis of a 360-day year of twelve 30-day months) until the principal sum is paid or has been provided for. This Bond will bear interest from the most recent Interest Payment Date to which interest has been paid or, if no interest has been paid, from the date of original issue hereof. The principal of and premium, if any, on this Bond are payable upon presentation and surrender hereof at the principal office of Northland Trust Services, Inc., in Minneapolis, Minnesota (the "Bond Registrar"), acting as paying agent, or any successor paying agent duly appointed by the Issuer. Interest on this Bond will be paid on each Interest Payment Date by check or draft mailed to the person in whose name this Bond is registered (the "Holder" or "Bondholder") on the registration books of the Issuer maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any interest not so timely paid shall cease to be payable to the person who is the Holder hereof as of the Regular Record Date, and shall be payable to the person who is the Holder hereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given to Bondholders not less than ten days prior to the Special Record Date. The principal of and

premium, if any, and interest on this Bond are payable in lawful money of the United States of America. So long as this Bond is registered in the name of the Depository or its Nominee as provided in the Resolution hereinafter described, and as those terms are defined therein, payment of principal of, premium, if any, and interest on this Bond and notice with respect thereto shall be made as provided in Letter of Representations, as defined in the Resolution, and surrender of this Bond shall not be required for payment of the redemption price upon a partial redemption of this Bond. Until termination of the book-entry only system pursuant to the Resolution, Bonds may only be registered in the name of the Depository or its Nominee.

Redemption. All Bonds of this issue (the "Bonds") maturing on February 1, 2020, and thereafter, are subject to redemption and prepayment at the option of the Issuer on February 1, 2019, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the selection of the amounts and maturities of the Bonds to be prepaid shall be at the discretion of the Issuer. If only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected Holder of the Bonds at least thirty days prior to the date fixed for redemption.

Selection of Bonds for Redemption; Partial Redemption. To effect a partial redemption of Bonds having a common maturity date, the Bond Registrar shall assign to each Bond having a common maturity date a distinctive number for each \$5,000 of the principal amount of such Bond. The Bond Registrar shall then select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers assigned to the Bonds, as many numbers as, at \$5,000 for each number, shall equal the principal amount of the Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided, however, that only so much of the principal amount of Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. If a Bond is to be redeemed only in part, it shall be surrendered to the Bond Registrar (with, if the Issuer or Bond Registrar so requires, a written instrument of transfer in form satisfactory to the Issuer and Bond Registrar duly executed by the Holder thereof or the Holder's attorney duly authorized in writing) and the Issuer shall execute (if necessary) and the Bond Registrar shall authenticate and deliver to the Holder of the Bond, without service charge, a new Bond or Bonds having the same stated maturity and interest rate and of any Authorized Denomination or Denominations, as requested by the Holder, in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

Issuance; Purpose; General Obligation. This Bond is one of an issue in the total principal amount of \$475,000, all of like date of original issue and tenor, except as to number, maturity, interest rate, denomination and redemption privilege, issued pursuant to and in full conformity with the Constitution and laws of the State of Minnesota and pursuant to a resolution adopted by the City Council on June 11, 2012 (the "Resolution"), for the purpose of providing money to finance the construction of various improvements within the jurisdiction of the Issuer. This Bond is payable out of the General Obligation Improvement Bonds, Series 2012A Fund of the Issuer. This Bond constitutes a general obligation of the Issuer, and to provide moneys for the prompt and full payment of its principal, premium, if any, and interest when the same become due, the full faith and credit and taxing powers of the Issuer have been and are hereby irrevocably pledged.

Denominations; Exchange; Resolution. The Bonds are issuable solely in fully registered form in Authorized Denominations (as defined in the Resolution) and are exchangeable for fully registered Bonds of other Authorized Denominations in equal aggregate principal amounts at the principal office of the Bond Registrar, but only in the manner and subject to the limitations provided in the Resolution. Reference is hereby made to the Resolution for a description of the rights and duties of the Bond Registrar. Copies of the Resolution are on file in the principal office of the Bond Registrar.

Transfer. This Bond is transferable by the Holder in person or by the Holder's attorney duly authorized in writing at the principal office of the Bond Registrar upon presentation and surrender hereof to the Bond Registrar, all subject to the terms and conditions provided in the Resolution and to reasonable regulations of the Issuer contained in any agreement with the Bond Registrar. Thereupon the Issuer shall execute and the Bond Registrar shall authenticate and deliver, in exchange for this Bond, one or more new fully registered Bonds in the name of the transferee (but not registered in blank or to "bearer" or similar designation), of an Authorized Denomination or Denominations, in aggregate principal amount equal to the principal amount of this Bond, of the same maturity and bearing interest at the same rate.

Fees upon Transfer or Loss. The Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of this Bond and any legal or unusual costs regarding transfers and lost Bonds.

Treatment of Registered Owners. The Issuer and Bond Registrar may treat the person in whose name this Bond is registered as the owner hereof for the purpose of receiving payment as herein provided (except as otherwise provided herein with respect to the Record Date) and for all other purposes, whether or not this Bond shall be overdue, and neither the Issuer nor the Bond Registrar shall be affected by notice to the contrary.

Authentication. This Bond shall not be valid or become obligatory for any purpose or be entitled to any security unless the Certificate of Authentication hereon shall have been executed by the Bond Registrar.

Qualified Tax-Exempt Obligation. This Bond has been designated by the Issuer as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to happen and to be performed, precedent to and in the issuance of this Bond, have been done, have happened and have been performed, in regular and due form, time and manner as required by law, and that this Bond, together with all other debts of the Issuer outstanding on the date of original issue hereof and the date of its issuance and delivery to the original purchaser, does not exceed any constitutional or statutory limitation of indebtedness.

IN WITNESS WHEREOF, the City of Elysian, Le Sueur and Waseca Counties, Minnesota, by its City Council has caused this Bond to be executed on its behalf by the facsimile signatures of its Mayor and its City Administrator-Clerk-Treasurer, the corporate seal of the Issuer having been intentionally omitted as permitted by law.

Date of Registration:

Registrable by: NORTHLAND TRUST
SERVICES, INC.

Payable at: NORTHLAND TRUST
SERVICES, INC.

BOND REGISTRAR'S CERTIFICATE OF
AUTHENTICATION

CITY OF ELYSIAN,
LE SUEUR AND WASECA COUNTIES, MINNESOTA

This Bond is one of the Bonds
described in the Resolution mentioned
within.

/s/ Facsimile
Mayor

NORTHLAND TRUST SERVICES, INC.,
Minneapolis, Minnesota
Bond Registrar

/s/ Facsimile
City Administrator-Clerk-Treasurer

By: _____
Authorized Signature

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM - as tenants in common

TEN ENT - as tenants by the entireties

JT TEN - as joint tenants with right of survivorship
and not as tenants in common

UTMA - _____ as custodian for _____

(Cust) (Minor)

under the _____ Uniform Transfers to Minors Act
(State)

Additional abbreviations may also be used though not in the above list.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto
_____ the within Bond and does hereby
irrevocably constitute and appoint _____ attorney to transfer the Bond on the books kept
for the registration thereof, with full power of substitution in the premises.

Dated: _____

Notice: _____
The assignor's signature to this assignment must
correspond with the name as it appears upon the face

of the within Bond in every particular, without alteration or any change whatever.

Signature Guaranteed: _____

Signature(s) must be guaranteed by a national bank or trust company or by a brokerage firm having a membership in one of the major stock exchanges or any other "Eligible Guarantor Institution" as defined in 17 CFR 240.17 Ad-15(a)(2).

The Bond Registrar will not effect transfer of this Bond unless the information concerning the transferee requested below is provided.

Name and Address: _____

(Include information for all joint owners if the Bond is held by joint account.)

PREPAYMENT SCHEDULE

This Bond has been prepaid in part on the date(s) and in the amount(s) as follows:

<u>DATE</u>	<u>AMOUNT</u>	<u>AUTHORIZED SIGNATURE OF HOLDER</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Execution; Temporary Bonds. The Bonds shall be in typewritten form, shall be executed on behalf of the City by the signatures of its Mayor and City Administrator-Clerk-Treasurer and be sealed with the seal of the City; provided, as permitted by law, both signatures may be photocopied facsimiles and the corporate seal has been omitted. In the event of disability or resignation or other absence of either officer, the Bonds may be signed by the manual or facsimile signature of an officer who may act

on behalf of the absent or disabled officer. In case either the officer whose signature or facsimile of whose signature shall appear on the Bonds shall cease to be such officer before the delivery of the Bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery.

Authentication. No Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this resolution unless a Certificate of Authentication on the Bond, substantially in the form hereinabove set forth, shall have been duly executed by an authorized representative of the Bond Registrar. Certificates of Authentication on different Bonds need not be signed by the same person. The Bond Registrar shall authenticate the signatures of officers of the City on each Bond by execution of the Certificate of Authentication on the Bond and, by inserting as the date of registration in the space provided, the date on which the Bond is authenticated, except that for purposes of delivering the original Bonds to the Purchaser, the Bond Registrar shall insert as a date of registration the date of original issue, which date is July 1, 2012. The Certificate of Authentication so executed on each Bond shall be conclusive evidence that it has been authenticated and delivered under this resolution.

Registration; Transfer; Exchange. The City will cause to be kept at the principal office of the Bond Registrar a bond register in which, subject to such reasonable regulations as the Bond Registrar may prescribe, the Bond Registrar shall provide for the registration of Bonds and the registration of transfers of Bonds entitled to be registered or transferred as herein provided.

Upon surrender for transfer of any Bond at the principal office of the Bond Registrar, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration (as provided in paragraph 9) of, and deliver, in the name of the designated transferee or transferees, one or more new Bonds of any Authorized Denomination or Denominations of a like aggregate principal amount, having the same stated maturity and interest rate, as requested by the transferor; provided, however, that no Bond may be registered in blank or in the name of "bearer" or similar designation.

At the option of the Holder, Bonds may be exchanged for Bonds of any Authorized Denomination or Denominations of a like aggregate principal amount and stated maturity, upon surrender of the Bonds to be exchanged at the principal office of the Bond Registrar. Whenever any Bonds are so surrendered for exchange, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration of, and deliver the Bonds which the Holder making the exchange is entitled to receive.

All Bonds surrendered upon any exchange or transfer provided for in this resolution shall be promptly canceled by the Bond Registrar and thereafter disposed of as directed by the City.

All Bonds delivered in exchange for or upon transfer of Bonds shall be valid general obligations of the City evidencing the same debt, and entitled to the same benefits under this resolution, as the Bonds surrendered for such exchange or transfer.

Every Bond presented or surrendered for transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, in form satisfactory to the Bond Registrar, duly executed by the Holder thereof or his, her or its attorney duly authorized in writing.

The Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of any Bond and any legal or unusual costs regarding transfers and lost Bonds.

Transfers shall also be subject to reasonable regulations of the City contained in any agreement with the Bond Registrar, including regulations which permit the Bond Registrar to close its transfer books between record dates and payment dates. The City Administrator-Clerk-Treasurer is hereby authorized to negotiate and execute the terms of said agreement.

Rights Upon Transfer or Exchange. Each Bond delivered upon transfer of or in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

Interest Payment; Record Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered (the "Holder") on the registration books of the City maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any such interest not so timely paid shall cease to be payable to the person who is the Holder thereof as of the Regular Record Date, and shall be payable to the person who is the Holder thereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given by the Bond Registrar to the Holders not less than ten days prior to the Special Record Date.

Treatment of Registered Owner. The City and Bond Registrar may treat the person in whose name any Bond is registered as the owner of such Bond for the purpose of receiving payment of principal of and premium, if any, and interest (subject to the payment provisions in paragraph 12) on, such Bond and for all other purposes whatsoever whether or not such Bond shall be overdue, and neither the City nor the Bond Registrar shall be affected by notice to the contrary.

Delivery; Application of Proceeds. The Bonds when so prepared and executed shall be delivered by the City Administrator-Clerk-Treasurer to the Purchaser upon receipt of the purchase price, and the Purchaser shall not be obliged to see to the proper application thereof.

Fund and Accounts. There is hereby created a special fund to be designated the "General Obligation Improvement Bonds, Series 2012A Fund" (the "Fund") to be administered and maintained by the City Administrator-Clerk-Treasurer as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The Fund shall be maintained in the manner herein specified until all of the Bonds and the interest thereon have been fully paid. There shall be maintained in the Fund the following separate accounts:

Construction Account. To the Construction Account there shall be credited the proceeds of the sale of the Bonds, less accrued interest received thereon, plus any special assessments levied with respect to the Improvements and collected prior to completion of the Improvements and payment of the costs thereof. From the Construction Account there shall be paid all costs and expenses of making the Improvements listed in paragraph 16, including the cost of any construction contracts heretofore let and all other costs incurred and to be incurred of the kind authorized in Minnesota Statutes, Section 475.65. Moneys in the Construction Account shall be used for no other purpose except as otherwise

provided by law; provided that the proceeds of the Bonds may also be used to the extent necessary to pay interest on the Bonds due prior to the anticipated date of commencement of the collection of taxes or special assessments herein levied or covenanted to be levied; and provided further that if upon completion of the Improvements there shall remain any unexpended balance in the Construction Account, the balance (other than any special assessments) shall be transferred by the Council to the Debt Service Account or the fund of any other improvement instituted pursuant to Minnesota Statutes, Chapter 429, and provided further that any special assessments credited to the Construction Account shall only be applied towards payment of the costs of the Improvements upon adoption of a resolution by the City Council determining that the application of the special assessments for such purpose will not cause the City to no longer be in compliance with Minnesota Statutes, Section 475.61, Subdivision 1.

Debt Service Account. There are hereby irrevocably appropriated and pledged to, and there shall be credited to, the Debt Service Account: (i) all collections of special assessments herein covenanted to be levied with respect to the Improvements and either initially credited to the Construction Account and not already spent as permitted above and required to pay any principal and interest due on the Bonds or collected subsequent to the completion of the Improvements and payment of the costs thereof; (ii) accrued interest received upon delivery of the Bonds; (iii) available funds of the Issuer in the amount of \$_____ to provide sufficient funds to pay interest due on the Bonds on or before August 1, 2013; (iv) any collections of all taxes herein or hereafter levied for the payment of the Bonds and interest thereon; (v) all funds remaining in the Construction Account after completion of the Improvements and payment of the costs thereof, not so transferred to the account of another improvement; (vi) all investment earnings on funds held in the Debt Service Account; and (vii) any and all other moneys which are properly available and are appropriated by the governing body of the City to the Debt Service Account. The Debt Service Account shall be used solely to pay the principal and interest and any premiums for redemption of the Bonds and any other general obligation bonds of the City hereafter issued by the City and made payable from said account as provided by law.

No portion of the proceeds of the Bonds shall be used directly or indirectly to acquire higher yielding investments or to replace funds which were used directly or indirectly to acquire higher yielding investments, except (i) for a reasonable temporary period until such proceeds are needed for the purpose for which the Bonds were issued and (ii) in addition to the above in an amount not greater than the lesser of 5% of the proceeds of the Bonds or \$100,000. To this effect, any proceeds of the Bonds and any sums from time to time held in the Construction Account or Debt Service Account (or any other City account which will be used to pay principal or interest to become due on the bonds payable therefrom) in excess of amounts which under then-applicable federal arbitrage regulations may be invested without regard to yield shall not be invested at a yield in excess of the applicable yield restrictions imposed by said arbitrage regulations on such investments after taking into account any applicable "temporary periods" or "minor portion" made available under the federal arbitrage regulations. Money in the Fund shall not be invested in obligations or deposits issued by, guaranteed by or insured by the United States or any agency or instrumentality thereof if and to the extent that such investment would cause the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Internal Revenue Code of 1986, as amended (the "Code").

Assessments. It is hereby determined that no less than 20% of the cost to the City of each Improvement financed hereunder within the meaning of Minnesota Statutes, Section 475.58, Subdivision 1(3), shall be paid by special assessments to be levied against every assessable lot, piece and parcel of land benefitted by any of the Improvements. The City hereby covenants and agrees that it will let all construction contracts not heretofore let within one year after ordering each Improvement

financed hereunder unless the resolution ordering the Improvement specifies a different time limit for the letting of construction contracts. The City hereby further covenants and agrees that it will do and perform as soon as they may be done all acts and things necessary for the final and valid levy of such special assessments, and in the event that any such assessment be at any time held invalid with respect to any lot, piece or parcel of land due to any error, defect, or irregularity in any action or proceedings taken or to be taken by the City or the City Council or any of the City officers or employees, either in the making of the assessments or in the performance of any condition precedent thereto, the City and the City Council will forthwith do all further acts and take all further proceedings as may be required by law to make the assessments a valid and binding lien upon such property. The special assessments have heretofore been authorized. Subject to such adjustments as are required by the conditions in existence at the time the assessments are levied, it is hereby determined that the assessments shall be payable in equal, consecutive, annual installments, with general taxes for the years shown below and with interest on the declining balance of all such assessments at the rates per annum not less than the rate per annum set forth opposite the collection years specified below:

<u>Improvement Designation</u>	<u>Amount</u>	<u>Levy Years</u>	<u>Collection Years</u>	<u>Rate</u>
_____ Improvement	\$ _____	2012-2026	2013-2027	____%

At the time the assessments are in fact levied the City Council shall, based on the then-current estimated collections of the assessments, make any adjustments in any ad valorem taxes required to be levied in order to assure that the City continues to be in compliance with Minnesota Statutes, Section 475.61, Subdivision 1.

Tax Levy; Coverage Test. To provide moneys for payment of the principal and interest on the Bonds there is hereby levied upon all of the taxable property in the City a direct annual ad valorem tax which shall be spread upon the tax rolls and collected with and as part of other general property taxes in the City for the years and in the amounts as follows:

<u>Year of Tax Levy</u>	<u>Year of Tax Collection</u>	<u>Amount</u>
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SEE ATTACHED SCHEDULE

The tax levies are such that if collected in full they, together with estimated collections of special assessments and other revenues herein pledged for the payment of the Bonds, will produce at least 5% in excess of the amount needed to meet when due the principal and interest payments on the Bonds. The tax levies shall be irrevocable so long as any of the Bonds are outstanding and unpaid, provided that the City reserves the right and power to reduce the levies in the manner and to the extent permitted by Minnesota Statutes, Section 475.61, Subdivision 3.

Defeasance. When all Bonds have been discharged as provided in this paragraph, all pledges, covenants and other rights granted by this resolution to the registered holders of the Bonds shall, to the extent permitted by law, cease. The City may discharge its obligations with respect to any Bonds which are due on any date by irrevocably depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full; or if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Bond Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit. The City may also discharge its

obligations with respect to any prepayable Bonds called for redemption on any date when they are prepayable according to their terms, by depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full, provided that notice of redemption thereof has been duly given. The City may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a suitable banking institution qualified by law as an escrow agent for this purpose, cash or securities described in Minnesota Statutes, Section 475.67, Subdivision 8, bearing interest payable at such times and at such rates and maturing on such dates as shall be required, without regard to sale and/or reinvestment, to pay all amounts to become due thereon to maturity or, if notice of redemption as herein required has been duly provided for, to such earlier redemption date.

Compliance With Reimbursement Bond Regulations. The provisions of this paragraph are intended to establish and provide for the City's compliance with United States Treasury Regulations Section 1.150-2 (the "Reimbursement Regulations") applicable to the "reimbursement proceeds" of the Bonds, being those portions thereof which will be used by the City to reimburse itself for any expenditure which the City paid or will have paid prior to the Closing Date (a "Reimbursement Expenditure").

The City hereby certifies and/or covenants as follows:

Not later than 60 days after the date of payment of a Reimbursement Expenditure, the City (or person designated to do so on behalf of the City) has made or will have made a written declaration of the City's official intent (a "Declaration") which effectively (i) states the City's reasonable expectation to reimburse itself for the payment of the Reimbursement Expenditure out of the proceeds of a subsequent borrowing; (ii) gives a general and functional description of the property, project or program to which the Declaration relates and for which the Reimbursement Expenditure is paid, or identifies a specific fund or account of the City and the general functional purpose thereof from which the Reimbursement Expenditure was to be paid (collectively the "Project"); and (iii) states the maximum principal amount of debt expected to be issued by the City for the purpose of financing the Project; provided, however, that no such Declaration shall necessarily have been made with respect to: (i) "preliminary expenditures" for the Project, defined in the Reimbursement Regulations to include engineering or architectural, surveying and soil testing expenses and similar prefatory costs, which in the aggregate do not exceed 20% of the "issue price" of the Bonds, and (ii) a *de minimis* amount of Reimbursement Expenditures not in excess of the lesser of \$100,000 or 5% of the proceeds of the Bonds.

Each Reimbursement Expenditure is a capital expenditure or a cost of issuance of the Bonds or any of the other types of expenditures described in Section 1.150-2(d)(3) of the Reimbursement Regulations.

The "reimbursement allocation" described in the Reimbursement Regulations for each Reimbursement Expenditure shall and will be made forthwith following (but not prior to) the issuance of the Bonds and in all events within the period ending on the date which is the later of three years after payment of the Reimbursement Expenditure or one year after the date on which the Project to which the Reimbursement Expenditure relates is first placed in service.

Each such reimbursement allocation will be made in a writing that evidences the City's use of Bond proceeds to reimburse the Reimbursement Expenditure and, if made within 30 days after the Bonds are issued, shall be treated as made on the day the Bonds are issued.

Provided, however, that the City may take action contrary to any of the foregoing covenants in this paragraph upon receipt of an opinion of its Bond Counsel for the Bonds stating in effect that such action will not impair the tax-exempt status of the Bonds.

General Obligation Pledge. For the prompt and full payment of the principal and interest on the Bonds, as the same respectively become due, the full faith, credit and taxing powers of the City shall be and are hereby irrevocably pledged. If the balance in the Debt Service Account is ever insufficient to pay all principal and interest then due on the Bonds and any other bonds payable therefrom, the deficiency shall be promptly paid out of any other funds of the City which are available for such purpose, and such other funds may be reimbursed with or without interest from the Debt Service Account when a sufficient balance is available therein.

Certificate of Registration. A certified copy of this resolution is hereby directed to be filed with the County Auditors of Le Sueur and Waseca Counties, Minnesota, together with such other information as the County Auditor shall require, and there shall be obtained from the County Auditor a certificate that the Bonds have been entered in the County Auditor's Bond Register, and that the tax levy required by law has been made.

Records and Certificates. The officers of the City are hereby authorized and directed to prepare and furnish to the Purchaser, and to the attorneys approving the legality of the issuance of the Bonds, certified copies of all proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other affidavits, certificates and information as are required to show the facts relating to the legality and marketability of the Bonds as the same appear from the books and records under their custody and control or as otherwise known to them, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall be deemed representations of the City as to the facts recited therein.

Negative Covenant as to Use of Bond Proceeds and Improvements. The City hereby covenants not to use the proceeds of the Bonds or to use the Improvements, or to cause or permit them to be used, or to enter into any deferred payment arrangements for the cost of the Improvements, in such a manner as to cause the Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

Tax-Exempt Status of the Bonds; Rebate. The City shall comply with requirements necessary under the Code to establish and maintain the exclusion from gross income under Section 103 of the Code of the interest on the Bonds, including without limitation (i) requirements relating to temporary periods for investments, (ii) limitations on amounts invested at a yield greater than the yield on the Bonds, and (iii) the rebate of excess investment earnings to the United States if the Bonds (together with other obligations reasonably expected to be issued and outstanding at one time in this calendar year) exceed the small-issuer exception amount of \$5,000,000.

For purposes of qualifying for the small issuer exception to the federal arbitrage rebate requirements for governmental units issuing \$5,000,000 or less of bonds, the City hereby finds, determines and declares that (i) the Bonds are issued by a governmental unit with general taxing

powers; (ii) no Bond is a private activity bond; (iii) 95% or more of the net proceeds of the Bonds are to be used for local governmental activities of the City (or of a governmental unit the jurisdiction of which is entirely within the jurisdiction of the City); and (iv) the aggregate face amount of all tax-exempt bonds (other than private activity bonds) issued by the City (and all entities subordinate to, or treated as one issuer with the City) during the calendar year in which the Bonds are issued and outstanding at one time is not reasonably expected to exceed \$5,000,000, all within the meaning of Section 148(f)(4)(D) of the Code.

Designation of Qualified Tax-Exempt Obligations. In order to qualify the Bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code, the City hereby makes the following factual statements and representations:

the Bonds are issued after August 7, 1986;

the Bonds are not "private activity bonds" as defined in Section 141 of the Code;

the City hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code;

the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds, treating qualified 501(c)(3) bonds as not being private activity bonds) which will be issued by the City (and all entities treated as one issuer with the City, and all subordinate entities whose obligations are treated as issued by the City) during this calendar year 2012 will not exceed \$10,000,000;

not more than \$10,000,000 of obligations issued by the City during this calendar year 2012 have been designated for purposes of Section 265(b)(3) of the Code; and

the aggregate face amount of the Bonds does not exceed \$10,000,000.

The City shall use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designation made by this paragraph.

Official Statement. The Official Statement relating to the Bonds prepared and distributed by the Purchaser is hereby approved and the officers of the City are authorized in connection with the delivery of the Bonds to sign such certificates as may be necessary with respect to the completeness and accuracy of the Official Statement.

Governmental Bonds Post-Issuance Compliance Policies and Procedures. The City hereby approves the Governmental Bonds Post-Issuance Compliance Policies and Procedures in substantially the form presented to the City Council.

Payment of Issuance Expenses. The City authorizes the Purchaser to forward the amount of Bond proceeds allocable to the payment of issuance expenses to the Bond Registrar, on the closing date for further distribution as directed by the Purchaser.

Severability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

Headings. Headings in this resolution are included for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof.

The motion for the adoption of the foregoing resolution was duly seconded by member Opsahl and, after a full discussion thereof and upon a vote being taken thereon, the following voted in favor thereof: Stoen, Opsahl, Thayer, Ziemer, Anttila.
and the following voted against the same: None.

Whereupon the resolution was declared duly passed and adopted.

STATE OF MINNESOTA
COUNTIES OF LE SUEUR AND WASECA
CITY OF ELYSIAN

I, the undersigned, being the duly qualified and acting City Administrator-Clerk-Treasurer of the City of Elysian, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council, duly called and held on the date therein indicated, insofar as such minutes relate to authorizing the issuance and awarding the sale of \$475,000 General Obligation Improvement Bonds, Series 2012A.

WITNESS my hand on June 11, 2012.

City Administrator-Clerk-Treasurer

RESOLUTION 397/12
RESOLUTION ESTABLISHING PROCEDURES
RELATING TO COMPLIANCE WITH REIMBURSEMENT BOND
REGULATIONS UNDER THE INTERNAL REVENUE CODE

BE IT RESOLVED by the City Council (the "Council") of the City of Elysian, Minnesota (the "City"), as follows:

Recitals.

The Internal Revenue Service has issued Treasury Regulations, Section 1.150-2 (as the same may be amended or supplemented, the "Regulations"), dealing with "reimbursement bond" proceeds, being proceeds of bonds used to reimburse the City for any project expenditure paid by the City prior to the time of the issuance of those bonds.

The Regulations generally require that the City (as the issuer of or the primary obligor under the bonds) make a declaration of intent to reimburse itself for such prior expenditures out of the proceeds of subsequently issued bonds, that such declaration be made not later than 60 days after the expenditure is actually paid, and that the bonding occur and the written reimbursement allocation be made from the proceeds of such bonds within 18 months after the later of (1) the date of payment of the expenditure or (2) the date the project is placed in service (but in no event more than 3 years after actual payment).

The City heretofore implemented procedures for compliance with the predecessor versions of the Regulations and desires to amend and supplement those procedures to ensure compliance with the Regulations.

The City's bond counsel has advised the City that the Regulations do not apply, and hence the provisions of this Resolution are intended to have no application, to payments of City project costs first made by the City out of the proceeds of bonds issued prior to the date of such payments.

Official Intent Declaration. The Regulations, in the situations in which they apply, require the City to have declared an official intent (the "Declaration") to reimburse itself for previously paid project expenditures out of the proceeds of subsequently issued bonds. The Council hereby authorizes the Clerk to make the City's Declarations or to delegate from time to time that responsibility to other appropriate City employees. Each Declaration shall comply with the requirements of the Regulations, including without limitation the following:

Each Declaration shall be made not later than 60 days after payment of the applicable project cost and shall state that the City reasonably expects to reimburse itself for the expenditure out of the proceeds of a bond issue or similar borrowing. Each Declaration may be made substantially in the form of the Exhibit A which is attached to and made a part of this Resolution, or in any other format which may at the time comply with the Regulations.

Each Declaration shall (1) contain a reasonably accurate description of the "project," as defined in the Regulations (which may include the property or program to be financed, as applicable), to which the expenditure relates and (2) state the maximum principal amount of bonding expected to be issued for that project.

Care shall be taken so that the City, or its authorized representatives under this Resolution, not make Declarations in cases where the City doesn't reasonably expect that reimbursement bonds will be issued to finance the subject project costs, and the City officials are hereby authorized to consult with bond counsel to the City concerning the requirements of the Regulations and their application in particular circumstances.

The Council shall be advised from time to time on the desirability and timing of the issuance of reimbursement bonds relating to project expenditures for which the City has made Declarations.

Reimbursement Allocations. If the City is acting as the issuer of the reimbursement bonds, the designated City officials shall also be responsible for making the "reimbursement allocations" described in the Regulations, being generally written allocations that evidence the City's use of the applicable bond proceeds to reimburse the original expenditures.

Effect. This Resolution shall amend and supplement all prior resolutions and/or procedures adopted by the City for compliance with the Regulations (or their predecessor versions), and, henceforth, in the event of any inconsistency, the provisions of this Resolution shall apply and govern.

Adopted this day of 11th, day of June, 2012, by the Elysian City Council.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

CERTIFICATION

The undersigned, being the duly qualified and acting City Administrator/Clerk/Treasurer of the City of Elysian, Minnesota, hereby certifies the following:

The foregoing is true and correct copy of a Resolution on file and of official, publicly available record in the offices of the City, which Resolution relates to procedures of the City for compliance with certain IRS Regulations on reimbursement bonds. Said Resolution was duly adopted by the governing body of the City (the "Council") at a regular meeting of the Council held on June 11, 2012. Said meeting was duly called, regularly held, open to the public, and held at the place at which meetings of the Council are regularly held. Councilmember Thayer moved the adoption of the Resolution, which motion was seconded by Councilmember Ziemer. A vote being taken on the motion, the following members of the Council voted in favor of the motion to adopt the Resolution: Thayer, Ziemer, Opsahl, Stoen, Anttila.

and the following voted against the same: None.

Whereupon said Resolution was declared duly passed and adopted. The Resolution is in full force and effect and no action has been taken by the Council which would in any way alter or amend the Resolution.

WITNESS MY HAND officially as the City Administrator/Clerk/Treasurer of the City of Elysian, Minnesota, this 11th day of June, 2012.

City Administrator/Clerk/Treasurer
City of Elysian, Minnesota

On motion by Stoen, seconded by Ziemer, all voting in favor, to approve Briggs and Morgan Bond Counsel Governmental Bonds Post-Issuance Compliance Policies and Procedures Policy as presented:

CITY OF ELYSIAN, MINNESOTA

GOVERNMENTAL BONDS

POST-ISSUANCE COMPLIANCE POLICIES AND PROCEDURES

The following policies and procedures were adopted by the City Council of the City of Elysian, Minnesota (the "City") as of the date indicated below with respect to the governmental bonds of the City, to require, and further ensure, the ongoing compliance of governmental bonds issued by the City with the Internal Revenue Code of 1986, as amended (the "Code"), and the Treasury Regulations promulgated thereunder (the "Regulations"), including the record retention requirements of Code Section 6001 and Section 1.6001(a) of the Treasury Regulations. Such policy and procedures were adopted after consultation with Briggs and Morgan, P.A., the bond counsel ("Bond Counsel"), and Northland Securities, Inc., the financial advisors, to the City and are internal operating procedures to be used by the City's management in connection with the issuance and sale of all issues of governmental bonds.

The City Council of the City has the overall, final responsibility for monitoring whether the City is in compliance with post-issuance federal tax requirements for the City's governmental bonds. However, the City Council assigns to the Administrator-Clerk-Treasurer of the City the primary operating responsibility to monitor the City's compliance with post-issuance federal tax requirements for the City's governmental bonds. The Administrator-Clerk-Treasurer may further assign post-issuance compliance responsibilities to other staff of the City, Bond Counsel, the paying agent for the bonds, and a rebate analyst. The Administrator-Clerk-Treasurer shall provide training and educational resources to City staff who are responsible for ensuring compliance with any portion of these policies and procedures.

Appropriate Application of Proceeds.

- (a) The Administrator-Clerk-Treasurer shall ensure the timely expenditure of the proceeds of governmental bonds by monitoring the application of all bond proceeds in accordance with the source of funds used and in accordance with

the documents related to the issuance of the governmental bonds, including the reimbursement of pre-issuance expenses.

- (b) The Administrator-Clerk-Treasurer shall ensure the correct calculation and application of bond proceeds pursuant to the Code by:
 - (i) confirming that any closing and/or allocation memorandum for the issuance of the bonds is accurate in the deposits directed thereunder, including ensuring that bond proceeds are used only for public purposes; and
 - (ii) through the draw request process, identifying requested expenditures that are not eligible expenditures.
- (c) The Administrator-Clerk-Treasurer shall monitor the use of all bond-financed facilities in order to:
 - (i) determine whether private business uses of bond-financed facilities have exceeded de minimus limits set forth in Section 141(b) of the Code, and
 - (ii) determine whether private security or payments have exceeded the de minimus limits set forth in Section 141(b) of the Code.

2. Arbitrage Yield Restriction and Rebate Requirements.

The Administrator-Clerk-Treasurer shall monitor and calculate arbitrage, and shall coordinate and maintain, or cause to be maintained, records of:

- (a) Computations of the yield on the bonds by the City's financial advisor, and purchases and sales of investments made with bond proceeds (including amounts treated as "gross proceeds" of bonds under section 148 of the Code) and receipts of earnings in those investments;

- (b) Expenditures made with bond proceeds (including investment earnings on bond proceeds) for the governmental purposes of the bonds;
- (c) Calculations that will be sufficient to demonstrate to the Internal Revenue Service ("IRS") upon an audit of a bond issue that, where applicable, the City has complied with any available exception to the arbitrage rebate requirement in respect of that bond issue;
- (d) Calculations that will be sufficient to demonstrate to the IRS upon an audit of a bond issue for which no exception to the arbitrage rebate requirement was applicable, that the rebate amount, if any, was payable to the United States of America in respect of investments made with gross proceeds of that bond issue, was calculated and timely paid with Form 8038-T timely filed with the IRS; and
- (e) Information and records showing that investments held in yield-restricted advance refunding or defeasance escrows for bonds, and investments made with unspent bond proceeds after the expiration of the applicable temporary period, were not invested in higher yielding investments.

The Administrator-Clerk-Treasurer shall also:

- (a) Ensure that any third-party entity tasked with investment responsibility for governmental bonds is provided with a copy of the tax compliance or arbitrage certificate for each bond issue and is advised as to all investment restrictions with respect to the proceeds of and funds related to any governmental bonds issued by the City;
- (b) Cause any funds subject to yield restriction to be segregated;
- (c) If necessary, hire an independent contractor annually or every five years, as the case may be and as required by any arbitrage certificate, to perform all

arbitrage and rebate calculations and to review the City's investment process to ensure that it is in compliance; and

- (d) If necessary, consult with Bond Counsel prior to engaging in post-issuance credit enhancement transactions.

3. Record Retention Requirements.

It is the policy of the City that, unless otherwise permitted by future IRS regulations or other guidance, written records (which may be in electronic form) will be maintained with respect to each bond issue for as long as those bonds remain outstanding, plus three years. For this purpose, the bonds include refunding bonds that refund the original bonds and thereby refinance the property that was financed by the original bonds.

In maintaining electronic storage, the Administrator-Clerk-Treasurer will comply with applicable IRS requirements, such as those contained in Revenue Procedure 97-22.

The records to be obtained and maintained are to include:

- (a) The official transcript of proceedings for the original issuance of the bonds (including ensuring that all applicable documents are included in such transcript);
- (b) Records showing how the bond proceeds were invested, as described in 2 above;
- (c) Records showing how the bond proceeds were spent, as described in 1 above, including, but not limited to, loan documents, construction contracts, draw requests, invoices, payment of bond issuance costs, and records of "allocations" of bond proceeds to make reimbursement for project expenditures made before the bonds were actually issued;

- (d) Information, records, and calculations showing that, with respect to each bond issue, the City was eligible for an exception to the arbitrage rebate requirement or, if not, that the rebate amount, if any, that was payable to the United States of America in respect of investments made with gross proceeds of that bond issue, was calculated and timely paid with Form 8038-T timely filed with the IRS, as described in 2 above;
- (e) Schedules of all bond-financed facilities, including whether such facilities are land, buildings, or equipment, economic life calculations, and information regarding depreciation;
- (f) Records and agreements related to any trade or business activities by or with non-governmental entities or persons with respect to any facilities financed with the proceeds of governmental bonds, including, but not limited to, management agreements and leases; and
- (g) Documentations of all sources of payment or security for the issue.

The basic purpose of the foregoing record retention procedure for the City's governmental bonds is to enable the City to readily demonstrate to the IRS upon a questionnaire or an audit of any bond issue that the City has fully complied with all federal tax requirements that must be satisfied after the issue date of the bonds.

4. Reissuance.

The following policies relate to compliance with rules and regulations regarding the reissuance of bonds for federal law purposes.

The Administrator-Clerk-Treasurer will:

- (a) Identify and consult with Bond Counsel regarding any post-issuance change to any terms of an issue of bonds which could potentially be treated as a reissuance for federal tax purposes; and
- (b) Confirm with Bond Counsel whether any "remedial action" in connection with a "change in use" (as such terms are defined in the Code and Treasury Regulations) would be treated as a reissuance for tax purposes and, if so, confirm the filing of any new Form 8038-G.

5. Direct Pay Bonds.

- (a) In addition to the other requirements herein, should the City issue direct pay bonds pursuant to Sections 54A through 54F of the Code, the Administrator-Clerk-Treasurer shall also be responsible for:
 - (i) determining the amount of interest payable on each interest payment date and the proper amount of refundable credit reported on Form 8038-CP;
 - (A) as appropriate, the Administrator-Clerk-Treasurer shall compare the interest payment calculations to any independently-verified report prepared at closing for the bond issue; and
 - (B) the Administrator-Clerk-Treasurer shall approve all disbursements.
 - (ii) preparing and timely filing all Forms 8038-CP;
 - (A) timely filing of Form 8038-CP shall be made to insure that payments are timely made on the interest payment date and such timely filing is ensured by the use of a third-party filing agent; and

- (B) in the case of bond issues with multiple maturities, a separate Form 8038-CP shall be filed for each maturity;
 - (iii) ensuring all credit payments shall be requested to be made by wire. The Administrator-Clerk-Treasurer is familiar with the wire payment procedures for the City and will ensure that the Form 8038-CP includes the proper information for payment of the credit to the proper person; and
 - (iv) alternatively, hiring a third party (the "Filing Agent") who shall be responsible for the matters in this Section 5 and any other responsibilities set forth in a filing agent agreement between the City and the Filing Agent.
- (b) In addition to the records retained pursuant to Section 3, the records to be obtained and maintained with respect to direct pay bonds are to include:
- (i) information, records, and calculations showing that Forms 8038-CP were properly prepared and timely filed, as described in (a) above;
 - (ii) all contracts that are subject to the federal Davis-Bacon prevailing wage rules; and
 - (iii) with respect to Qualified Energy Conservation Bonds, such documents, test results, audits, and reports obtained by the City that demonstrate that the final project has achieved a reduction in energy consumption in publicly-owned buildings by at least 20%.
- (c) The Administrator-Clerk-Treasurer shall ensure that all contracts let for projects financed with direct pay bonds shall comply with the federal Davis-Bacon prevailing wage rules.

6. Taxable Governmental Bonds.

Most of the provisions of these policies and procedures are not applicable to governmental bonds the interest on which is includable in gross income for federal income tax purposes. However, if an issue of taxable governmental bonds is later refunded with the proceeds of an issue of tax-exempt governmental refunding bonds, then the uses of the proceeds of the taxable governmental bonds and the uses of the facilities financed with the proceeds of the taxable governmental bonds will be relevant to the tax-exempt status of the governmental refunding bonds. Therefore, if there is any reasonable possibility that an issue of taxable governmental bonds may be refunded, in whole or in part, with the proceeds of an issue of tax-exempt governmental bonds then, for purposes of these policies and procedures, the Administrator-Clerk-Treasurer shall treat the issue of taxable governmental bonds as if such issue were an issue of tax-exempt governmental bonds and shall carry out and comply with the requirements of these policies and procedures with respect to such taxable governmental bonds. The Administrator-Clerk-Treasurer shall seek the advice of Bond Counsel as to whether there is any reasonable possibility of issuing tax-exempt governmental bonds to refund an issue of taxable governmental bonds.

7. Qualified 501(c)(3) Bonds.

If the City issues bonds to finance a facility to be owned by the City but which may be used, in whole or in substantial part, by a nongovernmental organization that is exempt from federal income taxation under Section 501(a) of the Code as a result of the application of Section 501(c)(3) of the Code (a "501(c)(3) Organization"), the City may elect to issue the bonds as "qualified 501(c)(3) bonds" the interest on which is exempt from federal income taxation under Sections 103 and 145 of the Code and applicable Treasury Regulations. Although such qualified 501(c)(3) bonds are not governmental bonds, at the election of the Administrator-Clerk-Treasurer, for purposes of these policies and procedures, the Administrator-Clerk-Treasurer may treat such issue of qualified 501(c)(3) bonds as if such issue were an

issue of tax-exempt governmental bonds and shall carry out and comply with the requirements of these policies and procedures with respect to such qualified 501(c)(3) bonds. Alternatively, in cases where compliance activities are reasonably within the control of the relevant 501(c)(3) Organization, the Administrator-Clerk-Treasurer may determine that all or some portion of the compliance responsibilities described herein shall be assigned to organization.

8. Conduit Bonds.

The provisions of these policies and procedures are primarily intended to be applicable to governmental bonds. However, the City may from time to time issue qualified 501(c)(3) bonds or other qualified private activity bonds that are not governmental bonds and loan the proceeds thereof to a nongovernmental organization that is the obligor on such conduit bonds. Although such conduit bonds are not governmental bonds, at the election of the Administrator-Clerk-Treasurer, for purposes of these policies and procedures, the Administrator-Clerk-Treasurer may treat such issue of conduit bonds as if such issue were an issue of tax-exempt governmental bonds and shall carry out and comply with the requirements of these policies and procedures with respect to such conduit bonds. Alternatively, in cases where compliance activities are reasonably within the control of the relevant obligor, the Administrator-Clerk-Treasurer may determine that all or some portion of the compliance responsibilities described herein shall be assigned to or required of such obligor.

9. General Requirements.

- (a) Periodically, the Administrator-Clerk-Treasurer shall consult with Bond Counsel, general counsel, and financial advisors to the City to determine if any changes to these procedures are advisable and shall amend these procedures accordingly.
- (b) These procedures may be amended or withdrawn from time to time and constitute internal management procedures for compliance with certain

provisions of the Code and do not constitute and are not intended to be, rules of the City.

Adopted this 11th. day of June, 2012 on behalf of the City.

CITY OF ELYSIAN, MINNESOTA

By _____
Its Administrator-Clerk-Treasurer

Scott Adamak, Realtor for ReMax was present to ask the Council for information as to the five lots located adjacent to County Road #11 at the northerly end of Roemhildt's Waters Edge Addition #3 as to why a sanitary line was not placed to provide service to the five lots. Discussion followed as to who should provide service, who should be responsible for the costs, and if the city was to move ahead, would there be a request petition of the property owners. On motion by Stoen, to move ahead on the five lots with the City Engineer calculating project as to cost and give guidance as to how to proceed. Stoen later withdrew his motion.

Consensus was that Public Works Director Roessler, Engineer John Schulte and Realtor Adamak would work together and determine costs for placement of sewer service and a petition of the two owners would be considered at the next council meeting.

Allis Chalmers quotes will be scheduled for the next meeting after publication in the League of MN Cities Bulletin.

Discussion on seal coat quotes and a new product being used in various areas of MN with a life of 20 years. More information will be gathered by the next meeting.

Property owned by Francis and MaryLee Androli with discussion centering around the property not being hooked up to city water. The property was part of Roemhildt's Water Addition #4. At the time of Additions #1 & #2 were installed sanitary sewer was hooked up to the Androli property with water hookup to follow when #4 Addition was developed. The ordinance will be studied to determine the next step.

Discussion was held on Fifth Street NE regarding what portion is within the city limits. It was agreed that the Elysian Township Board would be invited to the August Elysian City Council meeting to discuss working out an agreement on care of the road.

No work had been done the past month on the city hall tiling project.

Discussion was held on the Maple Avenue SW improvement project. A resolution was presented by Councilmember Stoen, seconded by Councilmember Thayer as follows:

RESOLUTION 398/12

RESOLUTION RECEIVING REPORT AND CALLING HEARING ON IMPROVEMENT

WHEREAS, pursuant to resolution of the council adopted May 14, 2012, a report has been prepared by Jones, Haugh, & Smith, Inc. with reference to the improvement of Maple Avenue SW from Fifth Street SW for approximately 515 feet easterly, to not include the entire length of street. A report was received by the council on June 11, 2012 and

WHEREAS, the report provides information regarding whether the proposed project is necessary, cost-effective, and feasible,

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

1. The council will consider the improvement of such street in accordance with the report and the assessment of abutting property for all the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an total cost of the improvement of \$29,000.
2. A public hearing shall be held on such proposed improvement on the 9th. day of July, 2012 in the council chamber of the city hall at 6:00 p.m. and the Administrator shall give mailed and published notice of such hearing and improvement as required by law.

Resolution was presented by Councilmember Stoen, seconded by Councilmember Thayer, with the following voting in favor: Stoen, Thayer, Opsahl, Ziemer, Anttila.

Voting No: None.

Abstaining: None.

Adopted by the council this 11th. day of June, 2012

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

Roessler reported on an insurance audit from the League of MN Cities on city buildings and Roessler will be working on the recommendations with Nusbaum to be considered when preparing budget for 2013.

Emergency Management Director asked and council allowed, that Emergency Management employees be paid for the first one-half of 2012.

Roessler reported on the progress of the storm water pond which is being built adjacent to Maple Avenue SW which is a joint effort with Waseca County Soil and Water and City of Elysian FEMA flood funds.

Discussion was held on the request from those living along Scenic Hideway Lane which a part of is the area in the city limits as a private drive through the James Brothers development. On motion by Thayer, seconded by Stoen, to not participate in the cost of graveling and private drive updating of any portion of Scenic Hideway Lane. Voting Yes: Thayer, Stoen, Anttila. Voting No: Ziemer, Opsahl. Motion declared carried.

On motion by Thayer, seconded by Ziemer, all voting in favor, approved the moving ahead to allow public auction to be held on parcels 16-410-0910 and 16-410-0920, City of Elysian.

On motion by Stoen, seconded by Opsahl, all voting in favor, to obtain a contract with Potential Unlimited for cleaning of Elysian City Hall at a rate of \$10.00 per hour to start for six months starting July 1, 2012 authorizing the Mayor to sign contract.

ORDINANCE 71/12

ESTABLISHING SALARIES FOR THE MAYOR AND CITY COUNCIL FOR THE CITY OF ELYSIAN

THE CITY COUNCIL OF THE CITY OF ELYSIAN DOES HEREBY ORDAIN AS FOLLOWS:

Section 1.

The Mayor of the City Council of the City of Elysian will receive a monthly salary of One hundred dollars, (\$100.00) for serving as Mayor and performing all duties associated with the office.

Section 2.

Each member of the City Council of the City of Elysian will receive a monthly salary of Eighty dollars, (\$80.00) for serving on the council and performing all duties associated with the office.

Section 3.

There shall be no additional pay for special, emergency or work session meetings.

Section 4.

Pursuant to Minn. Stat. §415.11 subd. 2., the effective date of this ordinance is January 1, 2013, which is the first day of the year subsequent to the next general election.

Ordinance was presented by Mayor Anttila, seconded by Councilmember Thayer, and upon vote being taken:

Voting in favor: Anttila, Thayer, Ziemer.

Voting No: Opsahl, Stoen.

Passed on this 11th day of June, 2012 and will be in effect upon publication.

ATTEST: _____
Patricia Nusbaum, City Administrator

Kathleen V. Anttila, Mayor

ORDINANCE 72/12

ESTABLISHING A TEMPORARY REDUCTION IN SALARIES FOR THE MAYOR AND CITY COUNCIL FOR THE CITY OF ELYSIAN

THE CITY COUNCIL OF THE CITY OF ELYSIAN DOES HEREBY ORDAIN AS FOLLOWS:

Section 1.

The Mayor of the City Council of the City of Elysian will receive a monthly salary of One hundred dollars, (\$100.00) for serving as Mayor and performing all duties associated with the office.

Section 2.

Each member of the City Council of the City of Elysian will receive a monthly salary of Eighty dollars, (\$80.00) for serving on the council and performing all duties associated with the office.

Section 3.

There shall be no additional pay for special, emergency or work session meetings.

Section 4.

Pursuant to Minn. Stat. §415.11 subd. 3 which allows a temporary reduction in salaries to be effective before the next succeeding municipal election, the effective date of this ordinance is July 1, 2012, and will expire December 31, 2012.

Ordinance was presented by Mayor Anttila, seconded by Councilmember Thayer, upon the following vote being taken:

Voting Yes: Anttila, Thayer, Ziemer.

Voting No: Opsahl, Stoen.

Passed on this the 11th day of June, 2012 and will be in effect upon publication.

Kathleen Anttila, Mayor

ATTEST: _____
Clerk Administrator Patricia Nusbaum

Discussion was held on the Budget and Finance Committee along with guidelines for committee operation. On motion by Anttila, seconded by Thayer, all voting in favor, to authorize the City Attorney to review the Budget and Finance guidelines and get back with recommendations for the July meeting.

Discussion was held on the consideration of the employee uniforms and floor mats in city buildings. No action was taken.

On motion by Anttila, seconded by Thayer, all voting in favor, to allow \$250.00 toward police protection during the July 4th. celebration.

Discussion was held on the matter of the City receiving their second half of the 2010 Local Government Aid payment late due to the State of MN stating that the financial reports were filed late. On motion by Thayer, seconded by Ziemer, to allow the City Attorney to investigate the matter. Voting Yes: Thayer, Ziemer, Anttila. Voting No: Stoen, Opsahl. Motion declared carried.

RESOLUTION 396/12
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 Councilmember Thayer, seconded by Councilmember Stoen to approve one day off site lawful gambling for June 30, 2012.

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

Voting No: None

Dated this 11th. day of June, 2012

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

Discussion was held on the city entering into a joint power agreement with Elysian, Janesville, and Iosco Township. Fire Chief James stated that the Joint Powers Agreement was not needed. He stated that what is wrong with what we have now? On motion by Ziemer, seconded by Thayer, to proceed with the development of a Joint Powers Agreement. Voting Yes: Ziemer, Thayer, Anttila. Voting No: Stoen, Opsahl. Motion declared carried.

On motion by Thayer, seconded by Ziemer, all voting in favor, to move on the development of a Blvd. Tree Ordinance, but not include anything referenced in other ordinances.

On motion by Thayer, seconded by Ziemer, to make it the property owner's responsibility for blvd. trees unless safety hazard and electrical lines are involved. Voting Yes: Thayer, Ziemer, Anttila. Voting No: Opsahl, Stoen. Motion declared carried.

Discussion was held on a billing from Abdo Eick & Meyer Auditing Firm, in the amount of \$4,500. On motion by Ziemer, seconded by Stoen, all voting in favor, to contact the City Attorney as to legality for the operating budget of the Fire Department to pay for the Fire Relief audit. If it is allowed it shall be paid, if not legal then it will be returned to Fire Relief Association to be paid.

A question as to the request for two employee requests one for travel and food in the amount of \$10.00 and one request for \$5.00 for food. On motion by Ziemer, seconded by Stoen, to allow the \$15.00. Voting Yes: Ziemer, Stoen, Opsahl, Thayer. Voting No: Anttila. Motion declared carried.

On motion by Thayer, seconded by Anttila, to have the Personnel Committee review the guidelines on the reimbursement of employee for travel and food when they attend a meeting. Voting Yes: Thayer. Voting No: Opsahl, Stoen, Ziemer, Anttila. Motion denied.

On motion by Ziemer, seconded by Stoen, bills, payroll, and transfers were approved in the amount of \$48,719.88. Voting Yes: Ziemer, Stoen, Opsahl, Thayer, Anttila. Motion declared carried.

Public Comment:

Roger Hanson, 309 Third Street NW: I hardly know where to start tonight. So I will start with Maple Avenue and Fifth Street. I think I heard you set a hearing for July 9th for Maple Avenue. I think I heard you say that you were going to invite the township to come that same night at 6:00 pm. Anttila replied, "August". Hanson continues – Oh in August. Thank you. All of these items, I put down here, Item 9, Item 10, Item 1c, Item 3a, those are all things that could have been handled by Planning and Zoning. The Council spent at least two hours here tonight doing things that Planning and Zoning should have done and presented to the Council.

As much as I really hate to do this, I have to agree with Brian Ziemer regarding the James Addition that was talked about. They are in the city. They should be treated like they are in the city. Whatever we are doing for the other city streets we should be doing for them. Recommend go back to Planning and Zoning and dig out those files when all that work was done. Find the development agreement and see if things were done the way they were supposed to be done and what we promised to do or what they're

supposed to do. Regardless of that, everyone here knows I hate private streets as much as anything in the world. But if they are in the city they should have the same consideration as everybody else.

These two ordinances; I have a couple of issues. The first issue is, any ordinance, unless I have forgotten all the things we did before, needs to have a public hearing before they can be acted on. Anttila replied, "Not all ordinances. There are certain rules for some ordinances as far as being published." Hanson continues - Is that right? That is a really clean way to make a temporary pay cut turned into a full time pay cut for whoever is coming in next. I think that went amazingly well.

I want to thank Councilmember Thayer and this organization for taking care of the boulevard tree ordinance discussion. It takes all that work away from Planning and Zoning and we don't need to talk about it anymore. You guys have it all under control. Thank you so much.

Chris Johnson, Janesville: I am up twice tonight. Wasn't this meeting interesting? First we had the council voting to censor a private citizen. Then we had a city employee voted to be investigated by the city attorney and we almost had something referred to a personnel committee that is illegal? Your personnel committee has four members. Only two have been appointed. You weren't legal when you met in January. You weren't legal when you met in December. What is wrong with you people? It's 10:30 at night. Your meeting has gone on for four and a half hours and the way I see it you didn't get anything done.

Mike Kauss, 6 Egret Lane: I have to disagree with you Chris. I have had the honor of being here for four and a half hours to hear you give police protection of \$250 for the night of the 4th and I really appreciate that you did that. That was very positive.

On the flip side, I really felt bad for the young couple from Excelsior Group who came to you and asked for some guidance and you spent an hour talking about nothing, basically saying it's up to the developer. This was a young couple that might build their home in our town, be part of our community and you couldn't come up with anything positive to guide them. I'm in the back waving the flag of EDA because we can't speak during these times. But how about if you used the EDA to help something? Here the EDA could've put the \$45,000 that they are sitting on all the time. They could put that lift station in. You'd have five lots that would be built in a short period of time, at least one or two that we know for sure, and would generate a lot of money for the community and a lot of goodwill. But no, you let these people leave feeling like you guys don't care.

The last thing I have to say is there are two of you who have been on this council longer than the other three. And tonight you took a step to reduce their pay for the work they put in. For the garbage that is brought up over and over again. Edna came up and said, I would like to give an option. And Katy you said, I am going to go ahead and proceed with what I want to do and I can take yours under consideration later. And then Edna blew my mind by seconding it and she didn't even get to second what she had talked about. You got exactly what you wanted – what you pushed through. You don't even listen to your own people. You don't listen to people in the city. I don't even really think you hear.

I think you are more concerned with your little calculator on what you can figure out the costs. And if somebody does something wrong you go - well I am sorry that is not following the procedures. Well you know there have been a lot of procedures going on for a lot of years in this community even by the prior mayor these things were done and they were not made into a big thing. You don't let people do the work. You want to know every little thing that goes on every time. That is not managing the city – that's micro-managing people. And it sure doesn't make me feel good when you treat people like this who have given their time and energy the way you did tonight.

Cathy Houlihan, 443 Bluebay Lane NW: I just wanted to address the uniform issue. The paraprofessionals at our school even get a clothing stipend. For being outside they have an allowance for coats and boots and that is a pretty good amount of money. My son works for the City of Mankato. He not only gets a uniform, he has like ten of them or maybe even more. He has like two in a locker just in case he has a chemical spill. And I have seen those uniforms come home with holes in them and bleach spots. I think it is dangerous not to have them in uniforms and have a space when they can change out of their uniforms. Bobby also has a stipend for boots, a winter coat and everything else he needs as well. He also has a laundry service there. And I just think it is ridiculous that our city employees are wearing their own clothes and paying for their own street clothes and ruining them because the chemicals they are using are dangerous. I think a uniform shows professionalism, shows we respect them and also identifies who they are. So I think even your least number of hours person should have that uniform. We should be proud that they work for the City of Elysian and are out there for everyone to see.

And then I have to voice my disappointment in the way you treated Jason James tonight. Our fire department is amazing and for us not to listen to him and to go over his head like he doesn't know what he is talking about is awful.

Roger Hanson, 309 Third Street NW: The joint powers agreement. We started three and a half years ago in discussions in this building and at the fire hall and other places trying to hammer this situation out. Our former attorney Moran cautioned us to be extremely careful with any kind of a joint powers agreement. I have read all these references you have here over and over again. There probably are good things and bad things in both. There are always two sides to everything but I think you have to be very careful with a joint powers agreement. And don't let these guys bully you into something without talking to the council. Be aware of what you are getting into.

Dave Thayer, 7 Roots Beach Lane: At the beginning of our lane there is a sign that says "dead end" and how appropriate for tonight. I give you a complement to the council for the long time. However, I admire you for discussing the tree ordinance at 10:15. But it seems to me, now I might be wrong, but it seems to me that last fall when we had a lot of discussion about this you asked the then city attorney to draw up an ordinance. No? Thayer replied: "It is not in the minutes." Thayer continued: Oh I was wondering why you weren't referring to that. I was wrong in my point of questioning.

Jason Moran, 219 James Avenue: No, I was never asked to draw up an ordinance. It was bounced back and forth between the Council and Planning and Zoning and the Council and Planning and Zoning and nothing ever was accomplished.

I want to start out tonight by just reminding you all that we live in a very small town and we need to start treating people like people in a small town treat each other with respect and dignity. I have never seen employees have to fight harder for \$15. That is appalling. It's morally repugnant. Mr. Ziemer read the personnel policy. There was no need to drag them through the mud and to try ruining their reputation and to question them to no end about \$15 worth of meals. Is that the kind of government that I pay for? Is that the kind of government that we all pay for? I think we all deserve better. I think we all expect better. If you are not capable of delivering better you should resign and let someone else take your spot who is competent and capable of treating people the way they deserve to be treated.

You want to look at expenses? Look at that project (if you want to call it that) down on Park Avenue. It is so small the equipment can't even hardly turn around. You are spending tons of money on such a little bitty project. I think you need to look at the bigger projects and I think you need to take the advice that I have asked for at least the last four or five months now, who is looking for grants? And who is looking for bonding deals? Want big projects? It's not the \$15 meal that is going to bankrupt this city. It is a small project where the contractors can't even hardly work that is going to bankrupt this city. It's pathetic. If you can't do the job, if you can't handle the job, step down and let somebody else take over and start treating people with respect. Arguing over a \$15 meal is ridiculous.

Rick Childs, 105 East Highway 60: I have something to bring up that may help all of you out. I took a class at Brown Printing and it is called an interaction class. If you use these principles and alternatives it may help you out. Listen and respond with empathy; Ask questions and help resolve problems; Know what you are going to say before you say it; Maintain self esteem; Wait for others to finish their thought before you begin yours; Inform what you talk about and why; Use good posture; Use a positive approach; Use a positive attitude; Gather and review all details and agree on action to take. If you follow all those things should go nice and smoothly. There should be no problems or finger pointing.

Cathy Houlihan, 443 Bluebay Lane NW: Tonight it was brought up of Pat's shortcoming of not meeting a deadline and checking that out legally. That reminded me that a lot of people in our community would really like to know if our mayor's legal problems are going to be handled by her own personal attorney or the League of Cities' attorney.

Wayne Unke, 124 Willow Point Drive: It's really enjoyable for me to sit here tonight and watch our distinguished, interested citizens being able to express their points of view and do it in an orderly manner with some kinds of rules and regulations. I know that you are going to be subjected to lots of turmoil in your working office. These people are people that have expressed their opinions very strongly. I have sat on some committees with these people and they are very talented people with their point of view. I have only been interested in the city government for the last three years and I am amazed at the things have not been done in this community that are being done now that take time and

they have input to make. But there are a lot of things that you are doing that should have been done not this year or last year but ten years ago. You are accomplishing a great deal and I can go through a whole list of the things that I have observed. For instance there are several of you here on the council who were invited to be on a committee that I served on but refused to be on the committee. So you had chances to participate. Pat comes to the meetings. Some of you refuse to be on the committees, so you had chances to do a lot of input. As we look at now as how this community is working together and getting some opinions and done in an orderly fashion, it is one of the highlights for me to come to and listen and see that the meeting is done with good intent. Thank you.

Discussion was held on the position of Public Works Director due to Brian Backes deciding not to accept the position. On motion by Ziemer, to hire second in line candidate Jeffrey Moe as a non-exempt employee, which will allow for overtime; \$45,000 per year, \$500 a month flex benefit for medical/insurance and two years of vacation for the first two years. Motion died to a lack of a second.

On motion by Thayer, seconded by Ziemer, to hire Jeffrey Moe as Public Works Director, as a non-exempt employee, with a \$500 per month flex benefit for medical/insurance, two weeks vacation for the year one and year two, and to allow \$19.24 per hour to equal \$40,000 per year, pending a favorable background check. Voting Yes: Thayer, Ziemer, Anttila. Voting No: Opsahl, Stoen. Motion declared carried.

On motion by Thayer, seconded by Opsahl, all voting in favor, meeting adjourned at 10:56 p.m.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL
SPECIAL MEETING
JUNE 21, 2012
8:00 A.M.**

The Elysian City Council met in regular session on Monday, June 21, 2012, at City Hall at 8:00 a.m.

Meeting opened with the pledge to the US Flag.

Present were: Mayor Katy Anttila; Councilmembers Edna Thayer, Brian Ziemer. City Administrator Patricia Nusbaum; Public Works Director John Roessler. Absent: Councilmember Mary Opsahl, Clinton Stoen.

Discussion was held on the consideration of quotes for work to be done on a storm sewer catch basin and piping. On motion by Thayer, seconded by Ziemer, all in favor, to accept the quote from James Brothers Inc. in the amount of \$4,100 for storm water catch basin and piping. (EDA property located on Park Avenue NE.)

The other item on the agenda was the consideration of questions, which Jeffrey Moe had for the Council to consider. On motion by Thayer, seconded by Ziemer, all voting in favor, to approve the request for uniforms, not to include steel toed shoes.


On motion by Anttila, seconded by Ziemer, to have Moe start work by June 25, 2012 with Mayor Anttila and City Administrator Nusbaum, to do an orientation dealing with the personnel policy, purchasing policy, and budget, and total of work hours set for public works department.

When new Public Works Director comes on duty, John Roessler's title will be a Trainer.

On motion by Ziemer, seconded by Thayer, all voting in favor, meeting adjourned at 8:28 a.m.

Attest:

Kathleen Anttila, Mayor


Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL
REGULAR MEETING
July 9, 2012 - 6:00 P.M.**

The Elysian City Council met in regular session on Monday, July 9, 2012, at City Hall at 6:00 p.m.

Meeting opened with the pledge to the US Flag.

Present were: Mayor Katy Anttila; Councilmembers Mary Opsahl, Clinton Stoen, Edna Thayer, Brian Ziemer. City Administrator Patricia Nusbaum; Public Works Director Jeff Moe, Deputy Clerk Lorri Kopischke. Employee John Roessler.

**PUBLIC HEARING
CALLING HEARING ON IMPROVEMENT**

WHEREAS, pursuant to resolution of the council adopted May 14, 2012, a report has been prepared by Jones, Hough, & Smith, Inc. with reference to the improvement of Maple Avenue SW from Fifth Street SW for approximately 515 feet easterly, to not include the entire length of street. A report was received by the council on June 11, 2012 and a public hearing has been called for the purpose of public input on the improvement of Maple Avenue SW.

Engineer John Schulte presented the report on the project and offered preliminary special assessment amount for each property. Due to some of the property being in a cul-da-sec the street portion would be considered the rear yard of the properties. The special assessment policy does not currently address rear yard assessments. The rear yard would be figured as a side yard. Total project cost would be \$28,648.75, city cost \$ 26,730.13, total to be assessed \$1,918.62.

There were no written or oral comments and no one from the public commented.

Council questioned the uncommon situation of the rear yard assessment leaving 93 percent city cost. Recommending option #2

On motion by Thayer, seconded by Stoen the hearing closed at 6:09 p.m. Regular meeting started at 6:10 p.m.

On motion by Stoen, seconded by Thayer, all voting in favor, to approve the minutes of the June 11, 2012 regular meeting with insertion of completed bonding agreements in resolution 399/12 when they come from Northland Securities.

On motion by Thayer, seconded by Ziemer, all voting in favor, to approve the minutes of the June 21, 2012 meeting with the elimination of the duplication of a sentence stating the Pledge to the US Flag and removal of the title of John Roessler as Trainer.

On motion by Ziemer, seconded by Stoen, all voting in favor, to approve the agenda with the following deletions: #9, Scott Adamak – realtor, Roemhildt Addition, and #10 hall care discussion; to add discussion on conferring with the auditor as to a meeting date to review the 2011 audit and representative of the Elysian Area Chamber to discuss National Night Out.

After discussion on the public hearing, a resolution was presented by Member Thayer, seconded by Member Stoen to approve Resolution 403/12 . Discussion followed with changes to the resolution being made. On motion by Thayer, seconded by Stoen to amend the first motion to read as follows:

**RESOLUTION 403/12
MAPLE AVENUE SW STREET IMPROVEMENT
ADVERTISEMENT FOR QUOTES**

TO WHOM IT MAY CONCERN:

The City Council of the City of Elysian will receive quotes at the office of the City Administrator until 2:00 p.m. on August 8, 2012 for the making of the following described local improvement under Minnesota Statutes, Chapter 429:

The improvement of Maple Avenue SW between Fifth Street SW going Easterly 515 feet, according to plans and specifications on file in the Office of the City Administrator.

All quotes shall be directed to the City Administrator, securely sealed and endorsed upon the outside wrapper with a brief statement or summary as to the work for which the quote is made.

The City Council reserves the right to reject any or all quotes.

Immediately, or soon after as possible, following expiration of the time for receiving quotes, the City Administrator will publicly open bids in the Council Chambers of the City Hall. The Council will consider such quotes in the Council Chambers at the regular council meeting held on

August 13, 2012 with meeting starting at 6:00 p.m.

Vote being taken: Voting Yes: Stoen, Thayer, Opsahl, Anttila. Voting No: Ziemer.

Adopted by the City Council this 9th day of July, 2012.

Attest:

Patricia Nusbaum, City Administrator

Kathleen Anttila, Mayor

Warren Smith, Surveying Services was present representing his client Joe Meixl who is interested in purchasing the Matt Oswald property located on the east end of Ray's Lake and would like to annex into the City of Elysian. He would like to build a duplex, which would be in accordance with the City of Elysian zoning regulations. The septic system and drainfield for the house is located in the city limits, away from the lake. Council asked several questions, matter was then referred to the Planning and Zoning Commission for further review.

Mike Meyer, President, Elysian Area Chamber, was present to request from the Council a donation to the National Night Out which is being held on Tuesday, August 7th. On motion by Thayer, seconded by Stoen, all voting in favor, to approve the budgeted amount to National Night Out in the amount of \$750.00.

Committee Reports:

Public Works – Mayor Anttila introduced Jeff Moe as the new Public Works Director and welcomed him to the city.

Moe updated the Council on his recent couple of weeks with the City. Being the July 4th celebration was setting up, he had not really had a normal week on work yet trying to figure out and learn the routine.

Engineer Schulte gave preliminary figures on the cost of getting water and sanitary sewer to five lots of Roemhildt's Addition #3. Preliminary costs were \$10,000 to \$20,000 for line and grinder pumps per house. A lift station would be around \$150,000.

The Allis Chalmers tractor was discussed. Quotes were from Brad Carlson in the amount of \$1,660 and Scott Roemhildt in the amount of \$500.00. Since bids were less than expected, Public Works Director Moe will contact Smith's Mill Implement to see if they could sell the tractor for more than bids. The fee to sell the

tractor would be minimum \$200.00 fee. On motion by Ziemer, seconded by Thayer, all voting in favor, the bids on the Allis Chalmers tractor were rejected.

John Roessler discussed with the Council the quotes for seal coating the Sakatah Trail Estates. Pearson Bros. \$12,126.68 and Bergen Incorporated offered a new formula on seal coating which seeps into the blacktop and seals it. The quote was in the amount of \$14,288.00. On motion by Stoen, seconded by Opsahl, all voting in favor, to accept the quote from Bergen Incorporated in the amount of \$14, 288.00 for seal coating of Sakatah Trail Estates.

Administrator Nusbaum indicated that John Roessler's hours are almost due. Mayor Anttila indicated that his time should be saved for critical items.

Boulevard ordinance – Discussion was held on the consideration of a boulevard ordinance. Various suggestions were made. On motion by Thayer, seconded by Opsahl, all voting in favor, Thayer will make changes and further discuss with the Planning and Zoning Commission.

Discussion was held on the consideration of the guidelines of the Budget and Finance Committee. On motion by Thayer, seconded by Ziemer, to approve the new guideline for the Budget and Finance Committee. Discussion was held on concerns as to the written document and whether a budget and finance committee was needed along with Council being more active in the budget process. Voting Yes: Anttila. Voting No: Thayer, Opsahl, Stoen, Ziemer. Motion failed.

On motion by Ziemer, seconded by Thayer, all voting in favor, to make a change to read general functions as directed by the City Council with submission of new draft to the city attorney for review prior to the next meeting when matter will be resubmitted.

On motion by Anttila, seconded by Ziemer, all voting in favor, to contact Burkhardt & Burkardt Auditing to select three dates for the auditor to attend a meeting of the Council to review the 2011 audit.

Various items were discussed concerning messy yards, tall grass, debris, driveways not surfaced, addresses not on houses. Ziemer will work with Nusbaum on particular various situations. Also need a decision on the water to be hooked up at 603 First Street N. Nusbaum and Moe will work together on researching matter.

Discussion was held on process of renewing contracts. On motion by Ziemer, seconded by Thayer, to send two contracts to the city attorney to investigate if the proper procedure was followed correctly on contract renewal. Voting Yes: Ziemer, Thayer, Anttila. Voting No: Opsahl, Stoen. Motion declared carried.

The following resolution was presented.

RESOLUTION 401/12 RESOLUTION ESTABLISHING DATES FOR FILING AFFIDAVITS OF CANDIDACY

BE IT RESOLVED, by the Elysian City Council, State of Minnesota, as follows:

1. The period for filing affidavits of candidacy of the office of Mayor and Council shall begin on July 31, 2012 and shall close on August 14, 2012. An affidavit of candidacy must be filed in the Office of the Administrator and the \$2.00 filing fee paid prior to 5:00 p.m. on August 14, 2012.
2. The Administrator is hereby authorized and directed to cause notice of said filing dates to be published in the official newspaper of the city, at least two (2) weeks prior to the first day to file Affidavits of Candidacy.

3. The Administrator is hereby authorized and directed to cause notice of said filing dates to be posted at the administrative office of the City of Elysian at least ten (10) days prior to the first day to file Affidavits of Candidacy.
4. The notice of said filing dates shall be in substantially the following form:

PUBLIC NOTICE

**NOTICE OF FILINGS OF AFFIDAVITS OF CANDIDACY FOR THE CITY
ELECTION, CITY OF ELYSIAN, LE SUEUR AND WASECA COUNTIES, STATE OF MINNESOTA**

NOTICE IS HEREBY GIVEN that the City of Elysian City municipal election will be held in the City of Elysian on Tuesday, November 6, 2012, for the following positions:

- Mayor – Two (2) year term
- Councilmember – Four (4) year term
- Councilmember – Four (4) year term

Affidavits of candidacy for the above positions may be filed at the Office of the Administrator at City Hall, located at 110 West Main Street between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday starting on Tuesday, July 31, 2012 through Tuesday, August 14, 2012.

Filing will close at 5:00 p.m. on August 14, 2012.

Filing fee: \$2.00

Dated: July, 9, 2012

Resolution presented by Member Stoen, seconded by Member Thayer, resolution approved with the following vote being taken:

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

Attest:

Patricia Nusbaum, City Administrator

Kathleen Anttila, Mayor

**CITY OF ELYSIAN
RESOLUTION NO. 402/12**

**A RESOLUTION APPROVING 2012 ELECTION JUDGES
FOR BOTH THE STATE PRIMARY AND GENERAL ELECTIONS**

BE IT RESOLVED, by the Council of the City of Elysian, County of Le Sueur and Waseca Counties, State of Minnesota, that the following persons will be 2012 Election Judges for the August 14th State Primary and the November 6th General Election. Their hourly rate of pay will be \$9.00 per hour.

Judges for Elections are: Ruby Cumberland, Lorrie Kopischke, Lawrence Marty, Marge Pribyl, Marilyn Sandquist, John Stephanie, Nadine Strong, Shirley Tetzloff, Marie Tuve. Patricia Nusbaum, Head Judge.

BE IT FURTHER RESOLVED, Elysian City Administrator will be the Head Election Judge and as such we further grant her authority to designate additional election judges should an emergency arise.

Resolution was presented by Councilmember Stoen, seconded by Councilmember Thayer with the following vote being taken:

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

ADOPTED by the City Council this 9th day of July, 2012.

Attest:

Patricia Nusbaum, City Administrator

Kathleen Anttila, Mayor

On motion by Stoen, seconded by Ziemer, all voting in favor to approve the bills, payroll, and transfers in the amount of \$236,006.59.

Public Comment Time:

Chris Johnston – Janesville – with respect to the Budget and Finance Committee, you are elected to serve citizens by working with the budget. He stated that he was wondering why you would try to delegate your responsibilities to a committee? Main point he stated he was concerned with is another investigation of employees. When it comes to delegating your responsibility to a committee, but when it comes to contracts that have been in place for decades you want to turn it over to the attorney. He stated that what should be turned over to the attorney is the censoring of a citizen's comments, which he felt was deplorable and that should be turned over to the city attorney. That should be investigated.

Deputy clerk Kopischke at this point made a copy given to her by mayor Anttila regarding statement of position from the state auditor's office on preparation of minutes to Mr. Johnson.

Roger Hanson – 309 Third Street NW Soon will have a new street. Budget and Finance committee, someone mentioned grants. Grants are a challenge to write. Most people who do that go to school to learn that. It is a skill all by itself. If we are going to look at grants, you need to hire someone a consultant who knows what grants are available.

Gordon Kreutzer- 310 East Main Street – Blvd. tree ordinance – we have two county roads running through Elysian, 66 and 33 feet in width. County has adopted to go with the wider easement. Be sure to check with the county to see if they went with the state DOT who has doubled the width to 132 feet. This is now being used by county in front of fish hatchery. Be sure that County Road 11 and 50 stays at the regular 66 feet. It could jeopardize the homeowner.

Chris Johnson – Janesville – Do acknowledge receiving the document. The document does not address the issue of taking away a citizen's comments. You do not have the right to censor a speech you do not agree with. It is un-American.

On motion by Stoen, seconded by Ziemer, all voting in favor, meeting adjourned at 8:31 p.m.

Attest:

Patricia Nusbaum, City Administrator

Kathleen Anttila, Mayor

ELYSIAN CITY COUNCIL
SPECIAL MEETING

July 19, 2012

6:00 P.M.

The Elysian City Council met in special session on Monday, July 19, 2012, at City Hall at 6:00 p.m.

Present were: Mayor Katy Anttila; Councilmembers Edna Thayer, Brian Ziemer. City Administrator Patricia Nusbaum; Public Works Director Jeff Moe, and Deputy Clerk Lorri Kopischke. Absent: Mary Opsahl, Clinton Stoen.

Purpose of the workshop meeting was to discuss with Public Works Director Jeff Moe items regarding his new position. The following was discussed:

1. Keys for most of the buildings had been transferred to him. Employee on leave will be contacted as to use of his keys until he is needing them. The keys would serve as a backup in the case they were needed. On motion by Ziemer, seconded by Thayer, all voting in favor, a key to city hall will be given to Moe. An inventory of all keys will be made.
2. Cellphone had been activated and was in use. A review of the phone accounts as any minute overage will be made by the office staff.
3. Time and Overtime Management - Moe was to talk with the Sentencing to Service Supervisor as to what jobs for the city could be dealt with by the organization. An organizational chart was asked to be made so that upcoming projects throughout the year would be looked at in advance and scheduled. Moe stated that there is no one to help do the work. With three out on work comp matters, John and he are the only ones left. Moe indicated that there needs to be a Maintenance I full time person hired. Seasonal or temporary employees would be hired as needed. Due to not having the needed help the Council allowed overtime when needed for Public Works Director Moe until which time another person is available to help out. On motion by Anttila, seconded by Ziemer, all voting in favor, to look over the applicants on file and select one for up to forty hours a week, at \$10.00 per hour.

Discussion was held as to the consideration of mutual aid help from other nearby communities if there were employees that could use additional hours.

4. Catastrophe Preparation – Need to make an appointment with John Roessler to understand the items yet to be discussed.
5. 2013 Budget Preparation/Equipment needs – City Administrator Nusbaum will work with Moe on getting his budget papers to review.

6. Update on City issues

- a. Rain Garden Project on Maple Avenue – this is a Waseca County Project located adjacent to Maple Avenue SW.**

Discussion was held on the request for payment for Emergency Management hours through June 30, 2012. On motion by Ziemer, seconded by Anttila, all voting in favor, to authorize payment through June, 2012 to Emergency Management personnel in the amount of \$3,105,00 and to remind the Emergency Management Directors that all new considerations of personnel to the Emergency Management team must be brought to the Council for approval.

- b. Maintenance of gravel on 5th. Street NW/Meeting with Elysian Township – Elysian Township will be meeting with the City Council to discuss an agreement on the care and upkeep of Fifth Street NE, the portion in the City and the portion in the Township.**
- c. Sale of Allis Chalmers tractor – Public Works Director Moe is in communication with Smiths Mill Implement. They will sell the tractor for a commission of a minimum of \$200.00.**
- d. City Staff Support in Community Events – Council was in support of working with local community events, July 4th celebration, Holidazzle, National Night Out. Asked Public Works Director Moe to summarize the work involved with the July 4th. Celebration.**
- e. John Roessler's hours were discussed. Roessler has approximately 40 hours left working for the City of Elysian.**
- f. Administrator Nusbaum will contact the City Attorney regarding as to how much information involving an employee on work comp can be divulged to the members of the Council.**

On motion by Ziemer, seconded by Thayer, all voting in favor, meeting adjourned at 7:16 p.m.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL
SPECIAL MEETING
AUGUST 2, 2012**

6:02 P.M.

The Elysian City Council met in special session on Thursday, August 2, 2012, at City Hall at 6:02 p.m.

Meeting opened with the pledge to the US Flag.

Present were: Mayor Katy Anttila; Councilmembers Clinton Stoen, Edna Thayer, Brian Ziemer. City Administrator Patricia Nusbaum; Public Works Director Jeff Moe, Deputy Clerk Lorri Kopischke. Absent Councilmember Mary Opsahl.

Discussion was held on quotes on the handicap accessible door equipment. Quotes received were from Kendall Door, \$5,489 with no electrical; Javen Electric quoted a \$750.00 electrical work, with equipment being the same as Kendall Door since they get there equipment from Kendall Door; TeeJay Inc. quoted \$3,331 not to include electrical; Blazing Electric quoted electrical for \$165. On motion by Stoen, seconded by Thayer, all voting in favor, to authorize the quote of TeeJay, Inc in the amount of \$3,331 and Blazing Electric in the amount of \$165 for a total of \$3,496.

John Roessler had presented to the Council his letter of resignation requesting his vacation and sick benefit. On motion by Thayer, to authorize payment of his sick pay and 240 hours of his vacation, not the 271 hours as stated. Motion failed due to a lack of a second. Discussion followed. Attorney Chris Johnson spoke on Roessler's behalf. He asked that the request be honored immediately, so that John could move ahead with his Social Security and his thirty days of non-involvement with the City to fulfill his PERA requirements. On motion by Anttila, seconded by Thayer, all voting in favor, to accept John Roessler's letter of resignation effective August 2, 2012.

On motion by Thayer, seconded by Ziemer, to allow the 240 hours of vacation and 456.50 hours of sick benefit with the longevity benefit not included due presently being investigated. Voting Yes: Thayer, Ziemer, Anttila. Voting No: Stoen. Motion declared carried.

Attorney Johnson inquired that the 31 hours not approved, would be discussed with the City Attorney. Mayor Anttila indicated that it would.

On motion by Ziemer, seconded by Anttila, to approve the City Attorney to review the draft Fire Department Joint Powers Agreement . Voting Yes; Ziemer, Anttila, Thayer. Voting No: Stoen. Motion declared carried.

On motion by Ziemer, seconded by Stoen, all voting in favor, Burkhardt & Burkhardt Auditing will be contacted as to meeting with the Council on August 16th. at 5:00 p.m. for one hour to review the 2011 audit.

On motion by Stoen, seconded by Anttila, all voting in favor, to place on the August agenda the resignation of part-time employee Max Venero.

On motion by Thayer, seconded by Ziemer, all voting in favor, meeting adjourned at 6:36 p.m.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL
REGULAR MEETING**

August 13, 2012

6:00 P.M.

The Elysian City Council met in regular session on Monday, August 13, 2012, at City Hall at 6:00 p.m.

Meeting opened with the pledge to the US Flag.

Present were: Mayor Katy Anttila; Councilmembers Mary Opsahl, Clinton Stoen, Edna Thayer, Brian Ziemer. City Administrator Patricia Nusbaum; Public Works Director Jeff Moe, Deputy Clerk Lorri Kopischke.

On motion by Thayer, seconded by Stoen, all voting in favor, to approve the minutes as presented with the inclusion of a vote in last paragraph on page 1 and to add the description of Option #2 regarding the Maple Avenue SW assessments.

On motion by Ziemer, seconded by Stoen, all voting in favor, to approve the agenda with the addition of the resignation of part-time employee Max Venero.

Next meeting Nusbaum will update the Council on who has keys and status of employees on workman's compensation.

Public Comments:

Dori Mutch – 1250 Scenic Hideaway Lane – Concerned about the request to annex the Matt Oswald property into the City of Elysian. Nusbaum stated that there is no action at the present time due to a lease for one year having been signed by the people living on the property. Mutch will be contacted if the issue should again be on the agenda.

On motion by Stoen, seconded by Opsahl, all voting in favor to approve the bills, payroll, and transfers in the amount of \$197,964.53.

Public Works Department

- 1. Authority to take Allis Chalmers tractor to Smith's Mill.**
- 2. Nusbaum research the agreement or information on the water line to be placed at 603 North First Street.**
- 3. On motion by Thayer, seconded by Stoen all voting in favor, approved WW Blacktopping do patch work in various areas of the city in the amount of \$6,770.50. (M&W Blacktopping offered a quote of \$10,605.00.)**
- 4. On motion by Stoen, seconded by Thayer, to approve the bid of WW Blacktopping in the amount of \$20,370.75 for blacktopping of Maple Avenue SW. and upon recommendation of City Engineer to sign the contract with WW Blacktopping to**

exclude the area in the contract regarding owner is responsible for all permits.
Voting Yes: Stoen, Thayer, Opsahl, Anttila. Voting No: Ziemer.

5. Hail claims for damages to city buildings and equipment will be reviewed by the City Administrator and Public Works Director.
6. On motion by Anttila, seconded by Ziemer, all voting in favor, to accept the resignation of Max Venero, part-time employee and thanking him for his time.
7. Discussion was held on the consideration of hiring a full time employee. Nusbaum will contact the League of Cities as to what information can be offered to the Council as to status on employees who are presently on Workman's Comp. On motion by Stoen, seconded by Opsahl, all voting in favor, to advertise for a temporary employee at \$10.00 per hour for up to forty hours a week with applications closing on August 22, 2012. Public Works Director will work with City Administrator as to contact someone to help with mowing.

Administration

1. On motion by Stoen, seconded by Opsahl, all voting in favor, to approved the 2013 Le Sueur County State Aid Highway Agreement in the amount of \$8,710.93.
2. Budget and Finance Committee structure. On motion by Anttila, seconded by Thayer, to approve the following committee members along with the appointment term as follows:
 - One Year Term (expiring 12/31/12)
 - Mayor Katy Anttila
 - Councilperson Brian Ziemer
 - John Stephanie
 - Two Year Term (expiring 12/31/13)
 - John Hoeft
 - Three Year Term (expiring 12/31/14)
 - Jason CoonVoting Yes: Anttila, Thayer, Ziemer. Voting No: Opsahl, Stoen. Motion declared carried.

A budget workshop meeting will be held on Thursday, August 30, 2012 at 5:00 p.m. at City Hall concentrating on Public Works Department items, with an additional workshop meeting to be held on Thursday, September 6, 2012 at City Hall at 5:00 p.m.

The following resolution was presented by Councilmember Thayer, seconded by Councilmember Ziemer for approval.

RESOLUTION 404/12

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 3, 2013, OR IN THE CASE OF INCLEMENT WEATHER, TO BE HELD ON FEBRUARY 10, 2013.

THE MOTION FOR THE ADOPTION OF THE FOREGOING RESOLUTION WAS PRESENTED BY MEMBER THAYER AND SECONDED BY MEMBER ZIEMER, AND AFTER FULL DISCUSSION THEREOF AND UPON VOTE BEING TAKEN THEREON, THE FOLLOWING VOTED IN FAVOR THEREOF; THAYER, ZIEMER, OPSAHL, STOEN, ANTILA.

AND THE FOLLOWING VOTED AGAINST THE SAME: NONE.

WHEREUPON SAID RESOLUTION WAS DECLARED DULY PASSED AND ADOPTED.

DATED THIS 13TH. DAY OF AUGUST , 2012.

ATTEST:

PATRICIA NUSBAUM, CITY ADMINISTRATOR

KATHLEEN ANTILA, MAYOR

On motion by Thayer, seconded by Ziemer, all voting in favor, to authorize the City Attorney to look over the proposed Boulevard Ordinance and to call for a public hearing to be held on Monday, September 10, 2012 at City Hall at 6:00 p.m.

Roger Hanson representing the Elysian Planning and Zoning Commission stated that the Commission met with Joe Meixl and Warren Smith, explained the criteria to follow. Water and sewer from the city is not at the site presently. The property has a septic which is in the city. There was no action taken, they were informed that the property owner has to file a petition in order to move forward.

On motion by Anttila, seconded by Thayer, all voting in favor, to reduce the stipend for the EDA Board by 20% effective January 1, 2013.

A request by Assistant Emergency Management Director Roger Hanson for a one day Emergency Management training for two people at a rate of \$10.00 per hour plus mileage was approved on motion by Stoen, seconded by Opsahl with all voting in favor.

A training on the 800 Mega Hertz radios will be held at the Fire Hall on September 4, 2012 at 7:00 p.m.

Public Comment Time:

Wayne Unke, 124 Willow Point Drive – I have been connected with the Budget Committee for the past three years. It has been a learning process for me and I have watched the City Council perform its duties which have changed considerably over the past four years. I do not like to go back in history, but back in 2007, there was a group of people that got together and saw that there was a partial audit of how the City Council was functioning. Out of that came, Dave Rager, I think he is here someplace around and some of you Council people out of that audit I think came tremendous good and I got to be part of that. I was not part of that group, asked for the audit, I did not understand what they were trying to do. Now that it is done it was one of the best things, that happen to this town in my opinion, most things I say are my opinion, has really made change. Look at the people here tonight interested in our city listening to what is going on. It has been good honest discussion it has made one of the things, I am 85 so I have been around the mill a long time compared to most of you and experienced many kinds of things since I lived here. So I have some kind of background experiences. One of the things I am interested in as a tax payer of the city is that we get the best bang for the buck. I do not want to be a cheap skate, I do not want the help to be paid poorly, I want them well paid, however I want it to be run as a good business operation. One of the things on the committee, we learned right off that the city was paying \$24,000 a year for the annual audit when other cities were paying \$8,000. That is a bad bang for the buck. I will make a whole listing of what was being paid all kinds of things this this group of people on the budget committee did for example, street lights burning and no one living there. Nobody said shut some off. Now who should be responsible? The City Council. Number 2, we hired someone to calculate water bills. We spent \$600 to \$1,000 a year. I said to the people on Committee we can do it. So we volunteered to do it. Katy, Roger Hanson did some small arithmetic and solved the problem. And I can go on and on and on of the many things that came out of a budget committee. It all started with the people who thought that we should audit the books or a partial audit. I can list fifteen or twenty things as to how our city has gotten best bang for their bucks. I will write up for the people to see the changes that have come about. Thank you very much your Honor.

On motion by Ziemer, seconded by Opsahl, all voting in favor, meeting adjourned at 7:50 p.m.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL
SPECIAL MEETING
AUGUST 16, 2012
4:00 P.M.**

The Elysian City Council met in special session on Monday, August 16, 2012, at City Hall at 4:00 p.m.

Meeting opened with the pledge to the US Flag.

Present were: Mayor Katy Anttila; Clinton Stoen, Edna Thayer, Brian Ziemer. City Administrator Patricia Nusbaum; Deputy Clerk Lorri Kopischke. Absent: Councilmember Mary Opsahl.

Also present: Mike Burkhardt, Auditor from Burkhardt & Burkhardt, LLC.

Purpose of the meeting was to review with the Auditor the 2011 audit.

On motion by Anttila, seconded by Thayer, all voting in favor to approve and adjust the negative cash balance as of January 1, 2011 to eliminate the negative cash balance in the Joint Fire fund.

On motion by Anttila, seconded by Ziemer, all voting in favor, to authorize Mr. Burkhardt to adjust the sewer fund and refuse fund as of 12/31/11 by the amount of the deficit of \$103,920 and \$7,265 respectively.

Further discussion involved fund assignments, collateralization, LGA, and filings of audit with State Auditor.

On motion by Ziemer, seconded by Thayer, all voting in favor, meeting adjourned at 4:56 p.m.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL
SPECIAL MEETING
ELYSIAN CITY HALL
AUGUST 30, 2012
6:00 P.M.**

The Elysian City Council met in special session on Monday, August 30, 2012, at City Hall at 6:00 p.m.

Meeting opened with the pledge to the US Flag.

Present were: Mayor Katy Anttila; Councilmembers Mary Opsahl, Clinton Stoen, Edna Thayer, Brian Ziemer. City Administrator Patricia Nusbaum; Public Works Director Jeff Moe, Deputy Clerk Lorri Kopischke.

Paul Wilson was present to discuss with the Council the cost of replacing the blacktop in the street in front of this house located at 29 Egret Lane. The cost of the replacement of the blacktop would be \$350. Mr. Wilson agreed to pay for the repair, but asked the Council to bill him for the cost so that he could include the billing in his pursuit of insurance coverage of his situation. On motion by Anttila, seconded by Ziemer, all voting in favor, to approve the issuing of a permit for the work needing to be done, approve the Public Works Director to oversee the repair, and to present a bill to Mr. Wilson from the City in the amount of repair costs.

On motion Stoen, seconded by Thayer, all voting in favor, to allow the repair of a piece of roadway on County Road #11 in front of the north lift station.

Discussion was held on the proposed 2012 payable 2013 budget. Suggestions were made and updates will be included.

Discussion was held on the consideration of the next phase of the street improvement project. On motion by Anttila, seconded by Ziemer, to put on hold the second one-half of Phase I in order to study grants, and infrastructure and in 2013 prepare a schedule so we are moving ahead. Voting Yes: Anttila, Ziemer, Thayer. Voting No: Opsahl, Stoen. Motion declared carried.

The next budget workshop meeting will be September 6, 2012, at 5:00 p.m. On motion by Thayer, seconded by Stoen, all voting in favor, meeting adjourned at 9:48 p.m.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL
SPECIAL MEETING
SEPTEMBER 6, 2012 - 5:00 P.M.**

The Elysian City Council met in special session on Monday, September 6, 2012, at City Hall at 5:00 p.m.

Meeting opened with the pledge to the US Flag.

Present were: Mayor Katy Anttila; Councilmembers Mary Opsahl, Clinton Stoen, Edna Thayer, Brian Ziemer; City Administrator Patricia Nusbaum; Deputy Clerk Lorri Kopischke.

Purpose of the meeting was to further discuss the general fund proposed budget.

After discussion and adjustments, a motion was made by Thayer, seconded by Ziemer to set the preliminary 2012 tax levy, payable 2013 general fund levy at \$440,000. Voting Yes: Thayer, Opsahl. Voting No: Ziemer, Stoen, Anttila. Motion denied.

On motion by Anttila, seconded by Ziemer, to approve the following resolution:

**RESOLUTION 405/12
RESOLUTION ADOPTING PRELIMINARY 2012 TAX LEVY, PAYABLE 2013
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 is levied for the current year, collectible in 2013, upon taxable property in the City of Elysian, for the following purposes:

General Fund	\$283,455
Fire Relief	2,226
Maintenance Replacement Eq.	12,000
Fire Equipment	12,400
Storm Sewer	5,000
City Hall Debt	28,420
2009 GO Improvement Levy	41,352
2012 Improvement Levy	<u>45,147</u>
Total Preliminary Levy	\$ 430,000

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

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

Adopted by the Elysian City Council on September 6, 2012.

Attest:

Patricia Nusbaum, City Administrator

Kathleen Anttila, Mayor

On motion by Thayer, seconded by Ziemer, all voting in favor, meeting adjourned at 6:28 p.m.

Attest:

Patricia Nusbaum, City Administrator

Kathleen Anttila, Mayor

**ELYSIAN CITY COUNCIL
REGULAR MEETING
SEPTEMBER 10, 2012 - 6:00 P.M.**

The Elysian City Council met in regular session on Monday, September 10, 2012, at City Hall at 6:00 p.m.

Meeting opened with the pledge to the US Flag.

Present were: Mayor Katy Anttila; Councilmembers Mary Opsahl, Clinton Stoen, Edna Thayer, and Brian Ziemer; City Administrator Patricia Nusbaum; Deputy Clerk Lorri Kopischke; Public Works Director Jeff Moe.

Meeting opened with a public hearing on #73/12 Boulevard Ordinance. Administrator Nusbaum opened with explanation to those present that this was a comment-gathering time in order to proceed with the development of the boulevard ordinance. Nusbaum read comments from city attorney Langel regarding items that the Council may want to review prior to passing the ordinance.

Public Comment:

Mike Kauss – 6 Egret Lane - Some of the comments I have, take a look at page 2, responsibility for trees planted by city, that Pat just mentioned. Is there a record of trees planted years before, and is there a grandfather clause? Seems to me that one of the reasons the council is trying to push it through is to determine who is responsible and get the burden from the city. I have a concern. Lot of trees were planted years ago and not by the homeowners. Intent of this ordinance, bottom of page 2, does it grandfather in the trees already there, it says to affect future planting. Top of page 3; why is the city maintenance department responsible when, in the past, the city maintenance had to report to the Council to get approval for landscaping and street repair? All of a sudden the maintenance department has authority, not saying it is wrong, just a question.

Roger Hanson, 309 Third Street NW - Planning and Zoning worked on the boulevard quite a bit. City attorney made suggestion probably that we did not think of, P&Z works and works on things and then it gets all marked up. The Council has to review and decide how to vote. P&Z worked on the boulevard ordinance. In my opinion it is a non-issue.

Pat Nusbaum, 104 Park Avenue NE – As you know my neighbor grew wildflowers on the boulevard for the past 10-15 years. The ordinance states no wild flowers. Wild flowers, what is a wild flower? Some are low and some are tall, some look brushy, but they have to be maintained. I do not know how many properties have trees on located on the boulevard. The new subdivisions do not plant trees on the boulevards, they are on their property. In old town there are some homes that have a lot of trees on the boulevard. I personally feel that if we cannot come to an agreement, I personally would like to see all boulevards be just grass. Look how nice the boulevards look on the street that just had the new street project.

Mike Kauss – 6 Egret Lane – Confused as to what constitutes the mayor's responsibility for noxious weeds. Wild flowers supposedly have been grown in yards. Pictures should have been taken over the last couple of years, because some would constitute they have wild flowers and they look like crap. Those property owners have gotten away with this for a long time. So, I am curious as to whether the maintenance department is to make the decision in the common areas, or will the mayor have responsibility for that?

Jeff Moe – Public Works Director – Concerned about snow plowing with decorative items on the boulevard. Concerned about the trees already on the boulevard, in the original part of town, if the home owner now all of a sudden, has to be responsible for the maintenance of them, that puts a large burden on them.

On motion by Stoen, seconded by Ziemer, hearing was closed at 6:15 p.m.

Meeting reopened at 6:16 p.m.

On motion by Thayer, seconded by Stoen, all voting in favor, to approve the minutes of August 13, 2012 with a correction of the appointment of Jason Coon to the Budget and Finance Committee to three year instead of the two year so recorded, minutes of August 16, 2012, August 30, 2012, September 6, 2012.

On motion by Stoen, seconded by Opsahl, all voting in favor, to approve the agenda with the additional of following items:

1. Key cabinet and inventory
2. Work Comp report

Public Comment:

Chris Johnson – Janesville – was present to discuss the contract of former employee John Roessler. Mayor Anttila stated that this item should be placed on the next council agenda. Johnson stated that the benefit was to be paid upon retirement. Mayor Anttila stated that the matter would be put on the next agenda.

On motion by Stoen, seconded by Opsahl, all voting in favor, to approve bills, payroll, and transfers in the amount of \$ 164,926.79.

Public Works

1. Discussion on Egret Lane, where it appears that the street is sinking along the curbs. Mike Kauss, 6 Egret Lane had pictures of the area in question. He asked that the curb be replaced and add asphalt. Moe will investigate the matter before the next meeting to include an outside opinion, and he was instructed to fit the Egret Lane matter into a priority list of street updates for the entire city.
2. On motion by Stoen, seconded by Opsahl, all voting in favor, to approve Ron Greenwald as a temporary employee at \$10.00 per hour.
3. Discussion was held on the grading and upkeep of Fifth Street NE. Moe will contact Janesville Township as to discussion as to whether Janesville Township could consider grading about 300 feet further to the northeast on Fifth Street when they grade Fifth Street from Highway 60 to Lake Avenue NW. Moe will report at the next meeting.
4. Discussion was held on a crane and diverter. Estimates will be obtained by the next meeting.
5. On motion by Anttila, seconded by Ziemer, all voting in favor, to set the seasonal closing of the park to be the first weekend after Labor Day.
6. Discussion on the retaining wall and area west of the City Hall. More discussion will be held at the next meeting.
7. Nusbaum will contact Jim Roemhildt, the former owner of the property, with regard to the agreement as to the placement of the sewer line to the house at 601 First Street North.

Administrator Nusbaum will give a key to City Hall to Jeff Moe, and will obtain a locked key cabinet with every key identified.

Roger Hanson was present to discuss the 800 MHz radios. He mentioned that it was a worthwhile emergency management school that John and he attended. He indicated that due to 800 MHz, a control board is needed for service on siren north of Lake Francis. He stated that the quote was included in the quote for the new siren. The cost was \$1,330 plus tax, shipping and installation.

Hanson explained the need for radios for the emergency management personnel. Competitive quotes will be obtained. The fire department was involved with a Le Sueur County grant which allowed the department to receive a grant to get their radios.

On motion by Stoen, seconded by Thayer, all voting in favor, to allow the purchase of the control board for the siren north of Lake Francis in the amount of \$1,330 plus tax, shipping, and installation.

On motion by Ziemer, seconded by Stoen, all voting in favor to obtain quotes for eight radios for the emergency management department including City Hall, and to get quotes on a computer.

Extensive training will be held at the Fire Hall on November 5, 2012.

Administration

Reminder of fall clean up, October 13th, 8:30 a.m. to 11:00 a.m. (Since the meeting the clean up day has been moved to October 20th from 8:30 a.m. to 11:00 a.m.)

Since Veterans Day is a mandatory holiday, and it falls on the November regular meeting date, on motion by Stoen, seconded by Thayer, all voting in favor, to hold the November regular meeting on November 13, 2012 at 6:00 p.m.

Everyone was reminded to fill out the survey sent to all residents regarding the hours being considered by the Elysian Post Office, and to attend the public meeting at the American Legion Club Rooms at 7:00 p.m. on October 9, 2012.

On motion by Anttila, seconded by Thayer, to set September 26, 2012 for a special meeting to include the probationary performance review of public works director Jeff Moe. A closed session will be set for 5:00 p.m. with special meeting starting at 6:00 p.m.

On motion by Anttila, seconded by Ziemer, all voting in favor, to hold the annual performance review for the city administrator on Wednesday, October 24, 2012 at 5:00 p.m. with a special meeting workshop to be held at 6:00 p.m. if a meeting is needed.

Council is to review the proposed rental ordinance and get back to the the city administrator.

The boulevard ordinance needs additional work and will be placed on the September 26th meeting agenda.

Public Comments:

Jason James - Fire Chief – just about the 800 MHz – if a radio is at City Hall there will need to be training whoever is going to use the radios have to go to training. If you screw up on radio you will be fined. Whoever uses the radio will have to be trained. Basically everyone around us has been on 800 MHz. We were at a fire at Madison Lake, and it was hard to communicate due to all the area departments being on 800 MHz. Radios will be here shortly. It will take effect in December, along with the Civil Defense [which] will need to be trained and radios, should maybe have been planned a bit more, knew this was coming. The system will cost \$10,000 - \$12,000. Training will be held at the Elysian fire hall November 5th. It will be quite the change to go to the 800 MHz.

Roger Hanson – Third Street N W – three years ago there was vandalism at the park. It was talked about then to put in cameras and that could be done. The sheriff needs to be called when people are seeing things happen. Call any time - they want to be called. When the storage sheds were broken into they were very good, someone called it in they came over and took fingerprints and those doing the damage were found. The minutes reflect that [there] will be no street project this coming year. Something that was put off this summer because it was going to be included in the 2013 project, was the fire hydrant at

Lake Avenue NW and Fourth Street NW. The hydrant is not working. I am to understand there is no water pressure and it has a leak. Since the road project is not being done, there needs to be a new hydrant. It would be good to have a hydrant. Thank you.

On motion by Ziemer, seconded by Thayer, all voting in favor, meeting adjourned at 8:00 p.m.

ATTEST:

Patricia Nusbaum, City Administrator

Kathleen Anttila, Mayor

**ELYSIAN CITY COUNCIL
SPECIAL MEETING
SEPTEMBER 26, 2012
5:00 P.M.**

The Elysian City Council met in special session on Wednesday, September 26, 2012, at City Hall at 5:00 p.m.

Meeting opened with the pledge to the US Flag.

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

Due to entering into a closed session on the probationary evaluation of Public Works Director, Administrator Nusbaum left the building.

On motion by Anttila, seconded by Ziemer, all voting in favor, meeting reconvened at 6:06 p.m.

Action on the performance review of the Public Works Director Jeff Moe approved as meeting the qualifications of the Public Works Director and a list of goals to be working on as follows:

- 1. He is to work within budgeted dollars and hours.**
- 2. Recommend street improvements and seek help to obtain grants.**
- 3. Provide an inventory of supplies and equipment at year end.**
- 4. Do an analysis and recommendation for City involvement in community events.**
- 5. Establish and recommend a mowing policy to the City Council.**

Public Works Update – Public Works Director Jeff Moe

Discussion was held on the need to get quotes on a crane and diverter. The retaining wall replacement west of the City Hall building was discussed. On motion by Anttila, seconded by Ziemer, all voting in favor, to allow the Moe to get quotes for the crane, and diverter and present at the next meeting.

Ron Greenwald will be getting prices for the retaining wall, stairs, and rock. Moe is waiting to be trained on the jetter by Waterville personnel.

A key will be given to the Public Works Director for City Hall.

A meeting was suggested for the Public Works Director to attend a presentation on the Beacon system in Le Sueur County.

Discussion was held on the water hookup to 601 First Street North. On motion by Anttila, seconded by Ziemer, all voting in favor, to approve Administrator Nusbaum sending a

letter to Francis Androli, owner of the property, informing him that he will have to be connected to city water as of July 31, 2013.

Mayor had received a phone call from City Attorney Langel regarding the item on the agenda regarding the 31 hours of vacation for former employee John Roessler. He requested that the item be removed from the agenda and that the council meet in closed session to discuss issues of the 31 hours and pending litigation. The Council decided to meet at 4:30 p.m. on Wednesday, October 3, 2012.

Since the Candidate Forum sponsored by the American Legion Auxiliary has been set for October 16, 2012 and three of the sitting Council will be present at the Forum, the following notice will be posted.

NOTICE

In order to comply with the Open Meeting Law, public notice is required for meetings where a quorum of the City Council will attend and discuss City business.

The Elysian American Legion Auxiliary is sponsoring a "Meet the Candidates" event at 6:30 pm, Tuesday, October 16 at the Elysian American Legion Hall. Three current councilmembers are candidates, and the remaining two councilmembers may attend the event.

This event is not an Elysian City Council meeting; however, notice is hereby provided that a quorum of the Council will likely be in attendance, and City issues will likely be discussed.

Review of the suggestions of Council and Attorney Langel regarding the Boulevard Ordinance were considered. On motion by Anttila, seconded by Stoen, all voting in favor, to approve the Boulevard Ordinance 73/12 with reviewed changes.

Discussion was held on the Rental Ordinance. Due to needing more research, on motion by Anttila, seconded by Ziemer, all voting in favor, to designate a committee of Councilmember Stoen, and City Administrator Nusbaum to meet with Dan Murphy, Building Official to firm up the ordinance so that it meets the needs of the City and State.

On motion by Ziemer, seconded by Thayer, all voting in favor, meeting adjourned at 7:19 p.m.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

ELYSIAN CITY COUNCIL
October 3, 2012
Special Meeting
Minutes
4:30 p.m.

The Elysian City Council met in special session on Wednesday, October 3, 2012, at City Hall at 4:30 p.m.

Members present were: Mayor Katy Anttila, Council members Mary Opsahl, Clinton Stoen, Brian Ziemer and Edna Thayer, and City Attorney Joseph Langel.

Meeting was opened with the Pledge of Allegiance.

On motion by Stoen, seconded by Ziemer, all voting in favor, to go into closed session pursuant to Minnesota Statutes section 13D.05, subdivision 3(b), attorney-client privilege, to discuss threatened litigation by former employee, John Roessler.

The Council went into closed session. At 5:42 p.m., the Council ended the closed session and returned to open session.

Upon motion by Thayer, seconded by Opsahl, all voting in favor, meeting adjourned at 5:44 p.m.

Attest:

Kathleen Anttila

Attorney Joseph Langel

**ELYSIAN CITY COUNCIL
SPECIAL MEETING
October 8, 2012
6:00 p.m.**

The Elysian City Council met in special session on Monday, October 8, 2012, at City Hall at 6:00 p.m.

Meeting opened with the pledge to the US Flag.

Present were: Mayor Katy Anttila; Councilmembers Mary Opsahl, Clinton Stoen, Edna Thayer, Brian Ziemer, City Administrator Patricia Nusbaum, Public Works Director Jeff Moe, and Deputy Clerk Lorri Kopischke.

On motion by Ziemer, seconded by Stoen, minutes for 9/10/12, 9/26/12 and 10/3/12 were approved as presented.

On motion by Ziemer, seconded by Stoen, all voting in favor the agenda was approved with the following additions:

- 1. Jeremy Henninger, Henninger Construction**

No public comments offered.

John Dockstader, Sakatah Trail Resort, was present to inform the Council of his proposed consideration of a campground to be located on the north shore of Lake Elysian in the city limits on a 5.4 acre area. He indicated he is considering 6-12 hotel rooms, a public dog park and all lots would be hooked to water and sanitary sewer. He will be meeting with the Planning and Zoning October 22, 2012.

Jeremy Henninger of Henninger Construction was present to announce that he had purchased the metal building located at 109 Main Street East for his construction business and his seamless gutter business. He was inquiring of the Council to consider the possibility of his purchasing the area to the north of his building which he estimated to be a 60 x 70 foot parcel, which is presently owned by the City. Council asked for Henninger to submit an offer on the property.

On motion by Ziemer, seconded by Thayer, all voting in favor, bills, payroll and transfers were approved in the amount of \$165,110.79.

Wayne Ingebritson was present to discuss the damage to his car as a result of driving over a manhole and the cover lifting off the manhole and striking his vehicle. City insurance had denied the claim of damages in the amount of \$177.00. His request was to the council for payment. He indicated that maybe other damages may have occurred to the car. He was told to get a quote for the potential damages and the City Engineer would be contacted regarding road contractor insurance coverage.

Public Works – Public Works Director Jeff Moe

Discussion was held on manhole inspection. On motion by Stoen, seconded by Thayer, all voting in favor, to have the Public Works Director to proceed to work with Infratech to fix five manholes and to repair the lift station spending up to \$7,023.

On motion by Stoen, seconded by Opsahl, all voting in favor, to approve the repair of the crane in the amount of \$557.50.

On motion by Ziemer, seconded by Thayer, all voting in favor, recommending the trading in the tiller and purchasing a broom for the skid loader.

Administration – City Administrator Patricia Nusbaum

On motion by Anttila, seconded by Ziemer, all voting in favor, to adjust the payroll computer software to limit the vacation accumulation to 240 hours following the guidelines of the City Personnel Policy.

On motion by Ziemer, seconded by Stoen, all voting in favor, to approve Resolution # 406/12 as follows:

**CITY OF ELYSIAN
ELYSIAN, MINNESOTA**

RESOLUTION 406-12

**RESOLUTION ACKNOWLEDGING A DONATION FROM
ELYSIAN FIRE DEPARTMENT RELIEF ASSOCIATION**

WHEREAS, the City of Elysian has received a donation in the amount of \$8,000 from the Elysian Fire Department Relief Association, designated for tax relief.

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 \$8,000.00 donation from the Elysian Fire Department Relief Association, which will be placed toward payment of debt on the Fire Department rescue vehicle.

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

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

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

Council Members voting in the negative: None.

Council Members abstain: None.

Adopted by the City Council of the City of Elysian this 8th.day of October, 2012.

CITY OF ELYSIAN

Kathleen Anttila, Mayor

ATTEST:

Patricia Nusbaum, City Administrator

Reminder of the public meeting at the American Legion Club on Tuesday, October 9, 2012 regarding the future of the Elysian Post Office and a reminder of fall cleanup on Saturday, October 20, 2012 from 8:30 a.m. to 11:00 a.m.

- 1. Special meeting – October 24, 2012 – 5:00 p.m. evaluation of City Administrator; special meeting at 6:00 p.m.**
- 2. On motion by Thayer, seconded by Stoen, all voting in favor, to approve the closing of City Hall on the day after Thanksgiving with employees using a vacation day or floating holiday.**
- 3. On motion by Anttila, seconded by Stoen, all voting in favor, to allow the removing of an amount of \$17,000 from a CD reserved for debt payments leaving a balance of the CD at \$76,000 which will be reinvested for one year.**
- 4. On motion by Anttila, seconded by Thayer, all voting in favor, to approve recommendations on the clarification of Ordinance 73/12 Boulevard Ordinance, to include the removal of all reference to trees being planted on the boulevard and the whole section under plantings be removed except the spacing of trees.**
- 5. On motion by Stoen, seconded by Ziemer, all voting in favor, to accept the Boulevard Ordinance 73/12 with the tree clarification and not to allow the blacktopping of sidewalks or boulevards with the exception of driveways.**
- 6. A thank you note from Mack and Jan Evans for funds from city toward the National Night Out was read.**
- 7. On motion by Ziemer, seconded by Stoen, all voting in favor, to approve the closing of Third Street SW and Fourth Street SW from Main Street to Highway #60 between 4:00 p.m. and 8:00 p.m. on October 31, 2012 for the Halloween Spook Trail.**

Roger Hanson Emergency Management Assistant Director was present to discuss with the Council the purchase of radios for emergency management use. On motion by Stoen, seconded by Opsahl, all voting in favor, to purchase eight emergency management radios from Motorola in the amount of of \$16,896.68.

Public Comments:

Mike Kauss, President of Lake View Manor Townhomes: Two months ago I wrote a letter to the city regarding some street repair. Last month I came to the meeting for the same issue. At that time Mary made a comment to have Jeff put together a list of problems in the city – whatever term you want to give it. Unfortunately, I realize now that the City Council did not give Jeff a date. I would like to see that be done because I would like to know what is being done. I have homeowners that are concerned. I don't want us to be in a situation like poor Wayne Ingebritson that has to decide between two insurance companies what his problem is. I'd like this street repaired and I would like it done reasonably soon so we don't have a major problem. And if you keep letting it go it is going to cost the city a lot more than just a repair. So I am asking that the Council set a time for that to be done so we will know as citizens what's taking place.

Chris Johnson – Janesville: I want to address the action of the Council just a few minutes ago regarding the computer software regarding vacation time. Mayor Anttila you had read a portion of the personnel policy but you also left out the portion of the personnel policy which states that the council may approve additional time for employees above the 240 hours. And what I want to know is how can you have a policy that says that the council has discretion to approve something that doesn't exist because of a computer program. I am not telling the council what to do but what I am saying is that those two statements and those two actions are not in congruence with one another and therefore one needs to be changed. It appears that the council has made the decision to change the personnel policy by turning on a computer software program without actually changing the personnel policy to take out the council's discretion to approve more hours and it makes absolutely no sense to me why you would have a policy that says one thing and then have an action that does the opposite.

Mayor Anttila: Thank you. That should be looked at.

Jason Moran – 219 James Avenue: Is the street sweeper broken? Last weekend I dug about fifteen gallons of rock, sand and gravel out of my gutter and there is probably another twenty to thirty gallons there. I ran out of spaces and places to put the sand and gravel. My neighbor's gutters are the same way. I drove around town here today. There is a lot of gravel, grit and dirt accumulated in the road that needs to be taken out and I don't recall the streets being swept since early this spring.

Pat Nusbaum: Well they actually were swept after the 4th of July.

Jason Moran: The second issue that I have is the water quality. When John Roessler was doing things the water quality at my house was great and all of the sudden now I notice a really bad problem the past month and it is slowly but surely getting worse and worse. It has a foul odor to it and at times will even have a discoloration to it. I sent the mayor today an email on the issue. I also sent an email to Pat as well. I think somebody needs to look into that. I'd like to know when my hydrant was last flushed and I would like to have my hydrant flushed because when John was flushing the hydrant on a regular basis this problem wasn't happening. And I shared my concern with some other people in my neighborhood and they are also having the same issues both with their road as well as the water.

And the final thing I want to talk about is Wayne Ingebritson's situation. It is a very simple solution to it and I am going to give you some free advice here tonight. It is a \$177 claim. Pay the claim and take it out of the contractor's last payment. That is what a lot of other cities will do in this kind of situation. You can argue about liability for months and months and months and never get anywhere. It is \$177. Pay Mr. Ingebritson's claim and take it out of the last payment to the contractor.

Mayor Anttila: Thank you Jason. I think that's the direction we were headed.

Jason Moran: I don't think you knew what you were doing tonight.

John Roessler – 310 NE Lake Avenue: I am just saying if you people remember what was going on with that hydrant down there. There is no fire protection at all at that end of town because that hydrant is a two and a half inch hydrant from 1946 and the fire trucks pump off a four inch. So there is no fire protection for the townhouses at all. It was supposed to be put in about two years ago but it didn't happen because of the construction and it was going to be put in this year. It still is not going in. That hydrant has to go in tomorrow.

Mayor Anttila: Johnny can you back up just a minute? Would you explain what you were saying about the four inch?

John Roessler: Fire truck suction requires a four and a half inch hose on the hydrant. It is a two and a half inch down there. You can't fight a fire with a two and a half inch flow with four inches of water trying to come out of it. It won't work. And we told you this two years ago and it has gone by the wayside.

Mayor Anttila: Can you make a note of that Pat that we should discuss that with Jeff tomorrow? Because I think he was under the impression that the hydrant didn't work at all. But by testing it he found that it did work. But I don't think he addressed the connection issue.

Jason Moran: I neglected to discuss an issue here. I have so many issues to discuss. The other issue that I have basically been campaigning on since January of this year –

is anyone looking into infrastructure grants and improvement grants for the city's aging infrastructure? We heard Mr. Moe talk tonight at length about Fifth Street that is in bad shape. We heard John Roessler just tell us some more information here. Mr. Moe noticed we don't have a whole lot of money left in the budget to really fix any of this sort of stuff anymore. I am just curious. I have been harping on you guys since January of this year about looking for infrastructure grants, infrastructure bonds – basically free money. Is anyone doing that?

Edna Thayer: Katy and I went to talk to USDA about a year and a half ago and basically the result that they told us was that we are too wealthy of a city. We can't get the grants until we have problems with sewage or we get cited by Pollution Control or something. Then we will qualify and raise to the top of the list. But until then we don't qualify. That's what we were told. And Pat that is what you have said too. Because we have talked to Pat about it and she says the same thing. So if there is another source out there I would like to know about it.

Jason Moran: I will be happy to give you sources. The City of St Peter just redid Hwy 169 about a year, year and a half ago. They got all kinds of bonding money and they are a wealthy community. They are a lot more wealthy than we are. So I don't buy the principle that we're too wealthy to get bonds and infrastructure grants. LeCenter just did Minnesota Street about a year ago. 2010-2011 project. They got grants. We can get grants too. My point is that somebody has got to start looking. You haven't looked for a year and a half. That's not good. We don't have a whole lot of time.

Mike Kauss – 6 Egret Lane: I noticed on your agenda you have a section called Item #4 Approval of Minutes and you have that on every one of your agendas as most organizations do. Several months ago, Mack Evans spoke some comments at a meeting. Obviously some of you didn't approve of those comments but they were still his comments. At a meeting thereafter, the mayor moved that those comments be taken out of the minutes. I don't believe the mayor or anybody else on the council has the right to take anything out of the minutes because the only thing you deal with is errors and omissions. Not necessarily public comments. You might not agree with it. You might want to put something else in to say that you don't agree with it. That is fine. But I would like to know the citation that the mayor uses to give her the authority to do that and I would like those put back in the minutes because I don't believe that you guys have the authority to remove them when they are citizen's comments during our time to speak even if you don't like what we say. And I am offended when you do things like that because you are going over the limits of your authority. It's about time you take a look at things like that.

Roger Hanson – 309 Third Street NW: I had one thing on my mind when I came here today. About the street sweeper because I haven't seen it out and about and Jason brought that up. He also mentioned cleaning grit and debris out of his gutters. I think I heard Mr. Moe say something about brushing stuff from the center of the

streets to the curbs. Folks anything that goes in the curb goes right down the storm sewers, right directly into one of our lakes.

Mayor Anttila: But he wasn't saying it would stay there. He was saying that they would do that down the center along with the street sweeper. In conjunction with that.

Mr. Hanson: Are we going to start using the street sweeper?

Mayor Anttila: That would be up to Mr. Moe.

Mr. Hanson: That would be good. I mean it really does. If it stays there for one rainstorm and then it's gone. It's all the leaves right now that are going into the brand new collection things that we have and filter right straight to the lake. And that is the kind of thing that we are trying to eliminate.

During the meeting a couple of other things did come up. I was surprised at the council's change of direction from going through line by line items in the budget to saying oh we could look at the total budget for that particular department and if it's not going over we can go ahead and cover that. I like it but it surprised me.

I also heard a comment about grandfathering in the blacktop boulevard in our ordinance. If we can do that we can certainly grandfather in any trees that are already on that boulevard through nobody's fault.

Jason Moran: It is my understanding that there is no grandfathering of trees and that trees had to be removed. Am I mistaken on that?

Edna Thayer: We talked about planting of trees and what's on there now – hedges or columns or trees or whatever – they can stay.

Jason Moran: Trees that are on the boulevard do not have to be removed? They can stay?

Mayor Anttila: Yes, they can stay. Unless they become a hazard tree.

Jason Moran: They can stay? Unless they become a hazard tree? And who decides if it's a hazard tree?

Edna Thayer: The definition is in the boulevard ordinance.

Jason Moran: Can you give me a copy of what you are proposing?

Edna Thayer: Pat can because I gave my copy to her.

Jason Moran: Very good. Oh, one other thing. The potential campground. I heard a gentleman here tonight come before the council about a potential campground. Is anybody from the EDA working with this individual?

Mayor Anttila: We certainly would if they approached us but at this point it is so premature Jason. There's no purchase. It's very, very preliminary.

Jason Moran: It didn't sound preliminary to me here. I mean he was talking about, what did he say, 60 some spots. 60 to 70 spots. Six hotel rooms, twelve perhaps. A dog park. It sounds like he's got it all planned out. I am wondering if anyone from the EDA should get in touch with this individual. That's the only way that we are going to grow this community long term. It sounded like a fairly good plan and I know that we no longer have an executive director with the EDA and since we really don't have a point person with the EDA I would suggest that someone from the EDA – Miss Anttila I know you are treasurer of the EDA – so I would encourage you to get in contact with this individual and perhaps foster this. I think it would be a good thing for the city. And I think I am going to follow up with Mr. Dockstader. It sounded like a very good thing for our community. And it is certainly a way to get the community to grow, get people back to town and potentially get a new store in town. A new grocery store in town and circulate some business and maybe even create some jobs here.

Gordon Kritzer – 310 E Main Street: The problem that he brought up about the water system, while Johnny was doing it I was able to control the water at my place. I don't think any of you know the problem I have down there. A six inch main comes in and dead ends. I dump street a ways and I have a two inch running down there. Then I got a one inch into my place. So everything is flushed up on top. I got a problem down there with rust and everything else. So I had somebody come in that figured he knew pretty good what system I wanted to do and I got two large filters on there. One is a five micron and the other is a one micron. I change them every three months. Now I am starting to change very month and a half. You oughta take a look at it. When he talked about the water system he hit the nail right on the head.

Okay the other part I have is the fall clean up. I see you moved that to a different date. You had it earlier and now you moved it to the middle of October.

Mayor Anttila: That was at the request of Waste Management. Actually it was a mistake on their part.

Gordon Kritzer: Oh Waste Management. Well then I guess my part won't make any difference. I just been saying, you know that is MEA week? And you are gonna have a lot of people gone.

Mayor Anttila: They had made a mistake in scheduling and they have said that we will get it back to the second Saturday from now on.

Gordon Kritzer: Okay the other thing I have is the water being shut off by the city employees and going into their homes. There should not be a city employee allowed, I don't care how nice the town is, how nice the neighbors are, going into somebody's home. Because where that stand pipe is on the street, that water line and sewer line belongs to the homeowner. That is his responsibility. Correct me Johnny if I am wrong. I have went and called the city in the last twelve years maybe six times maybe seven and said I am leaving Thursday, give this date, at about 9:00 or so, can you shut my water off? Sure. And they come. They come up first and ask you if you are home. Yup. Shut it off. And I am gone - a month and a half maybe. I call ahead of time to say I will be back in on Friday about 11:00 or 12:00. Can you turn my water on then? Sure. I get in Thursday night about 8:00. So here I am – no water. And the homeowner responsible should have at least two – five gallon pails full of water if he has to use that toilet. He shouldn't have to have the city guy come out in the middle of the night to turn the water on. And the next day he comes and that's it. All you do is limit it. You are only going to open up a can of worms and a real big lawsuit.

Mayor Anttila: I think Mr. Moe is supporting your position as well. Unfortunately.

Gordon Kritzer: Not what I heard tonight.

Mayor Anttila: That is what he was saying.

Michael Meyer – President of the Elysian Area Chamber of Commerce: Two things. First I wanted to thank you guys for closing down the street for the Spook Trail. We definitely appreciate it as a group. And second, Pat could you make a recollection real quick? # 9.2-4 Resolution #406, was there a second on that motion before it was voted on?

Pat Nusbaum: I have Zierner and Stoen.

Michael Meyer: How about consideration of closing city hall?

Pat Nusbaum: Okay I have a question here on my paper on that one. I do have a question as to who seconded but I was going to listen to the tape. It was made by Thayer. I had Stoen but a question mark.

Clint Stoen: Yes, I did second that motion.

Jason James, Elysian Fire Chief: A little late, running around. I just wanted to let everybody know I have the new rescue truck rig out at Nu Chek's lot if anybody wants to look at it.

Mike Kauss, Chairperson Planning & Zoning: Pat we have a special meeting coming up, I don't remember the exact date, for P&Z. Can you tell me when that is?

Pat Nusbaum: The 22nd.

Mike Kauss: Okay, October 22nd, I thought it would be nice if we let everybody here know tonight that we will be discussing the potential campground of John Dockstader at that meeting. And even though I realize it may be premature in some ways, I believe that this is a potential moneymaker for the city and I would like to make a couple comments about it. One, if he gets his 67 units, everyone of them will have water and sewer which would be a cost to him but it will benefit the city by the utilization of water. In addition, he will put in as he mentioned, six hotel/motel rooms with a potential for six more down the road. Dog walking. He's got 120 feet on one end and 78 feet on the other – on the lakeside. And he has already met with DNR so he will definitely maintain what needs to be maintained. But I think everybody in here needs to stop and think what this can mean for the city. We've got businesses in the city that will definitely benefit. You go 67 x 2 and at a minimum you are looking at 134 people on a weekend. If they have kids it will be a lot more. Can you imagine what kind of business that would be for like Tuckers or Fischers or any other businesses in town? Those kids coming in in the summer wanting ice cream. He already has stipulated he does not want to put a store in because he does not want to compete with Pit Stop. The potential for a butcher down the road or something else in the city would be fantastic. And plus the taxes. I think it's time that the city council, the EDA and everybody embrace some growth for this city. And we have an opportunity here to make something happen that can be good for everybody. And I would hope that we would all consider that as we go down the path to see what needs to be done because not only will he employ local contractors but he will bring money into this city and I think it is a wonderful thing. It needs to be looked at but I think the potential is great and I think it can definitely help our community and I think it is time that the EDA embrace something that will actually help the city and not brag about their CDs of \$61,000 and their sitting on \$220,000 and they are not loaning anybody anything.

John Roessler: I am back again to clarify something with the water. When we flushed the hydrants before, we flushed every hydrant in town. Now he is only flushing ten hydrants in the whole town and stirring up water and just making a mess. On pulling out these water meters, most of these are pits. When they annexed into the city, the people out there, the meters are down under in pits. You've got to pull them out of the water, take them out, put a jump in between, put them back in, and make sure it drains down. That has to be done by the city. So there is no way around it. That's why it is in that ordinance that we will pull the meters. You have to clean them before they are put back in the spring. That was the deal that was made in 1997 when everything was put in. It's gotta be done that way. It can't be shut off at the curb because it would freeze everything up. And the city, I am not sure, is liable for them pits. That was the way that whole system is set out there.

Chris Johnson: I just have one question regarding the latest EDA meeting. I believe there was a time change from 7:30 to 7:00 and I am just wondering how that time change happened because in the previous EDA meeting you all, if my recollection is

correct, you all said you were going to meet at 7:30 and the posting was at 7:00. I don't know how that could have gotten changed.

Mayor Anttila: The posting was at 7:00 Chris. That's why we did not meet. We did not hold that meeting because it had not been posted at 7:30. It has been posted at 7:00 and so that is why we held the meeting at 7:00.

Chris Johnson: So how did the posting error occur?

Mayor Anttila: No there was no posting error.

Chris Johnson: But at the previous meeting the time was 7:30, as I recall.

Mayor Anttila: The president called the meeting for 7:30 but it wasn't posted that way so we didn't hold the meeting.

Chris Johnson: For continuity purposes and it is a public meeting, when you say you are going to meet at 7:30 and the meeting is changed to 7:00, how does that happen?

Mayor Anttila: No. It never was. The October meeting was not scheduled for 7:30. It was scheduled for 7:00 as it was posted.

Chris Johnson: So the statement of it being at 7:30 was a mistake?

Mayor Anttila: No there never was a statement. As far as I know. The September meeting was incorrectly listed as 7:30 and when it was discovered that it had not been posted we just didn't hold the meeting.

Chris Johnson: Okay. Thank you.

Jason Moran: When is the next EDA meeting?

Mayor Anttila: The remaining meetings for 2012 are at 7:30 for November and December. The first Thursday of each month.

Jason Moran: The first Thursday in November at 7:30.

Mayor Anttila: And they will be posted at 7:30.

Jason Moran: Where are they posted?

Mayor Anttila: Right on the bulletin board.

Jason Moran: I am going to put in a data practices request right now to Ms. Anttila that if that changes I want to be notified by email.

Mayor Anttila: Certainly.

Rick Childs – 105 East Highway 60: This happened to one of my friends awhile back and I am not going to mention his name. It has to do with the water. When they went and turned the water off at his house the house next door wasn't able to get any unless they turned his on. You might want to check out on that before you turn the water off at that house. Otherwise the next door's may not get it because it all came to that same house. Otherwise you might be turning some other waters off.

Pat Nusbaum: Well, I believe that would be an illegal hook up. That has to be checked into.

Mike Kauss: I guess I want to ask a question. I know you guys don't talk to any of us when we get up here. But, I am kind of curious of how people get on the EDA and how people that have been on the EDA for twelve years just keep their positions and nothing seems to ever be open to anybody else. I would like to research that or if you can give me the information. I am asking for that information. Because it seems to me that there are people who have been on the EDA – it's kind of like they're just there. And I know for a fact that at least one of them has been there for like 12 years. And that doesn't necessarily mean that they are doing a good job or that they are helping the city. But I think other people in the city might have a desire to be involved and they may have more background or business acumen than some of the people who are on that committee. So I am not sure if I am asking Pat to give me that information or who I am asking. But I am asking the city council as it seems to me that the city council is still responsible for the EDA although based upon some of the articles I read in the paper it sounds like the EDA just kind of does what they want to do whether the city controls it or not.

Chris Johnson: I would like to make a data practices request for the time and dates of when the hydrants have been flushed since the 1st of August because it sure seems like there are a lot of problems with hydrants. So I would like the dates and times of all the flushings and which hydrants have been flushed since August 1st.

Pat Nusbaum: Can I just say a couple things relevant to the some of the conversations here? We talk about the street sweeping. The street sweeping is very important. The grit and grime should have been gotten off the street prior to, probably in August, around then. The leaves are usually picked up two to three times a week. You get about two loads to every leaf pick up. The leaves now are going into the lake. We have never had leaves piled up. You can't even flush the hydrants because you have to shovel the leaves off of the drains going into the lake. They're going into the lake. There is no doubt about it. So, I think it is very important that we use the street sweeper – that's why we have it. We have to keep the streets clean because I can't believe the leaves that are on the street.

The other thing is I was wondering about – I have ten complaints on the water. I am not sure entirely what to do with them but the hydrants need to be done better. You

have to flush, in my opinion, this is what Elysian does, you start from the tower and you work out. I have never done this. I have just observed. I have been here long enough to know. My water last month took six days to clean up. I have never, ever, ever had any discoloration when they flushed hydrants. This time it took a week and a day and my glass of water is sitting back here and Jeff knows it and he just said “well, sometimes those things happen.” But, I think we really need to study this because some people’s softeners are getting clogged up. There’s all kinds of problems happening.

And the last thing I want to say is with the boulevard ordinance. As you all know my street on the other side is a problem. It is absolutely impossible for me to care for that. It’s a drop off. People seem to throw garbage in there. And I can clean out the garbage but we had a storm about two years ago where a tree fell over and blocked the road. Well just to get it cleared out they cut the tree off, which it was a boulevard tree, but now there is a stump standing like that. So, now with this ordinance, does that mean that I am supposed to take care of that? All of that debris and brush and stuff. I did have someone come in and look at that since this boulevard ordinance started and they are saying just to take out the debris that is in there and the brush and cleaning up would be \$2,500. The stump itself, they never came back to take care of it. I don’t know who – there was a bunch of people helping just to get the roads cleaned up. So, I don’t know. Those are the kind of things that I need to look at a little bit longer. I hesitate to bring this forward because there are some people in our community that feel that I call the shots around here, I am very careful that I go above and beyond not to have people think of me getting a gain from everything. As I got up to the podium when the street was being blacktopped that I wanted to make it clear that if you were just going to do those two streets, one of them I live on, well, the point is that I am happy to pay the assessment I have to pay, but the comment already is out there, and it was told by a couple business people to me, that the day they started digging Pat Nusbaum got again what she wanted. She had that all planned that way. I have to go on record to say that I would do anything to stay above board. And I think that I did that at that meeting when I got up and said if you are just going to do these two streets what is that going to look like? But, however, with this boulevard, it needs to be filled in with dirt or something. I would like to have you look at this and tell me if this is mine to take care of. I understood how it happened because everyone was helping, trying to get the roads cleared and so forth.

But I do want you to realize, especially you people who live on the lake, and I feel that’s my lake too, there is a lot of debris going in the lake now. We need to get the street sweeper going. And if it’s not a matter of not knowing how to run it or whatever, let’s go with the jetter also, as long as we are on it. The jetter is very important. John’s in the community. He knows how to run it. Why isn’t he being asked to instruct this person on that machinery? We have the machinery, let’s use it. We own part of that jetter. We’re paying on it. We get billed for hours and things that we use it. So, I just encourage something to happen here. There’s three big items here right now - water, sweeping and the jetter.

Mayor Anttila: And we have a special meeting on October 24.

Mike Kauss: I want to clarify. I guess I have to put a request for data practices in a request to you Katy for the information I asked for regarding the EDA. And I would also like to put a data practices act request – I would like to know how much the bill has been from the city attorney regarding the hours for Johnny Roessler’s benefit. It seems to me I would like to know how much we are paying for somebody in order to pay out probably a lower dollar amount. We probably would have saved money if we had just paid it and been done with it.

Mayor Anttila: We have a form right? Does it have to be in writing? Jason’s is in writing. He emailed me.

Jason Moran: No. Some of my requests are in writing but those that are not in writing I will direct you to Ms. Nusbaum’s notes. Under Chapter 13, the Data Practices Re-enactment request can be oral. It does not have to be in writing and I would urge you to comply to that. If my data practices request is not complied under Minnesota Statute Chapter 13.1075 sub. 1, I will get a court order for disclosure.

Mike Kauss: Me too.

Jason Moran: Are you telling me that you are not going to honor my request?

Edna Thayer: No she did not say that at all.

Jason Moran: So my request here tonight is sufficient?

Mayor Anttila: You have asked for some EDA information which you asked for by email. You also asked me to notify you if the meeting time changes. Yes, I will certainly comply with that Jason.

John Roessler: On that manhole cover, you will recall we had a problem out in Lakeview Manor. Little different circumstances but all we have to do is tack weld it and it will stay. We have the welder and we have the generator to do it.

On motion by Stoen, seconded by Opsahl, all voting in favor, meeting adjourned at 8:22 p.m.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

City of Elysian
City Council Meeting Minutes
October 18, 2012

The meeting of the Elysian Council was called to order at 6 p.m. by the mayor, Katy Anttila. All council members were present. (Clint Stoen, Edna Thayer, Katy Anttila, Mary Opsahl, and Brian Ziemer.

Edna Thayer was appointed secretary.

A motion was made by Clint Stoen and seconded by Edna Thayer to go to closed session. Passed.

During the closed session, a conference call was held with the city attorney, Joe Langel. Discussion was held on the settlement agreement for John Roessler.

It was agreed to add "Settlement Release Concerning John Roessler" to the October 24 council agenda.

Clint Stoen moved and Edna Thayer seconded to close the closed session. Passed.

Clint Stoen moved and Mary Opsahl seconded to return to open session. Passed.

It was agreed during open session to add "Settlement Release Concerning John Roessler" to the October 24 council agenda.

Edna Thayer moved to adjourn the meeting. Seconded by Clint Stoen and passed.

The meeting adjourned at 6:15 p.m.

Attest:

Kathleen Anttila, Mayor

Edna Thayer, Secretary ProTem

**ELYSIAN CITY COUNCIL
SPECIAL MEETING
October 24, 2012
5:02 P.M.**

The Elysian City Council met in special session on Wednesday, October 24, 2012, at City Hall at 5:02 p.m.

Meeting opened with the pledge to the US Flag.

Present were: Mayor Katy Anttila; Councilmembers Mary Opsahl, Clinton Stoen, Edna Thayer, Brian Ziemer, City Administrator Patricia Nusbaum, and Public Works Director Jeff Moe.

On motion by Stoen, seconded by Thayer, all voting in favor, to go to closed session for City Administrator performance evaluation.

On motion by Anttila, seconded by Ziemer, all voting in favor, to recess the performance evaluation at 5:50 p.m. until after the special meeting that is to be held at 6:00 p.m.

The special meeting of the Elysian City Council was opened at 6:00 p.m. by Mayor Anttila. It was stated that the action on the evaluation of the City Administrator would not take place at this time due to continuing on with the evaluation after the special meeting.

Jeff Moe public work update:

1. Discussion was held on the need for a new fire hydrant to be place at the corner of Fourth Street NW and Lake Avenue NW due to hydrant not being able to provide fire protection for the area. On motion by Ziemer, seconded by Stoen all voting in favor, to have Public Works Director get two quotes and choose one to do the digging and placement of the hydrant.
2. Discussion on the sweeper for the bobcat was held. Director has had no response from Bobcat.
3. Street repair was discussed. More funding is needed in order to make an impact on the streets. Funding will be discussed when considering the 2013 payable budget.
4. Boy Scout leaders will be called to get the cans removed from the enclosure located adjacent to the city shop.
5. Collection system inspection is being done as time allows.
6. Remove thistles near pond on Shoreview Drive
7. Replace red light on water tower

8. On motion by Thayer, seconded by Ziemer, all voting in favor, to advertise for a temporary employee to help with snow removal.
9. Fifth Street NE has been graded, parts for crane not here yet, no one from Waterville has called about the jetter.

Megan James representing Horizons, was present to ask the Main Street from wayside rest to library be closed off with no parking of vehicles between 5:30 p.m. to 7:30 p.m. on the first Saturday of December for the Holidazzle Parade. Her request was for the next three years. Discussion on insurance coverage for the event will be handled prior to the event with the City being named as the additional insured. On motion by Stoen, seconded by Ziemer, all voting in favor, to allow the Main Street from the DNR Wayside Rest to the Library to be closed starting at 5:30 p.m. to 7:30 p.m. for the Holidazzle Parade which is held on the first Saturday evening in December with permission granted for the next three years.

On motion by Thayer, seconded by Stoen, to approve the settlement release concerning former employee John Roessler. Voting Yes: Thayer, Stoen, Opsahl, Anttila. Voting No: Ziemer. Motion declared carried.

On motion by Anttila, seconded by Ziemer, all voting in favor to set the interest rate at 4% on the Park Avenue NE and Third Street NW street project.

On motion by Anttila, seconded by Thayer, all voting in favor, to approve Resolution 407/12 as follows.

RESOLUTION 407/12

RESOLUTION DECLARING COST TO BE ASSESSED, AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

WHEREAS; a contract has been let for the improvement of Park Avenue NE between First Street N. and Second Street NE; and Third Street NW Between Frank Avenue NW and Lake Francis, and the contract price for such improvement is \$341,140.20; and the expenses incurred or to be incurred in the making of such improvement amount to \$69,672.46 so that the total cost of the improvement will be \$410,812.66

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

1. The portion of the cost of such improvement to be paid by the city is hereby declared to be \$320,106.51 and the portion of the cost to be assessed against benefited property owners is declared to be \$90,706.15.

2. Assessments shall be payable in equal annual installment extending over a period of ten years, the first installment to be payable on or before December 19, 2012, and shall bear interest rate of 4 percent per annum from the date of the adoption of the assessment resolution.
3. The City Administrator, with the assistance of the City Engineer, shall forthwith calculate the property amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and a copy will be filed of the proposed assessment in the office at City Hall for public inspection.
4. The City Administrator shall upon the completion of such proposed assessment, notify the council thereof.

Adopted by the City Council this 24th. day of October, 2012.

Patricia Nusbaum, City Administrator

Kathleen Anttila, Mayor

On motion by Stoen, seconded by Opsahl, all voting in favor, to set the date of November 19, 2012 at 6:00 p.m. at City Hall for the special assessment hearings on the capital improvement projects on Maple Avenue SW, Park Avenue NE and Third Street NW.

On motion by Stoen, seconded by Thayer, all voting in favor, to approve Resolution 408/12 as follows:

RESOLUTION 408/12

RESOLUTION DECLARING COST TO BE ASSESSED, AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

WHEREAS; a contract has been let for the improvement of Maple Avenue SW for approximately 515 feet westerly to Fifth Street SW, and the contract price for such improvement is \$20,370.75; and the expenses incurred or to be incurred in the making of such improvement amount to \$1,274.05 so that the total cost of the improvement will be \$21,644.80.

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

1. The portion of the cost of such improvement to be paid by the city is hereby declared to be \$20,262.20 and the portion of the cost to be assessed against benefited property owners is declared to be \$1,382.60.
2. Assessments shall be payable in equal annual installment extending over a period of two years, the first installment to be payable on or before December 19, 2012, and shall bear the interest rate of two percent from the date of the adoption of the assessment resolution.
3. The City Administrator, with the assistance of the City Engineer, shall forthwith calculate the property amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and a copy will be filed of the proposed assessment in the office at City Hall for public inspection.
4. The City Administrator shall upon the completion of such proposed assessment, notify the council thereof.

Adopted by the City Council this 24th. day of October, 2012.

Patricia Nusbaum, City Administrator

Kathleen Anttila, Mayor

On motion by Anttila, seconded by Thayer, all voting in favor, to set the date of November 28, 2012 as the Truth in Taxation hearing starting at 6:00 p.m. at City Hall, followed by a Council workshop, if needed.

Discussion on the contract with Potential Unlimited, who presently clean city hall. On motion by Thayer, seconded by Stoen, all voting in favor, to allow a one year contract with the contract being reviewed in August 2013.

Discussion was held on a grant workshop. On motion by Anttila, seconded by Ziemer, all voting in favor, Councilmember Thayer will attend paying for her own registration, Councilmember Ziemer will also attend. Cost is \$100 per person.

Special meeting was closed at 7:16 p.m. Council then went to the recessed closed session to continue the performance evaluation of City Administrator Nusbaum.

When the closed meeting was finished, Council opened the special meeting with no action being taken regarding the Administrator's evaluation. On motion by Ziemer, seconded by Stoen, all voting in favor, meeting was adjourned at 8:50 p.m.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL
REGULAR MEETING
NOVEMBER 13, 2012
6:00 P.M.**

The Elysian City Council met in regular session on Tuesday, November 13, 2012, at City Hall at 6:00 p.m.

Meeting was opened with the Pledge to the US Flag.

Present were: Mayor Katy Anttila; Councilmembers Mary Opsahl, Clinton Stoen, Edna Thayer, Brian Ziemer; City Administrator Patricia Nusbaum; Public Works Director Jeff Moe, and Deputy Clerk Lorri Kopischke.

On motion by Thayer, seconded by Stoen, all voting in favor, minutes of October 8, 2012 regular meeting; special meeting October 18, 2012 and October 24, 2012 were approved as presented.

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

1. Request to change the January regular meeting to January 7, 2013.

Public comment:

John Stephanie, 205 Lake View Court: Probably by now everybody should have received this proposed property tax bill that was sent out to those that are citizens of Elysian. And if you looked at it closely you will see that the school property tax - now this is mine so everybody else's may be slightly different. But the school property tax increased by 8.7%. The Le Sueur County property tax increased by 4.8%. But the City of Elysian property tax decreased by 1.8%. So I think we should thank Katy Anttila, Clint Stoen, Edna Thayer, Mary Opsahl, Brian Ziemer and the Budget and Finance Committee for keeping the tax increase next year at a pretty level area instead of a rate increase.

Jason Moran, 219 James Drive: I will pick up where Mr. Stephanie left off. I looked at my tax statement very carefully and I noticed that I lost approximately \$20,000 in value. So the \$95 savings that Mr. Stephanie is talking about pales in comparison to the net \$19,000+ for last year. That doesn't take into consideration the drop before. We had an election. I am confident that things are going to change. New leadership will be taken on. I think we've got a lot of good work to do. There is a lot that can be done. I will mention again tonight, is anyone looking for infrastructural grants to replace our aging infrastructure? And I have asked I don't know how many times. Mrs. Thayer did answer me at the last meeting. She advised that over the last year and a half she's looked once. That was very kind of you. Thank you Edna. It is a lot of work.

Mayor Anttila: And in answer to your question Jason, Edna attended another workshop this past week on infrastructure grants.

Jason Moran: She's been very busy over the past year.

Edna Thayer: Which I will report on later.

Jason Moran: I will follow up. It is not that difficult to find grants. All you have to do is go to Google and type in *infrastructure grants Minnesota* and you'll get all kinds of grant writers. All kinds of grants. They don't cost anything to apply for. It's just a suggestion maybe somebody should be applying for those.

Chris Johnson, Janesville: I had a question. There were some campaign materials that were distributed prior to the election that made some allegations that I don't think were substantiated and also that they

didn't have a disclaimer. Does the city have a policy regarding not putting disclaimers on campaign literature?

Pat Nusbaum: There is no policy on that. That's a law. I mean that's a state law.

Chris Johnson: Well it is for legislative candidates and I believe that city officials are also supposed to follow the same laws. Edna you sent out some materials along with another individual whose signature I couldn't decipher on behalf of Mayor Anttila and I was concerned why there wasn't a disclaimer on it as to who paid for it and why it was done. (pause) So for the record you're just shrugging?

Edna Thayer: Well, I don't know what you are asking. I thought it was a personal letter that I sent.

Chris Johnson: Well you can send a personal letter on your own behalf but you had another person's on the back of it with no disclaimer.

Edna Thayer: May I explain that right now? Are you talking about the letter from Clarence Swanson?

Chris Johnson: I don't know who sent the letter.

Edna Thayer: I wrote a letter that is called "The Truth" and I showed a copy of it to my neighbor Jack Frank. He took my letter and he went to Clarence Swanson and he picked up a letter that Clarence had written and had not gotten to the paper on time. So, the two of them decided to copy that back to back. He went over to Waterville, copied 100 copies and I don't know who got it but I do not agree with what was written on the back. I did not approve it. It's not my letter and I did not distribute it. And I am very upset about it to be honest.

Chris Johnson: Okay I appreciate your clarifying that. The only question I have is who told you that Clint Stoen only attended one fire relief meeting?

Edna Thayer: I believe it's in the minutes.

Chris Johnson: In the minutes of what?

Edna Thayer: Of those meetings.

Chris Johnson: And do you have a copy of those? How can I get a copy of those minutes?

Pat Nusbaum: You can request a copy.

Chris Johnson: How did you get a copy of those minutes?

Edna Thayer: I.....I refuse to answer right now.

Chris Johnson: Let the record reflect that Mrs. Thayer did not answer the question. Thank you.

On motion Stoen, seconded by Opsahl, all voting in favor, to approve bills, payroll and transfers in the amount of \$83,693.45. (\$162,272.42 minus WW Blacktopping bill - \$22,579.17 = \$83,693.45).

Public Works Report – Public Works Director Jeff Moe

On motion by Stoen, seconded by Opsahl, to hire John Roessler as temporary employee to help with snow removal and other needs. Voting Yes: Stoen, Opsahl, Thayer. Voting No: Ziemer, Anttila. Motion declared carried.

Discussion was held on the placement of a new hydrant at the corner of Lake Avenue NW and Fourth Street NW. Since it was discussed at the last meeting and approval, no action was taken.

Discussion was held on why the light had not been replaced on the tower. Moe indicated that he was up there, but it was dangerous and there was no way to tie off to get to the light. He stated that it was an unsafe situation. He will contact someone to look at it.

On motion by Stoen, seconded by Thayer, all voting in favor, to allow the billing from Wayne Ingebritson for damage to his vehicle after a manhole cover hit his vehicle on Park Avenue NE in the amount of \$1,117.25, with reduction in billing for blacktopping in the same amount. On motion by Thayer, seconded by Stoen, all voting in favor, to hold the final payment to WW Blacktopping until the issue of the manhole is resolved.

Councilmember Thayer presented the following resolution with Councilmember Ziemer seconding with all voting in favor.

**CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 409/12**

RESOLUTION CANVASSING RETURNS OF MAYORAL AND CITY COUNCIL ELECTION

BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA has hereby found, determined and declared that the City election held in and for the City on November 6, 2012, was in all respects duly and legally called and held and the returns thereof have been duly canvassed, and the votes cast at the city election for one mayoral seat and two city council seats were as follows:

Mayor	Le Sueur County	Waseca County
Kathleen (Katy) Anttila	149	4
Clinton Stoen	268	0
Council Members	Le Sueur County	Waseca County
Tom Mc Broom	288	0
Mary Opsahl	244	0
Sandy Springmeyer	179	4

Adopted this 13th day of November, 2012 by the City Council of the City of Elysian.

ATTEST:

Patricia Nusbaum, City Administrator

Kathleen Anttila, Mayor

Councilmember Ziemer suggested that Ordinance #2 – Regulation of the use of the City Waterworks – needed research as to some of the questions regarding the operation of water shutoff's and city involvement responsibilities. Councilmembers Ziemer and Stoen, along with Administrator Nusbaum and in consultation with the city attorney, will work on the ordinance and report back at the February meeting.

On motion by Stoen, seconded by Thayer, all voting in favor, to approve the publishing of a synopsis of Ordinance #73 – Boulevard Ordinance – as follows:

**SUMMARY
73/12 BOULEVARD ORDINANCE
City of Elysian**

AN ORDINANCE ESTABLISHING RESPONSIBILITY FOR THE CARE AND UPKEEP OF TREES AND VEGETATION
ON THE BOULEVARDS IN ELYSIAN

The City Council of the City of Elysian does ordain:

PURPOSE:

The purpose of this ordinance is to enhance and protect the city's landscape and to promote and protect public health, safety and general welfare. It outlines the role and responsibilities of the City of Elysian and of private landowners by providing for the regulation of the planting, maintenance and removal of trees and vegetation on boulevards.

Ordinance consists of tree responsibility, maintenance of hazards trees, planting of trees and shrubs; garbage can placement, mowing and blacktopping of boulevard.

A printed copy of the ordinance is available for inspection by any person during regular office hours at the Office of the City Administrator.

Approved: October 8, 2012

Patricia Nusbaum, City Administrator

Kathleen Anttila, Mayor

Councilmember Ziemer presented the following resolution with Councilmember Stoen seconding.

RESOLUTION 410/12
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 Councilmember Ziemer, seconded by Councilmember Stoen to approve one day off site lawful gambling for

December 1, 2012.

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

Voting No: None.

Dated this 13th. day of November, 2012

ATTEST:

Patricia Nusbaum, City Administrator

Kathleen Anttila, Mayor

Mayor Anttila stated that the evaluation of the City Administrator had met expectations. The following goals were stated: 1. Finish the newsletter within ten days of the regular council meeting, 2. Improvement in proof-reading; minutes written during week following council meeting, 3. Submit approved minutes to the website immediately after approval, 4. Improvement in time management.

Reminder of assessment hearing to be held at 6:00 p.m. on Monday, November 19, 2012 at City Hall on capital improvement project located on Maple Avenue SW, Park Avenue NE, and Third Street NW. Nusbaum indicated that there was a couple of errors in the first letter sent out and a updated letter will be resent.

Reminder of the Truth in Taxation Hearing on Wednesday, November 28, 2012 at 6:00 p.m.

An offer from Jeremy Henninger, Henninger Construction, to purchase the 50 foot by 75 foot city owned property located adjacent to Main Street and to his business building was discussed. On motion by Ziemer, seconded by Thayer, all voting in favor, to table matter until further research can be done and will be reported at the December meeting.

On motion by Stoen, seconded by Ziemer, all voting in favor, to approve the moving of the January regular meeting of the Council to January 7, 2013 from January 14, 2013.

Nusbaum informed the Council that the insurance claim through the League of MN Cities will be continued in the spring. The insurance company recommended that the work be done by contractors rather than doing the work by the Public Works Department.

Councilmember Thayer gave a synopsis of her attending two workshops dealing with grants and financing. On motion by Thayer, seconded by Stoen, to approve the contacting of Pettipiece & Associates to obtain information on qualifying for a grant.

Mayor Anttila offered an opportunity of a webinar course from the League of MN Cities which if taken by a quorum of the Council, P&Z Administrator, and two members of the Planning and Zoning Commission, could provide a benefit if the City should be involved with a land use law suit. On motion by Anttila, seconded by Thayer, all voting in favor, to authorize the payment of \$180.00 to cover six members of the P & Z, Council, and Administrator, allowing them to take the webinar course.

Mayor Anttila and Administrator Nusbaum will review the water and sanitary sewer charges for the 2013 year, and review water and sewer charges to areas that have multiple hookups and have only one meter receiving only one base charge.

On motion by Anttila, seconded by Thayer, all voting in favor, to accept Mayor Anttila's resignation from the Joint Fire Board and to approve Councilmember Stoen to fill the position representing the City Council.

Public comment:

Mike Kauss, representing the Lakeview Manor Townhome Association: So I am actually asking the Council something. Back in August I sent a letter concerning our streets and the problem with the sewers and the storm drain. Then again I came the following month and spoke to you at which time Mary Opsahl suggested, and you all agreed, that Jeff Moe put together a schedule of things that needed to be repaired with a priority. I came again in October, on the 8th. Nothing has been done. I am representing 27 homeowners and I would like to know what the city council is going to do. Are you going to direct Jeff to put it in writing with a deadline? Is somebody going to follow up? What do I need

to do to get you guys to take some action? Do I need to put myself on the agenda? I don't know. I keep asking and you just keep looking at me, but nobody ever really says they are doing anything.

Mayor Anttila: There was no particular deadline given to Mr. Moe simply because the construction season is virtually over this year.

Mike Kauss: Well let me put it this way – if all the sudden we have a major break on our road and that sewer caves in, then you've got a construction issue. And it's not getting better. I had a board meeting last night, and one of the homeowners that is on our board lives right there. She came out and she said the patch job that he did is already sinking again. And that was just a minor patch job. Now I don't know how bad it is, but I know that I talked to John Roessler over a year and a half ago. He came out and looked at it. He came to you, and he represented u,s and you didn't give him any direction or any money or anything. And I'd like to know what it is that needs to be done to get some action taken.

Mayor Anttila: Mr. Moe told us at one of those meetings that it was not at the top of the list.

Mike Kauss: That was his statement that it was not at the top of his list. He didn't have a list. That's why Mary made the motion and you guys all agreed that he would put together a list. How long does it have to go? I started in August. That's four months. At the rate we're going – you know we're already a third of the year gone. What has to be done to give him a deadline to get it done so we know? And if there are other priorities, maybe they should be addressed. Maybe they're not being addressed.

Mayor Anttila: Let's put that on the agenda then Pat.

Mike Kauss: I don't see why you have to wait another month to bring it up to Jeff. Why can't you just tell him tomorrow or the next day – Jeff, we want that at the next meeting?

Mayor Anttila: If we have a special meeting on the 28th that would probably be an appropriate time to address it. If not, then the following Council meeting.

Cristina James, 43911 43rd Street, Elysian, MN: As you know I am Jason James' wife. So he asked me to be here in his absence as he couldn't be here. I just want to make you aware that changing the meeting in January is the same day as the Fire Department's meeting. Which is fine but you won't be able to approve the new fire chiefs at that January meeting because they elect them that day. So that is traditionally what you have done but you won't be able to do that until February then, okay? I did want to clarify something that Mr. Moe brought up earlier. I was a little concerned that he kept belaboring that Jason James as the Fire Chief kept changing his mind about whether the fire hydrant needed to be replaced or not replaced. Clarification on that, I personally called him obviously, and he called Jeff this morning because Jason and Jeff discussed should it be repaired or should it be replaced. Jason went out and looked at it over the weekend and saw that it did not have the four inch fitting it needed. So he called Joe, Jeff, whatever his name is, today, because yesterday was a holiday, and said, you know what, actually we should replace it. If you guys approved it at the last meeting and should have replaced it, I don't know why it was an issue. However, I will express me individually, I am a little concerned about the attitude that he gives towards various city employees, towards the fire department, and I hope that is being monitored and addressed if there is a problem. Because as a seventeen year fire department member, and an eleven year fire chief, I am pretty sure he is qualified to tell him whether the fire hydrant should be replaced or not.

Chris Johnson, Janesville: I just wanted to stand up and address a few concerns that I have. First of all, once again this council has disgraced itself in the way it has treated a thirty year dedicated worker for the City of Elysian. To question whether John Roessler is qualified to plow streets after doing it for thirty years and doing it quite well might I add, is probably one of the lowest depths that this council has sunk. Second of all, it was totally inappropriate for Mayor Anttila to speak out and try to read a statement

which she had prepared about Pat's performance. Those comments came from a closed meeting. Those comments should have been kept within a closed meeting. And for the record, just so the public knows, where she got those statistics from was when she took home a copy of the recording of the closed meeting and she played it for herself presumably the next day. I don't know if anyone else was present when she played the recording but that's where it came from. I am shocked that after all of the rancor and after the voters have spoken we try to dig the knife in one more time. And last but not least, I would just like to note that for somebody to put out a document that says "The Truth" and refuses to say where the information comes from, well, so much for transparency.

Gordon Kritzer, 310 E Main Street: For the ones that are going to be on this here water system, what you're looking at, going up to homes and so forth. You have to remember one thing there also, that I don't care if they go up to mine or not. You also have meters in the basement and a meter on the outside of the house. Now I know the plumbing contractors on my home, he came to the city here and went to John and picked them up and it was part of my contract that I had to pay him or not or I own them or not. I guess if the meter goes broke then the city takes care of it. Also, I want to bring up something. I had the opportunity about six years ago to go back to a place where I served and I was really surprised when the administrator came and caught me at the hallway and took me into the council chambers and he said you take a look. And here no steel chairs or nothing and when I was there we all have to take seats to sit on. But what they did was, one thing that really shook me, and I wanted to take it down from the wall. That was they had the American flag over there, the Minnesota flag there, and right in the center they had a plaque with a light on it. And if you got elected or reelected or appointed by the public utilities or council, whatever, you had to read that plaque on your own and then just sit down. Well I had something to do about that plaque but I am going to have to read what it said on there. The plaque said THE _____ government, you could put anything in there you wanted, federal, state, county, city, school district, village, whatever you want to put in there. The rest of it was like this: The ____ government is penniless. In order for it to do anything for you it must first tax you a penny. And then we as elected or appointed officials must be good stewards of that penny both in expenses and savings. Now the fine gentleman that brought up something about all the amounts that were going up but the city saved. Well I don't know what it is but I looked at mine and I think I come up with about \$74. Now if I pay \$74 less I am not going to tell you where to spend it because how do I know. You know, \$5 a month. So what I'm saying is – if you've got a levy there – set your budget below that. So when you do use the difference to start a savings. So now I'm going back to this city. They started this many years ago – the same thing Johnny Roessler wanted to start years ago – adding onto the utilities for water and sewer. Okay in a process of taking that money and getting a financial institution to take care of it they increased that to \$3.1 million. Then they had to go and create an infrastructure.

Mayor Antilla: That's the three minute limit. I am sorry.

Mike Kauss: My name is Mike Kauss. I really don't have anything else to say. Do you want to go again Gordon?

Gordon Kritzer: Thank you Mike. Anyway, they did an infrastructure. They did five blocks – two over and five blocks back and the alleys. They also had steam plants to take care of building and so on and so forth. The cost came to \$2.6 million. It didn't cost the homeowner, it didn't cost anybody. They didn't have to worry about assessments. It was all taken care of. They were getting 8, 9, 10% interest at that time. So they decided to bond as much as they could, pay 2, 3, 4%, and save the rest. Just an idea. You've got to have some savings and not spend every penny.

Jason Moran: Mr. Kritzer talked about savings. At one point in time, Elysian had a really good, comfortable, plush savings. I don't think that that can be said anymore. I think that savings has largely

been raided. That I think is a large reason why we have seen our taxes in this town come down. I could call it a pittance. Mine came down very little. Again, I lost \$20,000 in value and I think my taxes went down about \$95. The majority of the reason why our taxes have gone down is because we have paid off some debt which this administration was just lucky enough to fall when those debts would be paid off, and because that savings followed. It's very easy for me to tell you Ms. Anttila or you Mrs. Thayer or you Mr. Ziemer that you don't need a new roof on your house or you don't get to upgrade this year. It is very easy for me to tell anyone that they shouldn't spend money. I mean anybody can reduce taxes. It's very easy to tell someone else what to do you know with money like that. So there is an argument there that Elysian is prospering because of a reduction in taxes I think is completely ridiculous. You berated John Roessler here today. An employee who I think everyone in this room would say that John has done a fabulous job for the city. (clap,clap) And besides being a fabulous employee he is a genuine, good human being who cares very much about others. He is probably the first guy that would do anything for anyone in here if they needed him. He has been on the fire department for 40+ years. I am only 38. He has been on that fire department for longer than I have been alive. For you guys to stand up here and say that he can't plow snow and evaluate him like that? And these comments don't apply to everybody. What is going through your mind? And to sit here and evaluate Pat the way you tried to evaluate her tonight. What are you thinking? I have been standing up here asking if you all have applied for infrastructure grants. It's due in December and just now you decide to? Mr. Kauss inquiries have gone completely unanswered and you have the audacity, you three have the audacity to evaluate these two people? Are you kidding me? You haven't done anything on Mr. Kauss's request, you haven't done anything on my request until here tonight with a couple of weeks to go to apply.

Mayor Anttila: Thank you Jason.

Jason Moran: It is a completely different issue. As Donald Trump would say, this administration is fired.

Bernard Meyer, 26 Osprey Way: It is pathetic from the three of you that are going to be exiting, the way you have treated some of the people of this city. This used to be a hell of a fine city until some of you came onboard. You tried to run it in the ground as much as you can, as quick as you can. Now call me a liar for saying that. You can't can you? It's pathetic. It's good riddance to some of the people that are leaving.

John Roessler, 310 Lake Avenue NE: I guess I am qualified to plow snow after 29 years. On the water situation, on the meters, there was a meeting before they were annexed into the city that the city employees would pull the meters yearly, sanitize them and put them back in in the spring and before you guys are going to monkey with any of that, you have to get a hold of each homeowner who lives out there at this time and make sure you don't get in legal trouble. And they are not being done this year. They are not pulling the meters. I've had people call me and I told them I am not doing it anymore. I can't touch them or I would sure be out there taking them out because there is going to be some big litigation coming down the road when those lines freeze up and their meters bust. On the water tower, the lights have to be changed every September. That is for Jeff to do. When we put up the tower we were told it had to be done in September. The bulbs are there. The fire escape, like I said, it might not be there now, but when you got to the top of the tower you unhooked from your harness and hooked on to a strap that is tied to the railing up the ladder going down and went out and changed the bulbs and you would not fall off. Maybe that's gone. I can't say that and I am not going up to find out. As far as the generator, it has to be in a heated building that is down here at all times. It's a diesel. There is no way it will run. You got eight minutes to get these up and operating. You can't keep it out at the sewer farm.

Mike Kauss, 6 Egret Lane: I hope that certain people on the council actually take what Johnny tells you tonight because it's always easy for somebody else to say something different. He is giving you advice, and if he knows that those meters haven't been pulled, and if I was one of the people that owned a

home and mine burst and froze, I would be very upset and I'd have a lawsuit. I hope you take what he tells you and at least look into it because it sure doesn't seem to me that there is much supervision going on for Jeff Moe. And I don't know who's responsible for him but I know for one thing, he doesn't come down here to check what is going on, but he sure complains quickly if he didn't get a piece of paper and read it.

On motion by Thayer, seconded by Opsahl, all voting in favor, meeting adjourned at 8:13 p.m.

ATTEST:

Patricia Nusbaum, City Administrator

Kathleen Anttila, Mayor

**ELYSIAN CITY COUNCIL
SPECIAL MEETING
November 19, 2012
6:00 p.m.**

The Elysian City Council met in special session on Monday, November 19, 2012, at City Hall at 6:00 p.m.

Meeting opened with the pledge to the US Flag.

Present were: Mayor Katy Anttila; Councilmembers Mary Opsahl, Clinton Stoen, Edna Thayer, Brian Ziemer, City Administrator Patricia Nusbaum, Deputy Clerk Lorri Kopischke.

PUBLIC HEARING

A public hearing was called for the purpose of consideration of the assessments of capital improvements to Park Avenue NE between First Street North and Second Street NE and Maple Avenue SW for approximately 515 feet going west to Fifth Street SW.

John Schulte V, Engineer representing Jones, Haugh & Smith Inc. Engineering updated the Council on the Maple Avenue SW street improvement. Total project cost was \$21,644.80 with total to be assessed \$1,382.60.

No one from the public made any comments.

On motion by Anttila, seconded by Thayer, all voting in favor, hearing closed at 6:04 p.m.

The hearing for the capital improvement project on Third Street NW between Frank Avenue NW and Lake Francis and Park Avenue NE between First Street North and Second Street NE was opened with Engineer Schulte giving an update explaining that the total project cost were as follows: Third Street NW – Total project cost \$226,749.22 with \$40,745.22 being assessed with the city share being \$186,004.00. Park Avenue NE – Total project cost \$184,063.44 with \$51,617.53 being assessed with the city share being \$132,411.91.

Public Comment:

Joyce Bohlen, 44107 Sabre Lake Lane, Kilkenny – Bohlen stated that she did not receive the notice of the hearing in the proper amount of time required by law. She stated she had contacted the League of MN Cities and it was to be two weeks prior to the hearing. She also was concerned about the February minutes stating that the cost of the project was \$347,740.20, now the total is \$410,812.66. How did the ordinance speak to her property since it was the same as the Boyum property? Her property was on the west end of the block and the Boyum's property was on the east end of the block. The Engineer explained that Boyum owns 200 feet, Bohlen's own 125 feet. Boyum's short side is 150 feet, and Bohlen's is 150 feet but, because Bohlen's own 100 feet which is the short side and

Boyum's is 150 feet and 200 feet, so their short side is 150 feet, they need to be given that credit.

Bohlen asked why 28.04% on park and on 17.97% on Third? Engineer responded with that is just the way the number worked out. You do not apply the percentages. Construction costs determines how it is assessed.

Was property appraised prior to the project? Engineer stated no. Bohlen asked that if they were to get and approved appraiser and it showed that the property did not gain in value to the extent of the assessment. Engineer stated that if that is to be done a notice must be given at tonight's meeting, in order to begin the process. Administrator indicated that a signed notice had been received. Bohlen stated that if they were to get an appraiser.... Engineer stated that if you decide to go down that road we will have to get together and go over the process because it has to go to district court.

Curt Bohlen – His attorney stated that the law says it must be a two week notice of meeting. Administrator stated that her information from the league was that ten days were needed. Postmarked ten days prior to the hearing. Mayor Anttila stated that it would be looked into and if another hearing is determined to be needed, it would be called.

Richard and Dawn Kraus – 302 Frank Avenue NW – How was it determined on the Third Street project what would be charged to the homeowner versus the townhome association?

Letter came out on November 6, 2012, had errors. Kraus requested to go through the corrections. Nusbaum stated that the interest rate on the Third and Park projects should be ten years for payment and at an interest rate of 4%. The Maple Street SW project has a two year payment with an interest rate of 2%. Kraus questioned how we got to the \$90,000 on assessment of Park and Third together. Engineer explained that the folks who own the townhomes do not own frontage so the frontage had to go into the association and the storm water assessment is billed to the home owner based on their square footage portion of what they own.

Chuck Jamerson – 301 Third Street NW – asked when the Fourth and Frank Street projects go in will there be another assessment? Engineer stated possibly.

John Hoeft – 306 Frank Avenue NW – the water shed or run off of Richard Kraus and Robert Nienow even though they face Frank, because of the slope of land, they pay an assessment. That makes sense. What does not make sense is the 34,000 square feet being charged to the townhome Association. Storm water does not slope toward the street. It all goes into the flower garden and then to the lake. You have 34,000 square feet facing Third Street. Engineer stated that the street is 485 feet long. Hoeft stated that the section beyond Trabant, that does not go to the street. Engineer stated that it does and that the parking lot collects water from the townhomes. Engineer stated that the cost is only \$.25 cents a square foot. Hoeft stated that it amounts to over \$8,000. So, we fight that with a lawyer? Engineer stated that if you wish. Hoeft stated that the area to the east of the townhomes, he has a problem in that 1/3 is city parking. The Association does not benefit from that and

sees no reason that we should be assessed to the association. It belongs to the city. One giant parking lot for the city. Engineer – it is a townhome matter.

Al Loney- 306 Fourth Street NW – Wanted clarification on the year for payment on the two projects. Nusbaum stated it would be two years on the Maple Avenue SW project and ten years on the Third Street NW and Park Avenue NE project.

Roger Hanson – 309 Third Street NW – Reinforce what Mr. Hoeft was saying about the parking lot. How did you figure that? I understand the street runs through that but not the full width. It seems to some of us that you would bill for street but not the parking lot. We have talked a lot during the project, seems correct to bill for work on street, but not for whole parking lot. \$38,000 is 42% of project when broken down. Seems excessive. Also, look at assessed value if it increases the value it is great, but our value went down. Partially because the way the tax law is written. Hard to think that we will be getting a \$38,000 increase in our value because of this job.

Ron Abraham – 102 Park Avenue NE – question on the amount of assessment. Felt that there were some typo's. He stated that he tried to go green with his wild flower garden in the boulevard. He stated that he did not have any notification before the July 4th, the city passed a resolution and can't do it. He feels disenfranchised and disrespected. He stated that is it, unless you want to drop a \$100 bill for his plants.

No written comments were received.

On motion by Anttila, seconded by Stoen, all voting in favor, hearing adjourned at 6:37 p.m.

Special meeting was opened.

Discussion on the Maple Avenue SW project was held. Questions arose as to whether a resolution could be approved if the notice to the property owners were not allowed enough time for the meeting. No resolution was acted upon regarding the approval of the final assessment roll due to not knowing the legal ramifications of passing a resolution without proper notification.

Engineer will address the council in writing with the answers to the questions of corner lots and how they are figured and storm water run off, how it runs into Third Street and the area of the parking lot.

Administrator Nusbaum will verify the law on the notice to the property owners and contact the County as to when they need the assessments.

Roger Hanson requested a letter to all of the property owners if the meeting was considered lawful. If it was found to be a proper meeting a letter will be sent out on November 20th. stating so. If it is not considered a properly called meeting, all property

owners in the assessed area will receive a letter with the time of the new meeting and assessment.

On motion by Thayer, seconded by Opsahl, all voting in favor, meeting adjourned at 6:54 p.m.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL
SPECIAL MEETING
NOVEMBER 28, 2012
6:00 p.m.**

The Elysian City Council met in special session on Wednesday, November 28, 2012, at City Hall at 6:00 p.m.

Meeting opened with the pledge to the US Flag.

Present were: Mayor Katy Anttila; Councilmembers Mary Opsahl, Clinton Stoen, Edna Thayer, Brian Ziemer, City Administrator Patricia Nusbaum, Public Works Director Jeff Moe. Public present: Betty Stuckmeyer, Max Venero, Dave Rager.

PUBLIC HEARING

Mayor Anttila opened the hearing with a brief explanation of the proposed levy and the various designations involved with comprising of the levy.

No one from the public present had any questions.

On motion by Stoen, seconded by Thayer, all voting in favor, hearing closed at 6:08 p.m.

Special meeting opened at 6:09 p.m.

Public Works Director Moe updated the Council on recent activity. Discussion was held on the question as to the hydrant at the corner of Fourth Street NW and Lake Avenue NW. Hydrant had not been placed as of yet. Moe stated that he had received only one quote for digging and placement which was from James Brothers Construction. On motion by Stoen, seconded by Opsahl, all voting in favor, to accept the quote from James Brothers Construction for digging and placement of hydrant.

Discussion was held on the light not being on the water tower. Moe stated that the Engineering firm of KLM put in two lights and now neither one works. He stated Dave Volkman of Volkman Electric would be changing the bulbs at 7:30 a.m. on 11/29/12.

Discussion on allowing long sleeve shirts for the Public Works Director was approved on motion by Anttila, seconded by Ziemer, with all voting in favor.

Moe mentioned that some of the manholes had to be raised.

Discussion on the proposed budget was held. On motion by Thayer, seconded by Anttila, to allow a \$500.00 increase for the year for three full time employees except the employee on workman's compensation. Discussion followed. Thayer moved to amend her motion to allow \$700.00 per year for the three-fulltime employees, on an hourly basis not to include

the employee on workman's compensation. Motion was seconded by Stoen. Voting Yes on the amendment: Thayer, Stoen, Opsahl, Anttila. Voting No: Ziemer. Motion declared carried.

Vote being taken on the motion as amended to apply \$700.00 to fulltime employees for year 2013. Voting Yes: Thayer, Stoen, Opsahl, Anttila. Voting No: Ziemer. Motion declared carried.

On motion by Thayer, seconded by Stoen, all voting in favor, to allow a \$.50 increase an hour for Ron Greenwald temporary employee, effective January 1, 2013.

Mayor Anttila offered that in communication with the League of MN Cities the experience ratio on work comp for the law suit will only affect the city financially approximately \$600 for the next three years.

On motion by Ziemer, seconded by Stoen, all voting in favor, meeting adjourned at 8:30 p.m.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL
REGULAR MEETING
DECEMBER 10, 2012**

6:00 P.M.

The Elysian City Council met in regular session on Monday, December 10, 2012, at City Hall at 6:00 p.m.

Meeting opened with the Pledge of Allegiance to the US Flag.

Present were: Mayor Katy Anttila; Councilmembers Mary Opsahl, Clinton Stoen, Edna Thayer, Brian Ziemer, City Administrator Patricia Nusbaum; Public Works Director Jeff Moe, and Deputy Clerk Lorri Kopischke.

On motion by Stoen, seconded by Opsahl, all voting in favor, minutes of the following meetings were approved as presented: November 13, 2012, November 19, 2012, November 28, 2012.

On motion by Thayer, seconded by Stoen, all voting in favor, agenda was approved as presented.

Doug Swedberg, Elysian Township Supervisor, was present to ask the Council, due to the recent election, to continue to work toward an agreement with the Townships dealing with the Elysian Fire Department.

No one was present for Public Comment:

Discussion was held on the bills specifically on quotes for hose purchased by the Fire Chief James. James indicated that he had quotes over the phone. A question for Moe regarding the purchase of a fire hydrant when there were three in the shop? Moe indicated that the hydrants in the shop were too tall. He stated that you wanted a hydrant, he put in a hydrant. Sounded like an emergency situation.

On motion by Thayer, seconded Opsahl, all voting in favor, bills, payroll, and transfers were approved in the amount of \$138,778.81 as presented.

Public Works Director Moe gave an update on the public works department.

Deputy Clerk Lorri Kopischke presented the list of delinquent utilities and asked that they be placed on the property taxes of each property that is delinquent. On motion by Thayer, seconded by Stoen, all voting in favor, delinquent utility users will be certified to their property taxes to be payable in 2013.

Councilmember Thayer presented the following resolution with Councilmember Stoen seconding.

CITY OF ELYSIAN

ELYSIAN, MINNESOTA

RESOLUTION 411-12

RESOLUTION ACKNOWLEDGING A DONATION FROM

ELYSIAN AMERICAN LEGION POST #311

WHEREAS, the City of Elysian has received a donation in the amount of \$250.00 from the Elysian American Legion Post #311, to the Elysian Area Chamber of Commerce for placement toward expenses for the Community Holiday Open House on December 13, 2012.

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 American Legion Post #311 in the amount of \$250.00.

Upon vote being taken:

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

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

Council Members voting in the negative: None.

Council Members abstained: None.

Adopted by the City Council of the City of Elysian this 10th. day of December, 2012.

CITY OF ELYSIAN

Kathleen Anttila, Mayor

ATTEST:

Patricia Nusbaum, City Administrator

On motion by Stoen, seconded by Ziemer, all voting in favor, to approve liquor and soft drink licenses for 2013.

On motion by Thayer, 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 Ziemer, seconded by Stoen, all voting in favor, to approve the registering of the entire Council, Planning and Zoning Commissioners and the Zoning Administrator for webinar classes for a total fee of \$180.00. With six taking the class, a reduction in legal fees will be allowed if involved in land use litigation.

Discussion was held on the consideration of contacting Pettiepiece and Associates to visit with the Council on possibility of obtaining grants. Administrator Nusbaum will contact Chuck Pettiepiece as to a date for a workshop.

Discussion was held on the offer of Henninger Construction on a city owned piece of land adjacent to his business. On motion by Ziemer, seconded by Thayer, all voting in favor, to decline the offer of \$1,000 for the property.

On motion by Ziemer, seconded by Thayer, all voting in favor, to set December 27, 2012 for the final meeting of the year and to include in the special meeting the approval of the 2013 budget.

On motion by Thayer, seconded by Stoen, all voting in favor, to pay final billing from WW Blacktopping on the street project after receipt of letter of inspection from Engineer minus the \$1,175.00 paid Wayne Ingebritson for damages to his car.

Nusbaum mentioned the request of Verizon Wireless to sign off on the placement of additional antennas on the water tower. Attorney Langel stated to Nusbaum that a determination must be made as to how many antennas were presently on the tower and if more than the contract of 12 antennas, a consideration of additional fees to the City may be in order. Nusbaum will pursue the answer to the Attorney's questions.

Public Comment:

Mike Kauss – 6 Egret Lane – Representing Lake View Manor Town Home Assn. regarding a matter and question. He questioned why a matter has to be put on the agenda and lose another month? Why can't Jeff be just told to go do it? His concern is that nothing is getting done. This has gone on for months. Why do you have to wait, you have a procrastination problem. Who is in charge of Moe? It is pathetic.

Chris Johnston – Janesville – Asked the City Administrator how many complaints do you field from the public while John Roessler was Public Works Director? Why is this twisting ourselves into knots of setting up departments, extensions, ect.? The Council is asked to serve all. You call city hall with a complaint that is a natural thing to do. Seems to be a no brainer. Stunned after six months with Mr. Moe as Public Works Director you all have not been able to figure it out.

Roger Hanson – 309 Third Street NW- comments: Phone situation, when I call I want to talk to someone, I want to talk to them, not an answering machine. When the staff gets a call they have my phone number, cell number ect. I want people to get hold of me. What is wrong with this man not wanting to give out his phone number? Upset with calls at home, well, that's the job. Told over and over again to get this list and it is still not done. Why are

we coddling him? This guy has been around a long, long, time and he should know the job well enough to know what has to be done, he should know what to do. He has been on the job here long enough to know what has to be done.

Regarding the Henninger offer to buy the city owned property. Hanson stated that if the parcel is to be sold it needs to be advertised for sale. Then you can determine if you have the best deal.

Cathy Houlihan – Blue Bay Lane – I do not to waste my Fire Department money. Wanted to point out that a hydrant by her house still has a hose hooked up to it and it is covered with snow. She stated that she did not believe it was good to leave the hose hooked up. Not efficient to trace down Moe.

Tom Crawmer – 501 Lake Avenue NW - Asked Mayor Elect Stoen if he planned to have an Attorney at the council meetings? Jason Moran is not available on Monday nights. He stated that he called Jeff Moe and Katy Anttila as why the streets were not cleaned up? Elderly people go downtown for various things, the sidewalk and the streets are slippery. Talked to Greenwald why is side walk not cleaned off, said he was going to call Jeff. Greenwald said don't tell Jeff I am cleaning side walk off because he did not tell him to clean off the sidewalk. Across the street from my house a new home is being built. Jeff was there looking for a sewer line on west side of lot. Dug a hole 15 feet deep, do not know what that cost. Spent all day. John and Pat came down there and John new where the line was on the east side of where the house was. Jeff Moe needs training on how to on how to read a map.

Mike Kauss – 6 Egret Lane - Hope City Council looks into whose responsibility to cleaning the sidewalk. Not clear if the city is responsible to clear and repair the sidewalk. In winter and summer, there are problems with the sidewalks, parts of the side walk are raised and people trip and fall. Maybe a call to the City Attorney on an opinion as to the responsibility. When sidewalks are being cleaning and it snows again, doesn't make any sense, they need to be cleaned again.

John Roessler – 310 Lake Avenue NE – Policy the big truck never plows snow in town. It is overweight. We have 5 ton roads. You run around with a truck loaded with 15 ton of gravel, how are our roads going to stand up? It has always been plowed with the 3 smaller trucks. The only time it was used has been for sanding, a 1/2 load not a full load. The street cannot hold up with that kind of pounding. Look at the snow piled behind the fire hall. How can you get in to fix the generator? The snow needs to be placed on the EDA lot so that it can run into the storm sewer. Wing, you don't wing until the frost is in the ground so you do not peel off the yards... which is happening. He is running around winging. I do not know!!

Administrator Nusbaum stated that there are numerous complaints in neighborhoods of their property being dug up.

Member Stoen- Snow removal, Mr. Roessler's knowledge and skill are needed . We are not using him, it does not make sense.

Tom Crawmer – He stated that he has lived here for ten years. This is the first time Moe has plowed. I have 75 feet of my yard is all black.

Mike Kauss – Who keeps hydrants clear? Is it the city or the fire departments? Last year our association hired someone to clear hydrants. He needs to know that if it is the city responsibility. Nusbaum stated that in the past on large snow falls, we have had the generosity of some of the Fire Fighters like Tim Bengtson, and not only him, but others also, have come forward and help with clearing the hydrants. Kauss stated when the city comes through development they plow snow in front of the mail boxes. Who's responsibility is that? A lot of senior citizens live in the development.

Nusbaum state that a call received with a concern as to whether the streets were going to be left in the manner that they are now plowed. They were not plowed close enough to the mail boxes. If the mail delivery man cannot get to the boxes he will not leave the mail. Kauss stated that was his concern that with only the small amount of snow fall, that the mailman will not deliver if he cannot get to the boxes. Nusbaum stated that maybe tomorrow they would possibly be getting out to push the snow closer to the curbs.

Gordon Kritzer- 310 East Main Street - He does not know what John Roessler's wages were included at council meetings. John would be at the whole meeting. He would be able to answer questions at the meeting. The new Super when he is done he makes a beeline and is gone.

Cathy Houlihan - Blue Bay Lane – Liked what Gordon Kritzer said. The night of the Holidazzle parade, there were so many people in our town. Lake Area Women that morning had shopping with Claus. Jeff Moe had said he would help move our things to the school, but when it came time to help move our things to the school, he said he did not have enough hours. Also he was not on duty that night either. That big of an event he should have saved hours and maybe this would have been a good time for some over time. I would think that at events of the community that he would be present.

Does he have a sub or is he on 24/7? Anttila stated he was an hourly person. What if he is not on duty and there is an emergency. Anttila stated he was on call. Houlihan pointed out that her son work in water and sewer department for the City of Mankato and when he is on call, there can be no alcohol in his system, and I wonder if Jeff knows that he can never have alcohol in his system if he is on call at all times. I think he would get cited for that because he is responsible for our community. This is an awareness put out there for you.

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

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

ELYSIAN CITY COUNCIL
SPECIAL MEETING
DECEMBER 17, 2012
6:00 P.M.

The Elysian City Council met in special session on Monday, December 17, 2012, at City Hall at 6:00 p.m.

Pledge of Allegiance to the US Flag

Present were: Mayor Katy Anttila; Councilmembers Mary Opsahl, Clinton Stoen, Edna Thayer, Brian Ziemer, City Administrator Patricia Nusbaum; Public Works Director Jeff Moe, and Deputy Clerk Lorri Kopischke.

Public Hearing – Maple Avenue SW

Engineer John Schulte V was present to discuss the capital improvement involving Maple Avenue SW. No one with abutting property to Maple Avenue SW was present and there were no comments from the public present, also, no written comments received and no questions from the Council.

On motion by Stoen, seconded by Thayer, all voting in favor, hearing closed at 6:04 p.m.

Public Hearing – Park Avenue NE and Third Street NW

Park Avenue NE Hearing

Engineer John Schulte V presented a short summary stating he had received some questions since the last meeting and had addressed them to the council. Was wondering if the Council had received his letter regarding storm water assessments and corner and side yard lots? Total cost for Park Avenue NE is \$184,063.44; City portion of project \$132,455.93; amount assessed \$51,617.50 which is approximately 28% assessable. Storm sewer is figured on a square foot basis, rest on a front foot basis. City pays for intersections, reconstruction costs were assessed at 30%. Comments from those affected by assessments.

Joyce Bohlen –First Street North

Still have a few matters I would like to have addressed. Questioned the not understanding of the percentages of the project. Engineer explained. Bohlen questioned the change since the last meeting to the Third Street project and did Park Avenue project stay the same. Engineer answered that the Park Avenue project stayed the same.

Bohlen stated that according to the MN State Statutes, it has to be proved that any piece of property being assessed has to be improved by the amount of the assessment. She stated that she cannot see where there would be a property value improvement in the amount of \$7,200. She stated that the City would have to prove to her that it will be in excess. The

only change is curb and gutter. Now an emergency vehicle cannot get through. Cars are parked on Park Street and we cannot park on the county road and it is not safe to park on Park Avenue. The alley in the winter has a ridge of snow so, we have no where to park (when we come to visit our daughter and son-in-law). I know that there are improvements needed in a city, but the water is very rusty, and Elysian has high water rates. She stated that there may be specific reasons for this. She stated that she has a letter prepared to be filed in District Court regarding her action opposing the assessment. She stated that she does not think that the assessment in the amount of \$7,200 will add additional value to the property.

No comments from public not directly affected by project and no written comments were received. Council had no comments at this time. On motion by Ziemer, seconded by Opsahl, all voting in favor, to close the Park Avenue NE hearing.

Third Street NW

City Engineer Schulte explained the change he had made since the last meeting on comments to the Third Street NW project which consisted of drainage of storm sewer area and benefit to property including the parking lot area. After discussion with the City Administrator and the Mayor, adjustments to those areas were addressed. Bottom of road, width of road was assessed 100% to the City. Single assessment was changed, and the parking area to the East of Woodbine has been reduced to what a normal road would be.

Roger Hanson – 309 Third Street NW – Asked questions and read from State Statute as to the characteristic of an assessment, whether the City Attorney had been involved with the assessment process? Was there a special benefit test taken? He stated that the assessment must increase the market value of the property to fit the amount being assessed. It must have increased market value of property. Was there a qualified licensed appraisal? Were there any appraisals before the project? It was stated no appraisals were gotten prior to the project. Was there a market survey taken? Did it go to Planning and Zoning? Answer was no it did not go to Planning and Zoning. Was the comprehensive plan reviewed to see if the project was in accord with the comprehensive plan? Mayor Anttila stated that the improvement did not alter the plan. Hanson stated that there are enough procedural errors that the whole thing could be thrown out. Hanson stated that we like our road, do not like the parking lot, draws more cars.

John Hoeft – 306 Frank Avenue NW – Thank you for lowering our storm sewer run off area. Question: The city owns the park and city parking lot. Why is lineal length still the same on our street. He stated that it should be shortened by 1/3 because you are saying this is the parking lot that the city owns. Storm sewer major work done two years ago included storm sewer, done on both sides, so why was this project needed? Water lines, curb and gutter, street, and sewer had no problem before it was done and why pick out Third Street to begin with? He stated that he would reiterate what Roger Hanson said, not sure the whole project was needed.

Engineer explained the change in parking – street costs were calculated all the way to the lake. The whole length is street not considered a street to parking lot. Engineer explained

that work done two years ago, the catch basin is in the middle of the parking lot and is still there and that line ran from the catch basin to a line still in place. A special collection system was placed on the west side, there is also a catch basin on the east side.

Roger Hanson – two years ago, a big drain pipe that went down to the lake had to be taken out to rehabilitate. It started up to top of hill drain tile needed new drain pipe.

John Hoeft – dead end street. Bottom of hill total length of street is 1/3 of whole street, should not be charged as such.

Jason Moran - Rarely at a loss for words. Love this town, lot of friends in town. How does this council plan to live up to Statute requirements of showing an increase in market value without an appraisal. Was there no market analysis showing an increase in market value? He stated that it is a fundamental hurdle that the city must pass. Like to know who skipped that step. All citizens have paid for street assessments. It would be tangently unfair for a few to have their assessment thrown out on a technicality. How does the council tonight intend to make it binding without an appraisal and without any comparables? Without any evidence that property values have increased. I do not see how you can find an increase in market value without an appraisal. He stated that the Council should have involved your City Attorney.

No questions from the Council or no written comments, no comment from general public.

Anttila stated in the city policy there is a statement that says in most cases the method of assigning value of benefit received by the improvement and therefore the amount to be assessed shall be the cost of providing the improvement.

Attorney Chris Johnson – Janesville, MN – representing Arlene Houlihan – 312 Fourth Street NW - The argument you are making seems to defy the Statute. How can you have a policy that does not work with the Statute that requires appraisals and such, and number two how can you have a street that goes into a parking lot that is not part of the Association and assess the portion of the parking lot that is not part of the Association? He stated that he was unclear as to either issue and both defy common sense.

On motion by Stoen, seconded by Opsahl, all voting in favor, hearing closed at 6:35 p.m.

Special meeting opened at 6:36 p.m.

A resolution was presented by Councilmember Thayer, seconded by Councilmember Opsahl to approve as follows:

RESOLUTION 411/12

Resolution Adopting Assessment

WHEREAS, pursuant to proper notice duly given as required by law, the council has met and heard and passed upon all objections to the proposed assessment for Improvement on approximately 515 feet of Maple Avenue SW between First Street South and Fifth Street SW.

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of two years, the first of the installments to be payable on or before Thursday, January 17, 2013 and shall bear interest at the rate two percent per annum. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2014. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the city treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he/she may, at any time thereafter, pay to the city treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before December 15 or interest will be charged through December 31 of the next succeeding year.
4. The clerk shall forthwith transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

Upon vote being taken: Voting Yes: Thayer, Opsahl, Anttila
Voting No: Stoen, Ziemer

Adopted by the council this 17th day of December, 2012.

Mayor

City Administrator

Discussion was held on the hearing on the assessments of Park Avenue NE and Third Street NW.

Resolution was presented by Councilmember Stoen, seconded by Councilmember Opsahl to approve as follows:

RESOLUTION 412/12

Resolution Adopting Assessment

WHEREAS, pursuant to proper notice duly given as required by law, the council has met and heard and passed upon all objections to the proposed assessment for Improvement on Park Avenue NE between First Street North and Second Street NE and Third Street NW between

Frank Avenue NW and Lake Francis.

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of ten years, the first of the installments to be payable on or before Thursday, January 17, 2013 and shall bear interest at the rate four percent per annum. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2022. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the city treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he/she may, at any time thereafter, pay to the city treasurer the entire amount or a portion thereof of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before December 15 or interest will be charged through December 31 of the next succeeding year.
4. The clerk shall forthwith transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

Upon vote being taken: Voting Yes: Thayer, Opsahl, Anttila
Voting No: Stoen, Ziemer

Adopted by the council this 17th day of December, 2012.

Mayor

City Administrator

Public Works Director Moe offered suggested equipment to consider for 2013. He felt that a new tripod, manhole lifter, along with other considerations. A complete discussion will be held at the December 27, 2012 special meeting along with recommendations for possible funds to be transferred for street repairs.

Discussion was held on the consideration of fees to be charged to campground and apartment buildings for water and sewer usage and base fees. Consensus was that all was interested, but were not ready at this time to move forward on discussion.

Discussion was held on the 2013 levy.

A resolution was presented by Councilmember Thayer, seconded by Councilmember Stoen, to approve the levy as presented. After further discussion a motion was made by Thayer and seconded by Stoen, to amend the motion to allow the \$45,147 which was considered to be levied for debt payment for the 2012 debt service to be placed in the General Fund and to allow the 2012 debt payment to be paid with the balance remaining in the bond funds. All voting in favor. Vote being taken on the resolution, all voting in favor as follows:

RESOLUTION 413/12

**RESOLUTION ADOPTING FINAL 2012 TAX LEVY, PAYABLE 2013
CITY OF ELYSIAN
LE SUEUR AND WASECA COUNTIES**

BE IT RESOLVED; the Elysian City Council of the City of Elysian, Le Sueur and Waseca Counties, Minnesota that the following sums of money is levied for the current year, collectible in 2013, upon taxable property in the City of Elysian, for the following purposes:

General Fund	\$328,602
Fire Relief	\$ 2,226
Maintenance Replacement Eq.	\$ 12,000
Fire Equipment	\$ 12,400
Storm Sewer	\$ 5,000
City Hall Debt	\$ 28,420
2009 GO Improvement Levy	\$ 41,352
2012 Local Improvement Levy	00
Total Preliminary Levy	\$430,000

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

Voting No: None.

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

Adopted by the Elysian City Council on December 17, 2012.

Attest:

Patricia Nusbaum, City Administrator

Kathleen Anttila, Mayor

Discussion on the budget was held including employee salaries. On motion by Anttila, seconded by Ziemer, to table budget approval until the special meeting to be held on December 27, 2012.

Mayor Anttila presented a question regarding the stability of city funds in the Elysian Bank. Vice President Jim Hansen will be asked to come to the next meeting to discuss all questions regarding the matter.

On motion by Stoen, seconded by Opsahl, all voting in favor, meeting adjourned at 8:50 p.m.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator

ELYSIAN CITY COUNCIL
SPECIAL MEETING
DECEMBER 27, 2012
5:00 P.M.

The Elysian City Council met in regular session on Thursday, December 27, 2012, at City Hall at 5:00 p.m.

Meeting opened with the Pledge to the Flag.

Present were: Mayor Katy Anttila; Councilmembers Clinton Stoen, Edna Thayer, Brian Ziemer, City Administrator Patricia Nusbaum; Deputy Clerk Lorri Kopischke, Public Works Director Jeff Moe, and Deputy Clerk Lorri Kopischke. Absent: Councilmember Mary Opsahl.

On motion by Stoen, seconded by Thayer, all voting in favor, to approve year end bills in the amount of \$107,141.05.

Jim Hanson, Vice President, Elysian Bank, was present to discuss with the Council questions regarding the stability of the Bank and questions on the amount of collateral covering the city funding. Mr. Hanson answered with that the city is more than 110% collateralized. There is FDIC insurance of \$250,000 besides that there are pledge securities bonds from other cities and pledges are through United Banker Bank. Total pledges are \$1,100,000 at maturity value. He explained the process if something should happen to the Bank. The City Auditor reviews the collateral each year while doing the city audit. Mr. Hanson will get back to the Council with information on term of bonds, maturity, and interest rate; the difference between approved and active bonds, and procedure for the city to follow if there is ever a need to cash out.

Public Works Director Moe discussed with the Council items of equipment that he felt were needed for 2013. Some of the items were tripod, computer, manhole lifter, grappling hook, extension ladder, and sprayer. On motion by Ziemer, seconded by Thayer, all voting in favor, to get quotes for a tripod, manhole lifter, a computer with accessories, and a grappling hook, and after purchase an application to OSHA for a 50% grant will be made.

On motion by Thayer, seconded by Ziemer, all voting in favor, to transfer \$15,000 from the cable account to street repair considerations, and will be placed in the seal coating savings account.

On motion by Thayer, seconded by Stoen, all voting in favor, to authorize the transfer from the civil defense savings account to cover the deficit under civil defense in the checking account.

Discussion was held on the need for a second signature signer at the Elysian Bank in order to sign payroll checks or any other checks that may arise, since Mayor Anttila will not be

available after the end of the year. Mayor Anttila suggested Mayor-elect Stoen to be given that authority. Stoen refused until he was sworn into office.

On motion by Thayer, to approve Clinton Stoen as signer. Motion died for the lack of a second.

On motion by Anttila, seconded by Ziemer, all voting in favor, to authorize Councilmember Opsahl, to be the designated signer at the Bank, but since Opsahl was not present at meeting, and after discussion with her by the City Administrator tomorrow, and if she would not be available to go to the Bank, to authorize Councilmember Thayer to be the signer.

Discussion was held on the Fire Chief Jason James not following the City purchasing policy when purchasing hose for the Fire Department. Member Ziemer stated that the matter had been discussed with James before and thought that he understood the process. James had gotten verbal quotes over the phone. Purchase was over the \$1,500 which was a cap that could be spent before coming to the Council for approval. Ziemer suggested that the Council go to closed session and discuss. Consensus of Council was that there was no need for action.

Discussion was held on the consideration of the review of water and sewer rates for 2013. On motion be Councilmember Stoen, and seconded by Councilmember Ziemer, the following resolution was presented:

RESOLUTION 415/12 CITY OF ELYSIAN

RESOLUTION SETTING WATER AND SEWER UTILITY RATES FOR 2013

WHEREAS, the City is required to establish utility rates such that revenues generated are sufficient to offset the cost of operations and make provision for debt repayment, and

WHEREAS, the City has undertaken water and sewer utility projects that require additional water system debt repayment.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELYSIAN: that the water and sewer utility rates for 2013 are set as follows:

Water Utility Rates

Service Base Charge:	\$17.50 per month
User Charge:	\$ 4.00 per 1,000 gallons

Sewer Utility Rates

Service Base Charge:	\$20.50 per month
User Charge:	\$ 6.50 per 1,000 gallons

NOW THEREFORE BE IT FURTHER RESOLVED: that these new rates will become effective on January 1, 2013.

ADOPTED THIS 27th. DAY OF DECEMBER, 2012 BY THE CITY COUNCIL OF THE CITY OF ELYSIAN.

Attest:

Patricia Nusbaum, City Administrator

Kathleen Anttila, Mayor

On motion by Stoen, seconded by Ziemer, all voting in favor, to approve the 2013 budget as presented.

On motion by Thayer, seconded by Ziemer, all voting in favor, to thank Katy Anttila for representing the City of Elysian as Mayor for the past two years.

On motion by Ziemer, seconded by Thayer, all voting in favor, meeting adjourned at 7:54 p.m.

Attest:

Kathleen Anttila, Mayor

Patricia Nusbaum, City Administrator