

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
JANUARY 12, 2015  
6:00 P.M.**

The Elysian City Council met in regular session on Monday, January 12, 2015, at City Hall at 6:00 p.m.

**Roll Call:** Mayor Clinton Stoen; Councilmembers Tom McBroom, Mary Opsahl, Edna Thayer, Brian Ziemer, City Administrator Patricia Nusbaum, Public Works Director Ron Greenwald, Deputy Clerk Lorri Kopischke, and Attorney Jason Moran.

On motion by McBroom, seconded by Thayer, all voting in favor, minutes of December 8, 2014 regular meeting and December 29, 2014 special meeting were approved as presented.

On motion by Ziemer, seconded by Thayer, all voting in favor, bills, payroll, and transfers were approved in the amount of \$49,342.67.

Mayor Stoen thanked Councilmembers Edna Thayer and Brian Ziemer for their service to the City as Councilmembers.

A recess was called at 6:03 p.m. to allow pictures to be taken. Meeting reconvened at 6:16 p.m.

Administrator Nusbaum gave the oath of office to newly elect Mayor Clinton Stoen, and Councilmembers Melanie Schlomann and Dennis Schnoor.

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

**Public Hearing**

Attorney Moran presented proposed Ordinance 77/15, an Ordinance regarding Designated Predatory Offender Residency Restrictions. Ordinance would not allow a third level sexual predator to be within 2,000 feet of any place in the city limits that would be where children gathered, such as a ball field, beach, school, church, library etc. There were no public or written comments.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the hearing and reopen the regular meeting.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the agenda with the addition of designating of the park committee.

No one was present for public comment time.

On motion by Schnoor, seconded by Schlomann, all voting in favor, to set the regular Elysian City Council meetings for the second Monday of each month at 6:00 p.m. unless otherwise designated.

On motion by Stoen, seconded by Schnoor, all voting in favor, the following designations for 2015 were approved.

**Mayor Pro Tem Mary Opsahl**

**Official Depository - Elysian Bank and Northland Securities**

**Official Publication – Elysian Enterprise**

**City Attorney – Jason Moran, Christian, Keogh, Moran, King**

**Auditor – Burkhardt & Burkhardt, LTD**

**City Engineer, Chris Cavett, SEH, Inc.**

**Planning and Zoning**

**Member from Council – Mayor Clinton Stoen - 1 year term**

**Member from public –Gary Buchschacher - 3 year term**

**EDA**

**Member from Council - Mary Opsahl - 1 year term**

**Member from Council – Tom McBroom - 1 year term**

**Member from Public – Derek Westby – 6 year term**

**Executive Director – Deputy Clerk Lorri Kopischke**

**WEM Community Education Advisory Board – Tom McBroom –  
1 year term**

**Fire Relief Association**

**Member from Council - Mayor Clinton Stoen - 1 year term**

**Member Appointed – City Administrator Patricia Nusbaum-  
1 year term**

**Joint Fire Board Representative – Mayor Clinton Stoen - 1 year term**

**Emergency Management**

**Director – John Roessler – 1 year term**

**On motion by Stoen seconded by Schlomann, all voting in favor, to approve the City of Elysian Park Committee members with the following be appointed:**

**Mayor Stoen, Councilmember McBroom, and Public Works Director Ron Greenwald.**

**On motion by Stoen, seconded by Opsahl, all voting in favor, Fire Department appointments for 2015.**

**Chief – Jason James**

**First Assistant Chief – Josh Thompson**

**Second Assistant Chief – Eric Muellerleile**

**Public Works Report – Greenwald**

- 1. Presented the possibility of usage of a shed at the sanitary sewer pond area to be used for salt storage. Cost would be approximately \$1,500.**
- 2. On motion by Stoen, seconded by McBroom, all voting in favor, to approve a laptop computer for the Public Works Department to not exceed \$1,000.**
- 3. Reported that well inspections had received a good rating.**

**Le Sueur County Sheriff Dave Tietz presented to the Council a new contract for police protection. The increase would be from \$30.00 per hour to \$35.00 per hour for 1.5 hours per day for five days a week. The last contract had been approved in 2001. On motion by**

**McBroom, seconded by Schnoor, all voting in favor, to approve the 2015 Sheriff's contract with the City of Elysian with an increase of \$5.00 per hour from \$30.00 to \$35.00 for 1.5 hour per day, five days a week for a total of 30 hours per month with additional hours as contracted at the option of the city, shall be provided at the rate of \$35.00 per hour.**

**Sheriff Tietz also mentioned the grant that had been awarded to Le Sueur County for the help with funding for the extinguishing of invasive species in the county lakes. He urged people to attend the educational meetings that soon would be offered.**

**Tietz offered the Council copies of the police activity in the past month for the City of Elysian.**

**On motion by Stoen, seconded by Opsahl, the following resolutions were approved as presented.**

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 458/15**

**RESOLUTION ACKNOWLEDGING A DONATION FROM  
AMERICAN LEGION POST #311**

**WHEREAS,** the City of Elysian has received a donation in the amount of \$1,600.00 from the Elysian American Legion Post #311 to the Elysian Area Chamber of Commerce,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT:** the City Council of the City of Elysian acknowledges and accepts a donation from the Elysian American Legion Post #311 in the amount of \$1,600.00 for the purpose of contributing toward the 2015 July 4<sup>th</sup>. Celebration Parade.

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

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 12th. day of January, 2015.

ATTEST:

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Patricia Nusbaum, City Administrator

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Clinton Stoen, Mayor

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 459/15**

**RESOLUTION ACKNOWLEDGING A DONATION FROM  
AMERICAN LEGION POST #311**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$1,500.00 from the Elysian American Legion Post #311 to the Elysian Area Chamber of Commerce,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT:** the City Council of the City of Elysian acknowledges and accepts a donation from the Elysian American Legion Post #311 in the amount of \$1,500.00 for the purpose of contributing toward the 2015 July 4<sup>th</sup>. Celebration Fire Works.

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

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 12th. day of January, 2015.

ATTEST:

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Patricia Nusbaum, City Administrator

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Clinton Stoen, Mayor

**The following resolution was presented by Councilmember McBroom, seconded by Councilmember Opsahl with all voting in favor.**

**RESOLUTION 460/15  
CITY OF ELYSIAN**

**RESOLUTION SETTING WATER AND SEWER  
UTILITY RATES FOR 2015**

**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 2015 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, 2015.**

**ADOPTED THIS 12<sup>th</sup>. DAY OF JANUARY, 2015 BY THE CITY COUNCIL OF THE CITY OF ELYSIAN.**

**Attest:**

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**Patricia Nusbaum, City Administrator**

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**Clinton Stoen, Mayor**

**The following Ordinance was presented by Mayor Stoen, and seconded by Councilmember Schlomann, with the following voting in favor. Stoen, Schlomann, McBroom, Opsahl, Schnoor.**

**CITY OF ELYSIAN  
ORDINANCE 77/15**

**Designated Predatory Offender Residency Restrictions**

**Section 1: Designated Predatory Offender Residency Restrictions**

**(a) Purpose.** The Elysian City Council intends to serve the city's compelling interest to promote, protect and improve the health, safety, and welfare of Elysian citizens under this Section. It is the express intent of the City Council to further that interest by: creating areas around locations where children regularly congregate in concentrated numbers within which certain predatory offenders are prohibited from establishing temporary or permanent residence; and, by mitigating the concentration of certain predatory offenders, as recommended by Minnesota Statutes § 244.052, Subd. 4a, by prohibiting certain predatory offenders from establishing temporary or permanent residence within close proximity to one another.

**(b) Findings.** The City Council finds that repeat predatory offenders present a real threat to the public safety and especially to that of children. Certain predatory offenders are likely to use physical violence and present a high risk to repeat their offenses, and most such predatory offenders have committed many more offenses and have many more victims than are ever reported and prosecuted. This makes dealing with the danger posed to the public safety and especially that of children by those certain predatory offenders extremely important.

**Section 2: Definitions.** For purposes of this section the following definitions will apply unless the context or intent clearly requires a different meaning:

**(a).Designated predatory offender.** Any person who is required to register as a predatory offender under Minnesota Statutes § 243.166, as may be amended from time to time, and who has been categorized as a Level III predatory offender under Minnesota Statutes §244.052, Subd. 3, a successor statute, or a similar statute from another state.

**(b).Permanent residence.** A place where a person abides, lodges, or resides for 14 or more consecutive days.

**(a) Temporary residence.** A place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

**(b) School.** A public or nonpublic preschool, elementary or secondary school.

**(c) Licensed child care center.** A child care center currently licensed by the Le Sueur County, Minnesota, public health and human services department.

**(d) Public park/playground.** Means any city-owned, or privately owned but open to the public area, designed, equipped, and set aside for children's play and includes in that area such facilities as play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation and related structures.

### **Section 3: Prohibited Acts.**

**(A) Prohibited location of residence.** It is unlawful for any designated predatory offender to establish a permanent residence or temporary residence within 2,000 feet of any of the following:

1. Public or private school;
2. Licensed child care provider, including but not limited to in home care providers which are licenses by the State and or County;
3. Public park/playground;
4. Place of worship which provides regular educational programs;
5. Designated public trails;
6. Public or private Gymnasiums;
7. Libraries;
8. Public beaches;
9. Sporting facilities (i.e. baseball fields, football fields, hockey rinks, soccer fields, etc.) where children are known to congregate;
10. The permanent or temporary residence of any other designated predatory offender.

**(B) Measurement of distance.** For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of the properties listed at Section 3.

### **Section 4: Exceptions.** This section does not apply under the following circumstances:

(a) The designated predatory offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes §§ 243.166 and 243.167, or a successor statute, prior to January 12, 2015;

- (b) The designated predatory offender was a minor when he/she committed the offense and was not convicted as an adult;
- (c) The designated predatory offender is a minor;
- (d) The designated predatory offender has been granted a risk level reduction by the End of Confinement Review Committee, pursuant to Minnesota Statutes § 244.052, Subd. 3(i).
- (e) The school, licensed child care center or public playground within 2,000 feet of the person's permanent residence was opened after the designated predatory offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes §§ 243.166 and 243.167, or a successor statute;
- (f) The residence is also the primary residence of the designated predatory offender's parents, grandparents, siblings or spouse, and was their residence prior to January 12, 2015;
- (g) The residence is a property purchased, leased, or contracted with and licensed by the Minnesota Department of Corrections prior to January 12, 2015.

**Section 5: Property Owners Prohibited from Renting Real Property to Designated Predatory Offenders in the Exclusion Zones.**

- (a) It shall be unlawful for any property owner to rent or lease real estate to any designated predatory offender if the property is in the prohibited zone established in Section 3. If a property owner discovers or is informed that a tenant is a designated offender after a rental agreement is signed, a property owner shall commence eviction proceedings against the designated offender and take action to ensure that the designated offender is not residing in the exclusion zone.
- (b) A property owners violation of this prohibition shall be punishable as set forth in Section 6.

**Section 6: Penalty.** Any person who violates this section shall be punished according to the laws of the State of Minnesota. A violation of this Section shall constitute a misdemeanor. Each day a person maintains a temporary or permanent residence in violation of this ordinance constitutes a separate violation.

**Section 7: Severability.** The provisions of this Section are severable and if any provision of this Section or application of any provision of this Section due to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Section shall not be affected thereby.

This Ordinance shall become effective upon passage by the City Council and publication in the Elysian Enterprise and shall replace and supersede all other ordinances governing predatory offender residency restrictions.

Dated this 12<sup>th</sup>. day of January, 2015.

Attest:

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Patricia Nusbaum, City Administrator

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Clinton Stoen, Mayor

**On motion by McBroom, seconded by Stoen, all voting in favor, to approve four new Fire Department applicants pending background check results -Bryan Mielke, Sam Morris, Jason Smith, Jacob James.**

**On motion by Schnoor, seconded by McBroom, all voting in favor, to reinstate the five lights that had been turned off in 2011 in Roemhildt Waters Edge Addition # 3.**

**Mayor Stoen offered his outlook for 2015 – Welcomed the new Councilmembers and is looking forward to working them and the rest of the Council. New appointments offer fresh ideas. A couple of things for the new year is concentrating on the selling of the lots in Lake View Manor and to do more promotion of the Elysian Community along with establishing some new park updates. He indicated that the Fire Department will be working on a funding for a new pumper truck and a pickup. He stated that volunteers will be participating in the Southern Minnesota Home and Builders Show in Mankato in March. Cost for the entry fee of \$525.00 will be split with the EDA. There will be a separate brochure for the lots that are for sale in the Lake View Manor area and a brochure is being developed for the City of Elysian in general. He indicated that there are some tough budget challenges ahead, but will proceed to keep on task.**

**Council acknowledged City Administrator Nusbaum’s evaluation as meeting and exceeding standards. Mayor Stoen offered that Nusbaum is knowledgeable and has much experience and thanked her for all that she does.**

**No one from the public had any comments.**

**Councilmember McBroom offered that some of the things we need to be considering are to be looking at becoming a paperless environment and to consider the possibility of naming the Elysian Fields Ball park the Jerry Terrell Field.**

**On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 6:55 p.m.**

**ATTEST:**

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Clinton Stoen, Mayor

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Patricia Nusbaum, City Administrator



**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
FEBRUARY 4, 2015  
6:00 P.M.**

**The Elysian City Council met in a workshop session on Wednesday, February 4, 2015, at City Hall at 6:00 p.m.**

**Roll Call: Mayor Clinton Stoen; Councilmembers Tom McBroom, Mary Opsahl, Melanie Schlomann, Dennis Schnoor, City Administrator Patricia Nusbaum, Deputy Clerk Lorri Kopischke and City Engineer Chris Cavett.**

**A review of the Environmental Utility Fund and the impact on the various properties was discussed. More discussion will be held at the regular meeting of the Council on February 9, 2015.**

**Workshop ended at 7:07 p.m.**

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**Patricia Nusbaum, City Administrator**

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
FEBRUARY 9, 2015  
6:00 P.M.**

The Elysian City Council met in regular session on Monday, February 9, 2015, at City Hall at 6:00 p.m.

**Roll Call: Mayor Clinton Stoen; Councilmembers Tom McBroom, Mary Opsahl, Melanie Schlomann, Dennis Schnoor, City Administrator Patricia Nusbaum, Public Works Director Ron Greenwald, Deputy Clerk Lorri Kopischke, and Attorney Jason Moran.**

**On motion by McBroom, seconded by Opsahl, all voting in favor, to approve the minutes of January 4, 2015 special meeting and January 9, 2015 regular meeting as presented.**

**On motion by Stoen, seconded by McBroom, all voting in favor, the agenda was approved as presented.**

**Public Works Report – Ron Greenwald Public Works Director**

**On motion by Stoen, seconded by McBroom, all voting in favor, to approve steel toed safety shoes allowance for the public works employees not to exceed \$150.00 every two years.**

**Discussion was held on the employees receiving a Hepatitis B shot and to get a base line hearing test. Both were suggested as part of the city safety program. Matter will be researched.**

**Consensus of the Council was to allow advertising for a forty hour temporary summer help employee.**

**Discussion was held on the wiring of the city shop to be able to use a generator when the electricity goes out. Generator would allow shop area to be lit for emergency lighting. On motion by Stoen, seconded by McBroom, all voting in favor, to allow a quote from Volkman Electric in the amount of \$1,650.00 to wire the generator box in the city shop with funding coming from savings.**

**Regarding further discussion on the installation of a salt shed, consensus of Council is to wait on the installation of a salt shed until fall.**

**Administration update:**

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 461/15**

**RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN FIRE RELIEF ASSOCIATION**

**WHEREAS,** the City of Elysian has received a donation in the amount of \$9,000.00 from the Elysian Fire Relief Association toward a truck purchase;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT:** the City Council of the City of Elysian acknowledges and accepts a donation from the Elysian Fire Relief Association in the amount of \$9,000.00 to be placed in savings to be put toward the purchase of a truck.

Upon vote being taken:

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

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

Council Members voting in the negative: None:

Adopted by the City Council of the City of Elysian this 9th. day of February, 2015.

ATTEST:

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Patricia Nusbaum, City Administrator

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Clinton Stoen, Mayor

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 462/15**

**RESOLUTION ACKNOWLEDGING A DONATION FROM  
CANNON VALLEY COMMUNICATION FOUNDATION**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$2,500.00 from the Cannon Valley Communication Foundation toward a truck purchase;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT:** the City Council of the City of Elysian acknowledges and accepts a donation from the Cannon Valley Communication Foundation in the amount of \$2,500.00 to be placed in savings to be put toward the purchase of a truck.

Upon vote being taken:

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

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 9th. day of February, 2015.

ATTEST:

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Patricia Nusbaum, City Administrator

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Clinton Stoen, Mayor

**On motion by Stoen, seconded by Opsahl, all voting in favor, to approve the calling for a public hearing to receive public input on the consideration of Ordinance #78/15, allowing background checks for all employees prior to being hired.**

**On motion by McBroom, seconded by Schlomann, all voting in favor, to approve the calling for a public hearing to receive public input on the Environmental Utility with hearing being held on March 9, 2015 at the regular council meeting with consideration of action being taken on Ordinance #79/15, Environmental Utility, at the April regular meeting of the Council.**

**On motion by Stoen, seconded by McBroom, all voting in favor, to approve the 2015 fee schedule as presented.**

**Nusbaum gave a brief FEMA update.**

**On motion by McBroom, seconded by Opsahl, all voting in favor, bills, payroll, and transfers were approved in the amount of \$123,446.44.**

**Mayor Stoen updated the Council on the upcoming Trade Show to be held in Mankato on March 20-22. EDA and Planning and Zoning Commission will be meeting together on Tuesday, March 3, at 6:00 p.m. at City Hall to prepare for the Trade Show. If anyone wishes to volunteer or is interested in working the Trade Show, they should contact City Hall.**

**Discussion was held on the city owned lots in the Lake View Manor Subdivision. On motion by Stoen, seconded by McBroom, all voting in favor, to offer the lots for sale for development at \$15,000 per lot.**

**Mayor read a statement regarding the Museum: Now to the Lawsuit between LCHS and Chapter 1. LCHS's attorney Jennifer Urban recently shared with us a copy of the court's order in the litigation between LCHS and Chapter 1. She additionally wanted the order brought to the Council's attention. A copy of the order can be obtained from city staff. We are Hopeful LCHS will reopen the Elysian Museum. It would be nice to see the Museum open for people to enjoy the history and visiting the area.**

**Public Comment Time:**

**Wayne Unke – 124 Willow Point Drive – was present with a concern as to the potential loss of tax dollars due to the lots being placed in foreclosure and the lots then becoming owned by the City. He stressed the points that Elysian has great lakes, swimming beach, and Museum, and has a lot to offer for people to live here and for those visiting.**

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

**Attest:**

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Clinton Stoen, Mayor

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Patricia Nusbaum, City Administrator

**ELYSIAN CITY COUNCIL  
SPECIAL MEETING  
MARCH 5, 2015  
6:02 P.M.**

**The Elysian City Council met in regular session on Thursday, March 5, 2015, at City Hall at 6:00 p.m.**

**Roll Call: Mayor Clinton Stoen; Councilmembers Tom McBroom, Mary Opsahl, Melanie Schlomann, Dennis Schnoor, City Administrator Patricia Nusbaum, and Attorney Jason Moran.**

**Meeting was called to consider the renewal of licenses for The Thirsty Beaver Bar. On motion Stoen, seconded by Schnoor, all voting in favor, to allow the renewal for 2015 On Sale, Off Sale, and Sunday Liquor Licenses along with a soft drink license.**

**On motion Schnoor, seconded by Opsahl, all voting in favor, meeting adjourned at 6:10 p.m.**

**Attest:**

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**Clinton Stoen, Mayor**

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**Patricia Nusbaum, City Administrator**

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
MARCH 16, 2015  
6:00 P.M.**

**The Elysian City Council met in regular session on Monday, March 16, 2015, at City Hall at 6:00 p.m.**

**Roll Call: Mayor Clinton Stoen; Councilmembers Mary Opsahl, Melanie Schlomann, Dennis Schnoor, City Administrator Patricia Nusbaum, and Deputy Clerk Lorri Kopischke. Absent: Councilman Tom McBroom.**

**Discussion was held on the consideration of advertising for office positions in the city office. Consensus of the Council was that the position of City Administrator would be posted internally for one week. Deputy Clerk Lorri Kopischke stated that she would be interested in the position.**

**If Kopischke was the only applicant for the City Administrator discussion followed regarding her salary and duties. On motion by Stoen, seconded by Opsahl, all voting in favor, to offer the position of City Administrator at a rate of pay of \$23.46 per hour starting May 31, 2015 along with the current benefit package. Position is an hourly position not an exempt employee position. Position will also include EDA Administrator.**

**On motion by Stoen, seconded by Schlomann, all voting in favor, to advertise for a Utility Billing Clerk/Office Assistant at a rate of pay of \$13.00 per hour with the current benefit package.**

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

**Attest:**

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**Clinton Stoen, Mayor**

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**Patricia Nusbaum, City Administrator**

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
MARCH 30, 2015  
6:02 P.M.**

The Elysian City Council met in regular session on Monday, March 30, 2015, at City Hall at 6:02 p.m.

**Roll Call:** Councilmembers Tom McBroom, Melanie Schlomann, Dennis Schnoor, City Administrator Patricia Nusbaum, Deputy Clerk Lorri Kopischke. **Absent:** Mayor Clinton Stoen and Councilmember Mary Opsahl.

**Also present:** Mike Burkhardt and Greg Burkhardt Auditors from the firm of Burkhardt & Burkhardt Inc. and Joel La France, Treasurer Elysian Fire Relief Association.

Due to Mayor Stoen and Acting Mayor Opsahl being absent, City Administrator Nusbaum opened the meeting at 6:02 p.m. On motion by Schlomann, seconded by Schnoor, all voting in favor, to appoint Councilmember McBroom to preside at the meeting.

Auditors were introduced and proceeded to give the annual audit report for 2014. Auditors commented on and thanked Nusbaum and Kopischke for the good work in cooperating with the Auditors and with doing a good job in keeping the city books in good form. They commented on good standing of the city financially in overall that was audited.

On motion by Mc Broom, seconded by Schlomann, all voting in favor, audit report for year 2014 was approved as presented.

Greg Burkhardt presented to the Council with the new updates regarding GASB 67 & 68 accounting standards which the City would have to comply. GASB 67 deals with pension plans which involves the Fire Relief Association which started in the 2014 audit.

To be in compliance there are a few options

1. The Fire Relief Association can do nothing. That would mean doing as they always have been doing which includes paying for an annual audit which could be as high as \$3,500.
2. The next thing would be to hire an actuary to review their financial material. The cost could be from \$2,500 - \$4,000. Their audit report would still have to be done. The question is who will pay for the actuary? City, Fire Relief, or split costs.
3. Fire Relief Association could join the state PERA program where funds from the pension would be handled by the State PERA Board. Funds for the Relief Association would be placed in a separate fund which is designated only for the Elysian Fire Relief Assn. If the Relief Association decided to put the funds into the State PERA Program it would eliminate the yearly audit, having to pay for

**an actuary, and the Relief Assn. would be diminished to a five member group consisting of member of the Fire Department. There would be no government involvement in the Association. The disadvantage would be local control would be lost.**

**For the City, if the Relief Association does not want to move their funds to the State PERA Program, the city could be charged a higher rate on tax exempt bonds, including debt bonds presently owned by the City. It could mean a higher bonding interest on new projects.**

**Relief Association La France stated that he can see that very shortly, how the City and Association will be drawn into the plan. He indicated that he did not like the state taking control of the funds, but felt that there was probably no option. An increase in bonding interest affects all of the citizens of the City. He stated that the city has to make the choice,**

**Councilmember Schlomann indicated that in Northfield they have been with the state program for quite a while. She said they have invested aggressively and the outcome has been huge.**

**To implement the consideration of joining the PERA State Program, a resolution must be approved by January 1, 2016.**

**Greg Burkhartz will be attending the Fire Relief meeting on April 6, 2015 to explain to the Association the options. Kevin Walters, Ameriprise Financial, Inc. will also be asked to be present.**

**On motion by Schnoor, seconded by McBroom, all voting in favor, meeting adjourned at 7:10 p.m.**

**Attest:**

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**Tom McBroom, Acting Mayor**

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**Patricia Nusbaum, City Administrator**





**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
APRIL 13, 2015  
6:00 P.M.**

The Elysian City Council met in regular session on Monday, April 13, 2015, at City Hall at 6:00 p.m.

Meeting was opened with the Pledge to the US Flag.

**Roll Call:** Mayor Clinton Stoen; Councilmembers Tom McBroom, Mary Opsahl, Melanie Schlomann, Dennis Schnoor, City Administrator Patricia Nusbaum, Public Works Director Ron Greenwald, Deputy Clerk Lorri Kopischke, and Attorney Jason Moran (arriving at 6:12 p.m.) .

On motion by McBroom, seconded by Schlomann, all voting in favor, minutes of the March 9, 2015 and March 30, 2015 were approved as presented.

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

1. Well head protection
2. Resolution 464/15
3. Verizon Wireless – water tower
4. Fire victims – Account set up at Elysian Bank
5. Trostem's – water on property
6. Coding of billings

**Public Comment:**

Tom Crawmer – 501 Lake Avenue NW- was concerned about why people who come to City Hall to get a golf cart license have to have a background check? Can't understand why the Council made all of the things they require to be put on a golf cart, turn signals, when you can use your arm. What is the Council doing about getting the County Commissioners to let golf carts drive on the County Road? Mayor Stoen indicated that a Commissioner is presently working on that matter.

WEM Superintendent Joel Whitehurst gave a presentation on the new school building vote which will be held on May 12, 2015. He explained the need for the updating of the school facilities and urged all to get out and vote.

The Council discussed with Superintendent Whitehurst the possibility of purchasing of the ball field and tennis court area located on the WEM School site in Elysian. Council representation will approach the WEM School Board about the matter.

Chief Deputy Brett Mason was present to update the Council on the month's policing of the City. Updated the Council on the recent fires at the Lake View Manor area. He stated that the fire had been determined to have started by a cigarette. He complimented the Fire Department and the mutual aid Fire Department for their great response.

**Joe Meixl – 1234 Scenic Hideaway Drive – was present to discuss with the Council his building project and cost involved. City Engineer Chris Cavett informed the Council of the need for a Developer's Agreement. City Council and the Planning and Zoning Commission will meet on Tuesday, April 21, 2015 at city hall at 6:00 p.m. to review the draft agreement.**

**Engineer Cavett brought up to date the Council on the Environmental Utility for which a hearing was held at last month's meeting. The Environmental Utility is a fund that will be collected over each month to be placed in a separate fund to be used strictly for storm water costs. The benefit of establishing a Utility Fund is that as the fund gets built up it will be able to pay toward costs for storm water projects. The fund will benefit the entire city, by allowing the lakes to remain cleaner, storm sewer projects will not have to be levied, all properties will contribute and all properties will benefit.**

**Lori Trostem of Trostem's Shady Shore and Robert and Beverly Silver, Silvers Mobile Home Park, were present with concerns regarding the amount of their monthly fee. Engineer Cavett explained the formula of arriving at the figures.**

**On motion by McBroom, seconded by Stoen, to adopt the storm water drainage base rate of \$12.00 per acre as the Environmental Utility fee with fee being looked at yearly as the Council reviews the fee schedule. Voting Yes: McBroom, Stoen, Opsahl, Schlomann. Oppose: Schnoor. Motion declared carried.**

**Councilmember Stoen, presented the following, with Mayor McBroom, seconding, with all voting in favor, to approve Ordinance 79/15, establishing the Environmental Fund.**

## **ORDINANCE NO. 79/15**

### **AN ORDINANCE ESTABLISHING A STORMWATER UTILITY FUND FOR THE CITY OF ELYSIAN**

#### **Section 1 - Environmental Utility.**

Subd. A. Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance:

(1) "Impervious Surface" is any surface which does not provide vertical drainage of water, including, but not limited to, roofs, buildings, concrete, bituminous surfaces, surface concrete pavers, and gravel.

(2) "Heavy Density" is a parcel of land, the surface of which is covered by between sixty seven percent (67%) to one hundred percent (100%) impervious surface.

(3) "Medium Density" is a parcel of land, the surface of which is covered by between thirty four percent (34%) to sixty six percent (66%) impervious surface.

(4) "Light Density" is a parcel of land, the surface of which is covered by between zero percent (0%) to thirty three percent (33 %) impervious surface.

(5) "Residential Equivalent Factor (REF)" means the volume of runoff generated by a one third (1/3) acre lot covered by no more than thirty three percent (33%) impervious surface.

## **Section 2-Environmental Utility Fees.**

### **Subd. A. Purpose and Establishment.**

A municipal environmental utility for the City of Elysian is hereby established. The environmental utility shall be operated pursuant to Minnesota Statutes Section 444.075, as amended.

Revenues derived from the environmental shall be dedicated to:

2. The administration, planning, analysis, installation, construction, operation, maintenance, and replacement of public drainage systems.
3. The administration, planning, implementation, construction, and maintenance of storm water Best Management Practices (BMPO's) to reduce the introduction of sediment and other pollutants into local water resources.
4. Other education, engineering, inspection, monitoring, testing, and enforcement activities as necessary to maintain compliance with local, state, and federal storm water requirements.

### **Subd. B. Environmental Utility fees.**

1. To calculate the environmental utility fee, the Residential Equivalent Factor (REF) for each parcel's storm water runoff contribution classification shall be multiplied by that parcel's size, and then multiplied by the storm water drainage rate (Fee = REF x Acreage x Rate).
2. The City shall determine the REF for each parcel of property within the City of Elysian based upon the amount of impervious area on the property and other factors reasonably affecting the amount of storm water runoff from each parcel of property. The REF classifications used by the City shall be as follows:

<b>CLASS</b>	<b>STORM WATER LAND USE CLASSIFICATION</b>	<b>REF</b>
1	Vacant, Parks & Cemeteries	0.0
2	One- and two- family residential	1.0
3	Light density (up to 1/3 impervious)	1.0
4	Medium density (1/3 to 2/3 impervious)	2.0
5	Heavy density (over 2/3 impervious)	3.0

For the purpose of calculating environmental utility fees, actual acreage shall be used except for those parcels used for one and two family dwellings. All parcels used for one and two family dwellings shall be calculated using one third (1/3) of

an acre regardless of their actual size.

3. The City shall reduce the fee charged if the landowner shows that some or all of the storm water runoff generated by the parcel does not enter the storm water management system maintained by the City of Elysian. The fee shall be reduced by the percentage of water diverted into other stormwater management, detention facilities or retention facilities, but in no case shall it be reduced below the fee charged for a light density parcel of equal size.
4. Each parcel less than one third (1/3) of an acre in size shall be charged a minimum fee. The minimum fee shall be equal to the fee charged to parcels used for one and two family dwellings.
5. The environmental utility rate shall be reviewed from time to time by the City Council as the rate shall be made a part of the City's fee schedule.

**Section 3:** This Ordinance shall take effect and be in force one week from and after its publication.

Adopted this 13<sup>th</sup>. day of April, 2015.

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Clinton Stoen  
Mayor

ATTEST:

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Patricia Nusbaum  
City Administrator

**Engineer Cavett will be working on a Capital Improvement Plan which will be the start of the 2016 street improvement plan.**

**Public Works Update:**

**A letter will be sent to Casey's regarding damage to the curbing on the right side of Third Street SW from snow being pushed across road and dumped into the boulevard from Casey's business lot.**

**Trostem's Shady Shore – concern as to storm water running on to their property. More investigation will be held as to addressing their concerns.**

**Administrator's Report:**

**On motion by Stoen, seconded by Schlomann, all voting in favor, to approve the agreement to allow mosquito control through 2015 summer.**

**On motion by Opsahl, seconded by Stoen, all voting in favor, to appoint Councilmember Tom McBroom to represent Elysian on the MN Valley Council of Governments operation committee.**

**On motion by Stoen, seconded McBroom, all voting in favor, to approve the promotion of Lorri Kopischke to the position of City Administrator/Clerk/Treasurer effective May 31, 2015. Mayor Stoen thanked Kopischke for her work and for her considering the Administrator position.**

**Horizons Group would be willing to donate garbage and cigarette receptacles on Main Street. Council will do more investigation.**

**On motion by Stoen, seconded by Schlomann, all voting in favor, to approve the first phase of the well-head protection report as presented.**

**On motion by Councilmember McBroom, seconded by Mayor Stoen, to approve resolution 464/15 as presented.**

**RESOLUTION 464/15  
MEMBERSHIP AGREEMENT  
NATIONAL JOINT POWERS ALLIANCE**

**This agreement, made and entered into this 10<sup>th</sup>. day of April, 2015, by and between National Joint Powers Alliance hereinafter referred to as “NJPA” and City of Elysian hereinafter referred to as the “Applicant”.**

**WITNESSETH:**

**That for a good and valuable consideration of the premises, mutual terms, covenants, provisions, and conditions hereafter set forth, it is agreed by and between the parties as follows:**

**WHEREAS, the NJPA is created by Minnesota Statute 123A.21 (with membership further defined in M.S. 471.59) to serve cities, counties, town, public or private schools, political subdivisions of Minnesota or another state, any agency of the State of Minnesota or the United States including instrumentalities of a governmental unit and all non-profits; and**

**WHEREAS, NJPA purpose as defined in M.S. 123A.21 is to assist in meeting specific needs of clients which could be better provided by NJPA than by the members themselves; and**

**WHEREAS, the NJPA Board of Directors has established the ability for an “Applicant” desiring to participate in NJPA contracts and procurement programs to become a Participating Member; and**

**WHEREAS, the NJPA Board of Directors has determined that Participating Members will have no financial or organizational activities;**

**NOW THEREFORE, it is hereby stipulated and agreed that the “Applicant” Agency desires to be a Participating Member of NJPA with contract purchasing benefits, in**

accordance with terms and conditions of the applicable contract(s), and that NJPA hereby grants said Membership to said “Applicant.”

**TERM:** This continuing agreement shall remain in force or until either party elects to dissolve the Agreement by written notice.

**THEREFORE, IN WITNESS THEREOF,** the parties hereto have executed this Agreement the day and year written above.

**On motion by McBroom, seconded by Stoen, to approve resolution as presented.**

**Voting Yes:** McBroom, Stoen, Opsahl, Schlomann, Schnoor

**Voting No:** None

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**Patricia Nusbaum, City Administrator**

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**Clinton Stoen, Mayor**

**On motion by Stoen, seconded by McBroom, all voting in favor, to approve a letter from Verizon to install equipment on the base of the water tower with the asking of an increase of \$350 per month.**

**Mayor Stoen Comments:**

**Thanked the Elysian Fire Fighters and neighboring Fire fighters, for the excellent job on the Lake View Manor Townhomes fire and that a fund has been set up at the Elysian Bank for anyone who would wish to donate to help the homeowners involved with the fire.**

**On motion by McBroom, seconded by Stoen, all voting in favor, bills, payroll and transfers were approved in the amount of \$134,439.80. Councilmember Schnoor asked that the billings be coded.**

**Public Comment:**

**Bob Silver – Silver’s Mobile Home Park – Had a question on what well was being used, he had a lot of iron in his water.**

**On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 8:40 p.m.**

**Attest:**

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**Clinton Stoen, Mayor**

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**Patricia Nusbaum, City Administrator**





**ELYSIAN PLANNING AND ZONING COMMISSION  
CITY COUNCIL  
JOINT MEETING  
APRIL 21, 2015  
6:07 p.m.  
MINUTES**

**The Elysian City Planning and Zoning Commission and the Elysian City Council met in a joint session Tuesday, April 21, 2015 at City Hall at 6:07 p.m.**

**Present were: Present were: Rick Galewski, Chairperson; Commissioners: Gary Buchschacher, Dan Engebretson, Clinton Stoen, and Zoning Administrator Patricia Nusbaum. Absent: Commissioner Shawn Anderson.**

**Council present: Mayor Clinton Stoen; Councilmembers Mary Opsahl, Dennis Schnoor, City Administrator Patricia Nusbaum, Clerk Lorri Kopischke. Absent: Councilmembers Tom McBroom, Melanie Schlomann.**

**Also present: City Engineer Chris Cavett.**

**Engineer Cavett presented the Developer's Agreement for the Meixl property located on Ray's Lake, located in the City of Elysian. After hearing the proposal for the Developer's Agreement, on motion by Engebretson, seconded by Buchschacher, all voting in favor, the Elysian Planning and Zoning Commission approved to recommend to the Elysian City Council to consider the approval of the Developer's Agreement for the Joseph Meixl property as presented.**

**On motion by Engebretson, seconded by Buchschacher, all voting in favor, to call for a recess at 6:38 p. m. to continue the Planning and Zoning Commission meeting following the Council meeting.**

**On motion by Stoen, seconded by Opsahl, all voting in favor, to open the City Council meeting at 6:39 p.m.**

**Council discussed the Developer's Agreement as presented. On motion by Stoen, seconded by Schnoor, all voting in favor, to accept the Developer's Agreement for the Joseph Meixl property as presented.**

**On motion by Stoen, seconded by Opshal, all voting in favor, meeting adjourned at 6:42 p.m.**

**Attest:**

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**Clinton Stoen, Mayor**

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**Patricia Nusbaum, City Administrator**



**ELYSIAN CITY COUNCIL  
SPECIAL MEETING  
MAY 5, 2015  
6:00 P.M.**

**The Elysian City Council met in special session on Tuesday, May 5, 2015, at City Hall at 6:00 p.m.**

**Roll Call: Mayor Clinton Stoen; Councilmembers Tom McBroom, Mary Opsahl, Dennis Schnoor, City Administrator Patricia Nusbaum, Deputy Clerk Lorri Kopischke. Absent: Councilmember Melanie Schlomann.**

**Also present: Alex Jermeland, MN Valley Council of Governments, Consultant.**

**Purpose of the meeting was to have Jermeland present to the Council the recommendation out of the selection process as to the candidate for the Utility Clerk/Office Assistant position.**

**Jermeland offered that a review and updating of the job descriptions were completed. Advertising for the position was held with ten applicants responding. Applications and resumes were rated on a 100 point scale. Four candidates were invited to interview. Three candidates were interviewed. Nicole Lamont was the top candidate. Back ground and reference checks had been completed. Jermeland recommended to the Council that Nicole Lamont be hired as the Utility Clerk/Office Assistant.**

**On motion by Stoen, seconded by McBroom, all voting in favor, to authorize City Administrator Nusbaum to offer the position of Utility Clerk/Office Assistant to Nicole Lamont and if Lamont declined, then to go to the second top candidate.**

**On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 6:09 p.m.**

**Attest:**

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**Clinton Stoen, Mayor**

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**Patricia Nusbaum, City Administrator**

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
MAY 11, 2015  
6:00 P.M.**

The Elysian City Council met in regular session on Monday, May 11, 2015, at City Hall at 6:00 p.m.

**Roll Call: Mayor Clinton Stoen; Councilmembers Tom McBroom, Mary Opsahl, Melanie Schlomann, Dennis Schnoor, City Administrator Patricia Nusbaum, Public Works Director Ron Greenwald, Deputy Clerk Lorri Kopischke, and Attorney Jason Moran .**

**On motion by McBroom, seconded by Schnoor, all voting in favor, minutes of April 13, 2015 regular meeting; April 21, 2015 special meeting and May 5, 2015 special meeting were approved as presented.**

**Public Comment Time:**

**Le Sueur County Commissioner Steve Rohlffing was present to update the Council on recent Le Sueur County Officials meetings regarding the use of the Le Sueur County web site for all cities in Le Sueur County. He stated that all cities in Le Sueur County will be able to have links to each city for information about the city. If someone was going to look at the Le Sueur County web site they then could also view what the cities of Le Sueur County had to offer.**

**Rohlffing also updated the Council on recent funding for the study of area lakes involving water clarity and run off into the lakes and rivers. Administration Nusbaum indicated that the Lake Francis Rain Garden project by the swimming beach was part of the funding received.**

**Commissioner Rohlffing stated, when asked about golf carts on county roads, that the Commissioners had been approached and that they may be considering a one year pilot project on allowing golf carts on certain county roads. He will update the Council at a future meeting.**

**Alex Jermeland, representing MN Valley Council of Governments, presented the 2015 Pay Equity Report. He stated that the City of Elysian is in compliance. On motion by Stoen, seconded by Schnoor, all voting in favor, to accept the Pay Equity Report as presented. All voting in favor, motion declared carried.**

**Chris Cavett, SEH, Inc. was present to discuss with the Council the following:**

- 1. Discussion on drainage issues involving storm water running toward Maple Avenue off State Hwy #60. Further study will be made as to how this will be handled.**
- 2. Updated the Council on the development of the Capital Improvement Plan, which he plans to have finished by the June meeting. This is the beginning of the study for the 2016 street improvement project which also includes the consideration of new water mains where needed and addressing storm water concerns.**

**On motion by Stoen, seconded by McBroom, all voting in favor, Council approved the engineering fees for the feasibility study in the amount of \$3,900.**

**Public Works – Ron Greenwald, Director**

**On motion by McBroom, seconded by Schnoor, Council approved the hiring of Kyle Opsahl for temporary summer help. Voting Yes: McBroom, Schnoor, Schlomann, Stoen. Abstaining: Opsahl. Motion declared carried.**

**Greenwald updated the Council on a recent visit from the MN Pollution Control Agency doing a compliance check. They reviewed records, recommended a sign on the gate at sewer ponds. A written report will be coming within two weeks and a follow up visit will be held in the upcoming months. One of the issues from MN PCA is that the sewer pond area must be locked at all times unless someone in authority is present on the site. Motion was made by Opsahl, seconded by Stoen, all voting in favor, to approve additional open hours for the brush pile at the pond area effective immediately - Wednesday, from 3:00 p.m. to 7:00 p.m. and Saturday, from 8:00 a.m. to 1:00 p.m.**

**Greenwald asked if the Council would consider seal coating Willow Point Drive. Council indicated that it will not be done due to no funding this year. Discussion on maintenance of private drives was held. Nusbaum indicated that there were agreements regarding the private drives. Agreements will be reviewed.**

**Administration Report – Nusbaum**

**Mosquito Control starts May 18<sup>th</sup>.**

**Spring Clean-up – May 16<sup>th</sup>. in front of school- 8:30 a.m. – 11:00 a.m.**

**On motion by Stoen, seconded by McBroom, all voting in favor, to hold a public hearing on June 8, 2015 at 6:30 p.m. to consider amending Ordinance #6B, Section VI, Section 13 titled Sunday Liquor to consider the newly legislative “Bloody Mary” Law which would allow liquor establishments in the City of Elysian to be able to sell liquor starting at 8:00 a.m. rather than the 10:00 a.m. starting time.**

**On motion by Stoen, seconded by McBroom, all voting in favor, to approve a cell phone for the part-time city employee.**

**Councilmember Schnoor presented the following resolution with Councilmember Opsahl seconding:**

**RESOLUTION 465/15**

**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,**

**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 Fire Department Relief Association in conjunction with the July 4<sup>th</sup>. Celebration.**

**The motion for the adoption of the foregoing resolution was presented by Councilmember Schnoor, and seconded by Councilmember Opsahl, and after full discussion thereof, and upon vote being taken thereon, the following voted in favor thereof: Schnoor, Opsahl, McBroom, Schlomann, Stoen.**

**And the following voted against the same:None.**

**Whereupon said resolution was declared duly passed and adopted.**

**Dated this 11<sup>th</sup>. day of May, 2015.**

**ATTEST:**

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**Patricia Nusbaum, City Administrator**

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**Clinton Stoen, Mayor**

**On motion by Stoen, seconded by Opsahl, all voting in favor, to approve July 4<sup>th</sup>. Celebration requests:**

- 1. Provide porta pots and police protection**
- 2. Approve Chamber of Commerce to hold a raffle**
- 3. Approve a temporary 4 day liquor license – July 2-5**
- 4. To close certain streets**
- 5. Councilman McBroom was concerned that the July 4<sup>th</sup>. Fire Works were being held on July 2<sup>nd</sup>. He indicated that they should be held on the 4<sup>th</sup>. Nusbaum offered that the amount of funds we pay for the fireworks is small in comparison to other larger cities, the company which has been coming each year do not have enough shooters, and that for several years the fireworks have not been held on July 4<sup>th</sup>. McBroom, after being asked, stated that he would be in charge of the fireworks for 2016**

**On motion by Opsahl, seconded by McBroom, all voting in favor, to approve Heather Hering and Joseph Vitacnik as Watercraft Inspectors for summer of 2015 – Lake Francis.**

**On motion by McBroom, seconded by Schlomann, all voting in favor to approve professional services for Rain Garden project – Lake Francis.**

**A representative of MN Rural Water will be present at the June 8, 2015 meeting to update the Council on the City Well Head Protection program. Meeting will be held at 6:00 p.m.**

**Nicole Lamont will be the new employee – Utility Clerk/Office Assistant – starting May 21, 2015.**

**On motion by Stoen, seconded by Schnoor, all voting in favor, a nuisance letter will sent to 301 6<sup>th</sup>. Street NW.**

**Councilmember McBroom reported on his meeting with the WEM School Board to discuss the Elysian School ball field, tennis court, and surrounding properties to include the playground area. The City Council is interested in acquiring the area along with managing the maintenance of the field and the grounds. The Board took it under advisement and will set a time to discuss it at a future meeting.**

**On motion by McBroom, seconded by Schlomann, all voting in favor, bills, payroll, and transfers were approved in the amount of \$75,075.13.**

**Public Comment Time:**

**Anne Davies – 2 Egret Lane – She indicated that she was speaking for Megan James who had been scheduled to be on the agenda earlier, but due to another appointment, to be placed on the June council agenda.**

**John Stephanie – 205 Lake View Court, President Lake Elysian Lake Association – He stated that there are only 16 members in the Lake Association, it is not huge like the Lake Francis Association and the Association is concerned about the storm water going through the culvert into Lake Elysian. In 2012, funds were received through Waseca County to install a rain garden on the boulevard and Bob Silver's property. Trees were cleared, plants were planted, but all failed. There are legacy grants that may be able to obtain. The Association does not have a lot of dollars, but could give some help.**

**Lauri Trostem – Trostem's Shady Shores – Questioning and showed her disappointment that the holding pond project would be put on the back burner and again do nothing. Also, commented on not in favor of the July 4<sup>th</sup>. Celebration fireworks being held on July 2<sup>nd</sup>.**

**Tom Crawmer – 501 Lake Avenue NW – Concerned about golf carts not being able to drive on city streets, mainly Main Street (County Road #50), and County Road #11. He was updated that the County Commissioners were looking at the matter in a future meeting. He commented that the person who mows the lawn at the school is blowing grass into the street.**

**Mayor Stoen presented the request for approval of Administrator Nusbaum's severance. Nusbaum stated that working with the city budget had offered to take the payment over several years, due to tax laws, the payment can only be divided into two payments with the full taxes taken out of the first year. On motion by Stoen, seconded by McBroom, all voting in favor, to approve the severance pay for Patricia Nusbaum, City Administrator for the past 44 years in the amount of \$26,741.30 with Nusbaum offering to divide the payment into one-half of the payment over two years.**

**Mayor Stoen and the Council thanked Pat for all of her years of service and wished her good luck in her retirement.**

**On motion by Stoen, seconded by Opsahl, all voting in favor, meeting adjourned at 7:46 p.m.**

**Attest:**

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**Clinton Stoen, Mayor**

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**Patricia Nusbaum, City Administrator**



**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
JUNE 8, 2015**

The Elysian City Council met in regular session on Monday, June 8, 2015 at City Hall at 6:00 pm.

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

On motion by McBroom, seconded by Schnoor, all voting in favor, the minutes of the March 16, 2015 Special Meeting and May 11, 2015 Regular Meeting were approved as presented.

On motion by Stoen, seconded by Schlomann, all voting in favor, the agenda of the June 8, 2015 meeting was approved with the following change:

Removal of Agenda Item #14g. Result of New Firefighters Background Checks

Robin Hoerr, Groundwater Specialist, MN Rural Water Association, was present to explain the process of development of the Wellhead Protection Plan as required by the State of MN Safe Drinking Water Act. This is a two-part process. Part 1 involved: 1. The delineation of the wellhead protection area; 2. The drinking water supply management area boundary; and 3. The well and drinking water supply management area vulnerability assessment. This step has identified a low vulnerability with a nice confining area. There have been very few things identified that could impact the drinking water supply. Part 2 will include identifying things that could pose a risk such as other wells using the same aquifer and development of a Wellhead Protection Plan. This will be completed within 6 to 12 months.

Public Comment: None

Chris Cavett, SEH, Inc. was present to discuss the draft Capital Improvement Plan (CIP). A Council Workshop was scheduled for Monday, June 22, 2015 at 6:00 pm to discuss the CIP in greater detail.

There was discussion on storm water running toward Maple Avenue off State Hwy #60. Several issues will be investigated including any existing easements, surveys, and if Second Street SW has been vacated.

The Regular Meeting was closed to go to Public Hearing at 6:40 pm

Mayor Stoen explained the purpose of the Public Hearing was consideration of amending Ordinance #6, An Ordinance Licensing and Regulating the Sale and Consumption of Intoxicating Liquor, Repealing Inconsistent Ordinances and Providing a Penalty for violation, to provide the changing of the time to serve intoxicating liquor on Sunday from 10:00 am to 8:00

am in accordance with newly passed MN State Law: "Bloody Mary" Law. In cities where Sunday on-sale has been authorized by voters, a restaurant, club, bowling center or hotel (with a seating capacity of at least 30 persons) that holds an on-sale intoxicating liquor license and a Sunday license may now serve intoxicating liquor with food on Sundays as early as 8:00 am.

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

Motion by Stoen, seconded by Schnoor, all voting in favor, to close the public hearing at 6:42 pm and open the regular meeting.

Motion by Stoen, seconded by McBroom, all voting in favor, to approve the amendment to Ordinance No. 6/6B.

### **ORDINANCE NO. 6C**

AN ORDINANCE AMENDING ORDINANCE NO. 6/6B, ADOPTED ON JULY 12, 1982/DECEMBER 11, 2000, AND TITLED "AN ORDINANCE LICENSING AND REGULATING THE SALE AND CONSUMPTION OF INTOXICATING LIQUOR, REPEALING INCONSISTENT ORDINANCES, AND PROVIDING A PENALTY FOR VIOLATION."

BE IT ORDAINED by the City Council of the City of Elysian, Minnesota, that Ordinance No 6. of said City be, and the same is hereby amended to read as follows:

#### **SECTION 1.**

Section 13 of Ordinance No. 6 adopted on July 12, 1982 and titled "An Ordinance Licensing and Regulating the Sale and Consumption of Intoxicating Liquor, Repealing Inconsistent Ordinances, and Providing a Penalty for Violation" is amended to read:

#### **SECTION 2.**

Section 13. Sunday Liquor.

Subdivision 1. Special on-sale licenses for the sale of intoxicating liquor on Sunday shall be issued only to bowling centers, hotels, restaurants, and clubs as defined in Minnesota Statute 340A.101. All sales at such establishments shall be in accordance with Minnesota Statute 340A.504 Subd. 3.

Subdivision 2. The Sunday liquor license holder may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 8:00 am on Sunday and 1:00 am on Monday. Establishments serving liquor on Sundays must obtain a special license under Section 1 above.

#### **SECTION 3.**

This ordinance amending Ordinance No. 6 becomes effective from and after its passage and publication.

Adopted by the City Council of Elysian, Minnesota on this 8<sup>th</sup> day of June, 2015.

Approved:

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Mayor

Attested:

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City Clerk

Public Works – Ron Greenwald, Director

Greenwald asked the Council to consider a patch and overlay in the section of Second Street SE between the State Trail and Highway 60. That half block is in bad condition and actually broken in tiny pieces with a large pothole that can't be filled with cold patch. The pothole has currently been filled with Class 5 and packed down and is holding.

Motion by Stoen, seconded by Schlomann, all voting in favor, to approve patch and overlay of Second Street SE between the State Trail and Hwy #60 by W W Blacktopping, Inc. in an amount not to exceed \$3,465.00

Administration Report – Kopischke

Councilmember Schnoor presented the following resolution with Councilmember McBroom seconding:

**RESOLUTION 466-15**  
**RESOLUTION ACKNOWLEDGING A DONATION FROM**  
**ELYSIAN AMERICAN LEGION POST #311**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$1,500.00 from the Elysian American Legion Post #311, for tax relief to the Elysian Area Chamber of Commerce for the purpose of funding a portion of the July 4<sup>th</sup> Celebration.

**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 \$1,500.00 – Fire Works.

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

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 8<sup>th</sup> day of June, 2015.

ATTEST:

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Lorri Kopischke, City Administrator

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Clinton Stoen, Mayor

Councilmember Schnoor presented the following resolution with Councilmember McBroom seconding:

**RESOLUTION 467-15**  
**RESOLUTION ACKNOWLEDGING A DONATION FROM**  
**ELYSIAN AMERICAN LEGION POST #311**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$600.00 from the Elysian American Legion Post #311, to the Elysian Area Chamber of Commerce.

**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 for tax relief in the amount of \$600.00 for the purpose of contributing toward the July 4<sup>th</sup> Celebration - Kid's Bingo.

Upon vote being taken:

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

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 8<sup>th</sup> day of June, 2015.

ATTEST:

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Lorri Kopischke, City Administrator

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Clinton Stoen, Mayor

Councilmember Schnoor presented the following resolution with Councilmember McBroom seconding:

**RESOLUTION 468-15**  
**RESOLUTION ACKNOWLEDGING A DONATION FROM**  
**ELYSIAN AMERICAN LEGION POST #311**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$1,600.00 from the Elysian American Legion Post #311, to the Elysian Area Chamber of Commerce.

**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 for tax relief in the amount of \$1,600.00 for the purpose of contributing toward the July 4<sup>th</sup> Celebration - Parade.

Upon vote being taken:

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

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 8<sup>th</sup> day of June, 2015.

ATTEST:

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Lorri Kopischke, City Administrator

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Clinton Stoen, Mayor

The Shoreland Restoration Project at the Lake Francis Beach is scheduled for planting on June 20, 2015. The costs for this project will be reimbursed by a grant through LeSueur County. Motion by Stoen, seconded by Schnoor, all voting in favor, to approve payment to Shooting Star Native Seeds in the amount of \$944.00 for Shoreline Restoration Plug Mix.

Megan James, Horizons Group, asked the Council to consider placement of garbage/cigarette containers on Main Street. The Horizons Group would donate the funds to the City to purchase the receptacles in an effort to minimize the garbage and cigarette butts on Main Street. The City can choose the type and determine the placement of the receptacles. Staff will provide receptacle options and Council will discuss at their Workshop Meeting on June 20, 2015.

There are three properties in the City that appear to be using Recreational Vehicles as residences. This is a violation of the City Zoning Ordinance. Motion by Schnoor, seconded by McBroom, all voting in favor, to refer this item to City Attorney Moran for follow-up. Council also asked that this section of the Zoning Ordinance be reviewed by the Planning and Zoning Commission.

Motion by Stoen, seconded by McBroom, all voting in favor, for Mark Rochers to repaint the four City of Elysian signs (east, west, north and sign on City Hall) for a cost of \$1,400. This will be completed prior to the 4<sup>th</sup> of July celebration.

Councilmember Stoen presented the following resolution with Councilmember Opsahl seconding:

**RESOLUTION 469-15**  
**RESOLUTION APPROVAL OF MUNICIPAL LEASE AND OPTION AGREEMENT**  
**WITH FIRST BANKERS CORPORATION**  
**FOR ROSENBAUER PUMPER TRUCK**

At a duly called meeting of the governing body of Lessee (as defined in the Agreement) held on the 8<sup>th</sup> day of June, 2015, the following resolution was introduced and adopted.

**WHEREAS**, the governing body of Lessee has determined that a true and very real need exists for the acquisition of the Equipment described in the Municipal Lease and Option Agreement presented at this meeting; and

**WHEREAS**, the necessary funds for the leasing of the Equipment have been provided for the coming fiscal year and are expected to be available in the future.

**WHEREAS**, the governing body of Lessee has taken the necessary steps, including any legal bidding requirements, under applicable law to arrange for the acquisition of such equipment.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT:** the terms of said Municipal Lease and Option Agreement for the acquisition of such Equipment are in the best interests of Lessee, and the governing body hereby affirms and confirms that:

- (a) The Equipment is essential to the function of the Lessee and the services provided to our citizens, that we have an immediate need for the Equipment which is not temporary or expected to diminish in the foreseeable future; that we will use substantially all the Equipment for the purpose of performing one or more of our governmental or proprietary functions consistent with the permissible scope of our authority.
- (b) The governing body of Lessee designates the following persons to execute and deliver, and to witness or attest, respectively, the First Bankers Corporation Municipal Lease and Option Agreement and any related documents necessary to the consummation of the transactions contemplated by the Municipal Lease and Option Agreement.

\_\_\_\_\_  
Lorri Kopischke

(Print name of Person to Sign Lease)

\_\_\_\_\_  
(Specimen Signature of Person to Sign Lease)

\_\_\_\_\_  
City Administrator

(Print Title of Person to Sign Lease)

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the above and foregoing Municipal

Lease and Option Agreement is the same as presented at said meeting of the governing body of Lessee.

Upon vote being taken:

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

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 8<sup>th</sup> day of June, 2015.

ATTEST:

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Lorri Kopischke, City Administrator

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Clinton Stoen, Mayor

As Attorney Moran was not present, Mayor Stoen reported on the following:

The LeSueur County Sheriff's Department does not have the resources to perform background checks for golf cart licenses. An amendment to Ordinance #78/15 will be considered at the July 13, 2015 Council Meeting

A request received from Robert G and Darnell K Anhorn to vacate part of Second St NW will be discussed at the July 13, 2015 Council Meeting.

Mayor Stoen reported the Park Committee has requested support from the WEM Moving Forward Foundation in the amount of \$25,000 to improve the Lake Side Park for the betterment of youth activities. Motion by Stoen, seconded by Schlomann, all voting in favor, that if the support is approved by the WEM Moving Forward Foundation, the City will contribute \$6,500 in funds toward said improvements.

On motion by McBroom, seconded by Opsahl, all voting in favor, bills and payrolls were approved in the amount of \$63,336.70.

Public Comment: None.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 7:20 pm.

Attest:

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Lorri Kopischke, City Administrator

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Clinton Stoen, Mayor





**ELYSIAN CITY COUNCIL  
WORKSHOP MEETING  
JUNE 22, 2015**

The Elysian City Council held a workshop meeting on Monday, June 22, 2015 at City Hall at 6:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Tom McBroom, Mary Opsahl, Melanie Schlomann, Dennis Schnoor; City Administrator Lorri Kopischke, and Public Works Director Ron Greenwald.

Chris Cavett, SEH, Inc. was present and distributed a draft Capital Improvement Plan (CIP). Council considered the proposed projects and directed Cavett to look at some other options including adding in the streets south of Highway 60. He will bring a revised draft CIP to the July 13, 2015 Council meeting.

There was discussion on the cigarette / garbage containers for Main Street. Staff will obtain specific prices on the selected containers and contact Megan James, Horizons Group.

There was discussion on recreational vehicles (RV) parked in the city. Some options considered were to allow them on a seasonal basis; allow them with no permanent utilities or with nothing affixed to the RV; allow them from Memorial to Labor Day; and, allow them with no decking, landscaping or pools. It was also stated that the term "residence" needs to be defined in the City Zoning Ordinance. The Planning and Zoning Commission will be looking into this.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 7:30 pm.

Attest:

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Clinton Stoen, Mayor

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
JULY 13, 2015**

The Elysian City Council met in regular session on Monday, July 13, 2015 at City Hall at 6:00 pm.

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

On motion by McBroom, seconded by Schlomann, all voting in favor, the minutes of the June 8, 2015 Regular Meeting and June 22, 2015 Workshop Meeting were approved as presented.

On motion by Stoen, seconded by Schnoor, all voting in favor, the agenda of the July 13, 2015 meeting was approved as presented.

Public Comment: None

Timothy and Sharon Brandt, 104 Willow Point Drive, were present to request approval of a Variance to the Zoning Ordinance to construct a home within the 75 O-H-W setback of a Recreational Development Lake – Lake Francis. This request was heard by the Planning and Zoning Commission on July 7, 2015 and they recommended City Council approval.

After discussion, and with consideration of the recommendation of the Planning and Zoning Commission, on motion by Stoen, seconded by McBroom, all voting in favor, to approve the variance request of Timothy and Sharon Brandt, 104 Willow Point Drive.

The Council addressed the concern of Lori Trostem, Trostem's Campground of storm water running toward Maple Avenue off State Hwy 60. The issue will be looked at in conjunction with future street improvement projects to determine what solutions may be possible and what funding sources are available to offset the costs.

On motion by Stoen, seconded by McBroom, all voting in favor, to hold a public hearing on August 10, 2015 at 5:55 p.m. to consider amending Ordinance No. 78/15, Ordinance Relating to Criminal History Background for Applicants for City Employment and City Licenses to remove the requirement to do a criminal history background investigation on the applicants for a Golf Cart License within the city.

On motion by Stoen, seconded by McBroom, all voting in favor, to hold a public hearing on August 10, 2015 at 6:00 p.m. to consider approval of Resolution #185B, to vacate Lake Avenue NE located between Second Street NE and Third Street NE, in Elysian/Logan, LeSueur County, Minnesota.

Public Works – Ron Greenwald, Director

Greenwald reported on the recent vandalism in the City. The vandalism has included spray painting at the Lake Francis Park pavilion and bathrooms, and at the Tri-Valley Learning Center. The rental tent for the July 4<sup>th</sup> celebration was cut as well as the buoys at the park. Various flower pots have been overturned and there was damage to the door at the Thirsty Beaver Bar. The LeSueur County Sheriff is investigating and asks that anyone with information contact them immediately.

Administration Report – Kopischke

George Eilertson will be contacted to schedule a workshop the week of July 20, 2015.

Councilmember Schnoor presented the following resolution with Councilmember McBroom seconding:

**RESOLUTION 470/15**  
**RESOLUTION ACKNOWLEDGING A DONATION FROM**  
**ELYSIAN FIRE RELIEF ASSOCIATION**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$4,000.00 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 a donation from the Elysian Fire Department Relief Association in the amount of \$4,000.00 to the Fire Department Joint Board account to be used for the purchase of uniforms.

Upon vote being taken:

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

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 13<sup>th</sup> day of July, 2015.

ATTEST:

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Lorri Kopischke, City Administrator

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Clinton Stoen, Mayor

A Budget Workshop meeting was scheduled for Thursday, August 13, 2015 at 6:00 pm.

The Shoreland Restoration Project at the Lake Francis Beach on June 20, 2015 was successful. Unfortunately the heavy rains on June 21 did cause some damage. Most has since been restored and is growing in nicely.

One of the Watercraft Inspectors at the Lake Francis launch has resigned. The Lake Association is planning to finish out the season with one Inspector covering as many hours as possible.

City Attorney Moran:

Moran reported a letter had been received from Silas L. Danielson, Blethen, Gage & Krause, PLLP, regarding the Meixl Development for 1234 Scenic Hideaway Lane. Moran is working with the engineer to prepare a response to that inquiry.

A request was received from Robert G and Darnell K Anhorn to vacate part of Second St NW. Moran reported that in discussions with the Public Works Department it was indicated that a vacation would not be recommended as the City has to retain control of the utilities in that street and the access to the lake. It also would not be desirable to have traffic on that road. Mr. Anhorn was present at the meeting and he explained that he had made the request as he would like to remove an old fence that is located in the center of that street and replace it with a new fence. Moran stated this objective could be accomplished with a license agreement between the City and Anhorn, allowing a fence to be placed at this location but granting the city access to move the fence if necessary. Anhorn was agreeable to this. Moran will draft a license agreement and it will be presented for consideration at the August meeting.

Mayor Stoen reported that Ms. Nusbaum has requested her retirement allocation be made in one lump payment rather than split into two payments. On motion by McBroom, seconded by Schnoor, all voting in favor, to pay Ms. Nusbaum her retirement allocation in one lump sum payment.

Mayor Stoen reported that the Fourth of July celebration went very well. The weather was perfect and all the events were well attended. He stated the city employees did an excellent job and thanked them for their hard work.

On motion by Stoen, seconded by McBroom, all voting in favor, bills and payrolls were approved in the amount of \$91,786.96.

Public Comment:

Dave and Lynne Boeck, 123 Willow Point Drive, presented the following to Council for consideration:

Item #1: We were contacted by City Attorney Mr. Jason Moran on June 12, 2015 that we were in violation of City Ordinance Subd.N “No garage, tent, trailer, recreational vehicle, basement home or accessory building shall at any time be used as a residence”. He told us we had 7 days to remove our camper from the back of our lot. It was removed in less than 24 hours of that phone call and now sits in the middle of our property next to our garage. Our camper is not used as a residence. It is used as extra sleeping space for visiting family and friends. We have a 810 sq ft seasonal cabin. In 2014 we utilized this camper 8 nights total and so far this season we have utilized it 6 nights (for sleeping purposes). Our water is turned off in the fall and reconnected in the spring and we pay our monthly water/utilities throughout the winter months.

We request that the city council allow us to place our camper back in its original location in the back corner of our property. We would like to have confirmation of this in writing within 7 business days.

Item #2: We would like to see the “private road” sign replaced as it was removed. We would also like to add a “No outlet” sign on the same post. The location would be where Willow Point Drive begins near the lift station. There is a number of cars that don’t have any legitimate business on this private road, don’t obey the posted speed limit sign and put small children and pets in danger.

Item #3: Seal coating the north part of Willow Point has not been done since the asphalt was installed. There was talk of budgeting it in 2014 and 2015. Project is not in the budget for this year. Scheduling needs to be provided for north part and/or all of Willow Point Drive.

Mayor Stoen noted that Pettipiece and Associates is assisting the city in looking at the ordinance related to parking recreational vehicles in the city.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 7:10 pm.

Attest:

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Lorri Kopischke, City Administrator

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Clinton Stoen, Mayor

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**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
AUGUST 10, 2015**

The Elysian City Council met in regular session on Monday, August 10, 2015 at City Hall at 5:55 pm.

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

Motion by Stoen, seconded by McBroom, all voting in favor, to close the Regular Meeting and open the Public Hearing at 5:57 pm.

The purpose of the hearing is to hear public comment in regard to amending Ordinance No. 78/15, Ordinance Relating to Criminal History Background for Applicants for City Employment and City Licenses, to remove the requirement to do a criminal history background investigation on the applicants for a Golf Cart License within the city.

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

Motion by Stoen, seconded by Schnoor, all voting in favor, to close the Public Hearing at 5:59 pm and open the Regular Meeting.

It was noted into record that the Public Hearing to approve Resolution 185B – Vacate a section of Lake Avenue NE – that was called for August 10, 2015 at 6:00 pm was postponed for further information.

On motion by McBroom, seconded by Schnoor, all voting in favor, the minutes of the July 13, 2015 Regular Meeting and July 22, 2015 Workshop Meeting were approved as presented.

On motion by Stoen, seconded by McBroom, all voting in favor, the agenda of the August 10, 2015 meeting was approved with the following additions:

1. Resignation of Councilmember Melanie Schlomann
2. Park Board Appointment
3. Consideration of Changing Date for August Budget Workshop Meeting.

Stoen read the following into record: “August 10, 2015. Dear Mayor Stoen, I am writing you this letter to serve as my resignation from the Elysian City Council. It has been an honor serving the residents of Elysian. Thank you, Melanie Schlomann”

Stoen thanked Schlomann for her service stating she was an asset to the Council. The Council will accept her resignation at the September Council meeting and discuss how to move forward at that time.

Public Comment: None

Chris Knutson, PE, SEH Engineering, presented an updated Capital Improvement Plan (CIP). This plan identifies necessary improvements to the City's infrastructure and identifies four proposed projects with a total cost estimate of \$11,080.00. It is recommended that the City consider Project A for the 2016 project year.

On motion by Stoen, seconded by McBroom, all voting in favor, to adopt the Capital Improvement Plan as prepared by SEH Engineering as presented.

Engineer Knutson then presented a proposal to the City of Elysian for the Feasibility Phase of the 2016 Street and Utility Improvement Project. The fee for services is based on the preliminary design portion of the 2016 project as outlined in the City's CIP which is "Project A". The proposal also includes Comprehensive Planning and Preliminary Designs for the subwatersheds draining to Lake Francis and Comprehensive Stormwater Management Planning Reviews of Maple Avenue and East Main Street Areas draining to Lake Elysian. The total fee for this proposal is Hourly Not-to-Exceed \$62,500.

Councilmember Stoen presented the following resolution with Councilmember Opsahl seconding:

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION #474-15**

**2016 STREET AND UTILITY IMPROVEMENT PROJECT  
ORDERING PREPARATION OF REPORT**

**WHEREAS**, it is proposed to make improvements to the 2016 Street and Utility Improvement Project as proposed in the 2015 City's Capital Improvement Plan (CIP); and

**WHEREAS**, the streets in the study will include the following:

1. Park Avenue NW from 4<sup>th</sup> Street NW to 5<sup>th</sup> Street NW
2. Frank Avenue NW from 4<sup>th</sup> Street NW to 6<sup>th</sup> Street NW
3. Lake Avenue NW from 4<sup>th</sup> Street NW to 6<sup>th</sup> Street NW
4. 4<sup>th</sup> Street NW from Main Street W to Lake Avenue NW
5. 5<sup>th</sup> Street NW from MNTH 60 to Lake Avenue NW
6. 6<sup>th</sup> Street NW from Frank Avenue NW to Lake Avenue NW

**WHEREAS**, the proposed study will also include comprehensive stormwater management planning for the subwatersheds within the city center area, identified as the areas between Lake Francis and Lake Elysian and will include the following:

1. Stormwater comprehensive planning and preliminary designs for the subwatersheds draining to Lake Francis, (City Park area).
2. Optional Stormwater comprehensive planning and preliminary design for the subwatersheds draining to Lake Elysian, (Maple Avenue and East Main Street Areas).

**WHEREAS**, the City of Elysian intends to assess the benefited property for all or a portion of the cost of the improvement, 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 the city engineer for study and that the engineer is 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; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

Upon vote being taken:

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

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

Council Members voting in the negative: None.

Passed this 10<sup>th</sup> day of August, 2015.

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Clinton Stoen, Mayor

ATTEST:

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Lorri Kopischke, City Administrator

City Attorney Moran presented the draft Ordinance No 80/15 – Special Assessment Policy. The associated fees will not be included in the ordinance but will be included in the City fee schedule and can be evaluated each year to adjust for construction costs.

On motion by Opsahl, seconded by McBroom, all voting in favor, to hold a public hearing on September 14, 2015 at 5:30 pm to consider Ordinance 80/15 adopting a Special Assessment Policy.

Engineer Knutson then updated the Council on the sewer extension for lots 163, 165, 167, 169 and 171 Shoreview Drive in Roemhildts Addition. When the Roemhildt #3 Addition was completed, the sanitary sewer system stopped short of these properties with the assumption that the sanitary sewer system would be extended at the time these lots were built upon. One of the properties, 167 Shoreview Drive, belonging to Kyle and Rachel Short is now in construction and sewer service is needed.

Engineer Knutson stated he did receive a draft drawing of how the properties could be served from the contractor on the project. The draft is a little different from what he normally sees. The reason is that this system will serve multiple properties and will become public infrastructure and cannot be a privately-owned sewer system. As such, it should be constructed by the City, at the



City's discretion. It will need to follow a certain process and be built to standards. There are two recommendations to do that. The first would be: 1. The property owners petition the City for the improvement; 2. They enter into a development agreement with the City to have plans prepared by the City Engineer; 3. They directly hire a contractor approved by the City; and 4. They cover all costs up front for construction, engineering and inspection. The second would be: Go into the project with the full process starting with a feasibility report, public hearings and special assessment.

Wayne James, James Bros Construction, explained there are two property owners involved in the project and the way he has designed the project there would be no cost to the City. His proposed design will gravity all the lines to one lift station with a pump line into the City's line that is stubbed into the first lot.

Engineer Knutson expressed concern with the long term ownership issues with James system. There is one lift station with four owners. Who is responsible when the system fails? Who pays for the electrical service? SEH believes a better system is to go with a low pressure force main which would run a 2" main along the front of the yards, a 1" pipe up through the property and each property would own their own grinder pump. The City would then take ownership of the force main in the front of the properties.

James responded that the grinder pumps are more expensive. There is a system similar to the one he is proposing in the Kaplan Addition and also in the Taylor Addition and they are working properly. This would be no different than the sewer cluster systems being installed in the country where each property owner puts so much in an account to pay for the electricity and the maintenance. This is the most practical and economical system for these lots.

Engineer Knutson reiterated that the system James is proposing would function, but he was concerned with the long term maintenance.

Engineer Knutson did not have a cost estimate for the force main design. James estimated that it would double the homeowners cost in comparison to his design.

On motion by Stoen, seconded by McBroom, to support the recommendation of SEH Engineering and a development agreement be drafted to have the plans prepared by the City Engineer and that all costs for construction, engineering, inspection, and administration costs be paid by the two property owners Kyle and Rachel Short and Scott Weber.

Kyle and Rachel Short stated they did not realize that this was an issue. They felt they had not received the answers they needed through the process at City Hall. They thought that when they received the building permit they were good to go. They asked if their costs have now increased from \$5,000 per lot to \$20,000.

Engineer Knutson estimated the total engineering costs to prepare the construction plans and specifications to be approximately \$4,000 to \$5,000. There would be a small amount of cost for oversight of the installation of the main.

Rachel Short asked why they were required to pay the Sewer Access Charge if there was no sewer there. Engineer Knutson explained that when a new development is constructed, the developer has to pay for the sanitary sewer collection system (along with water, storm, etc.) that is constructed 100%. The cost is then apportioned to each of the properties either in the lot cost

or possibly as an assessment. Then when each house is built, they apply for a permit and are charged a SAC which is a connection fee. This allows them to connect a new user, a house in this case, to the sanitary sewer collection system. The connection fee (SAC) does not cover the cost of the sanitary sewer system, but is simply a connection fee.

Council asked Engineer Knutson if he could tweak the James proposal to make it work. Knutson stated it was not what he would recommend.

Kyle Short stated that the grinder pumps are more expensive and he has worked on these systems on Lake Washington and has seen several that have failed within the first five years.

Engineer Knutson stated that if SEH designs the system, they will only specify the force main and run a stub pipe up to the right-of-way. The property owner would be able to choose whatever type of line and pump they preferred.

Rachel Short asked what would happen if Scott Weber was not agreeable to this plan?

On motion by Stoen, seconded by McBroom, to amend the motion to include "If the second owner does not agree to enter into the development agreement, their portion of the costs will be handled separately."

Voting on the amended motion: Voting Aye: Councilmembers McBroom, Opsahl, Schnoor, and Stoen. Voting Naye: None. Motion approved unanimously.

Deputy Brett Mason reported the City has been relatively quiet. The Sheriff's Office has received a few leads on the vandalism that occurred over the 4<sup>th</sup> of July and there has been no vandalism reported in the City since that time.

Mason noted that later on the Council agenda it refers to a donation from the WEM Moving Forward Foundation. Mason is on the Sheriff's Youth Project's Board that will be meeting next week. They will be discussing the possibility of fulfilling the amount of the grant that the WEM Foundation was unable to fund.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve Ordinance 78/15A, amending Ordinance 78/15, Ordinance Relating to Criminal History Background for Applicants for City Employment and City Licenses to remove the requirement to do a criminal history background investigation on the applicants for a Golf Cart License within the city.

**ORDINANCE NO. 78/15A**  
**AN ORDINANCE AMENDING ORDINANCE NO. 78/15, ADOPTED ON MARCH 9, 2015, AND**  
**TITLED "AN ORDINANCE RELATING TO CRIMINAL HISTORY BACKGROUND FOR**  
**APPLICANTS FOR CITY EMPLOYMENT AND CITY LICENSES."**

The City Council of Elysian ordains:

Section 1. The paragraph entitled "CRIMINAL HISTORY LICENSE BACKGROUND INVESTIGATIONS" in the section entitled "LICENSE BACKGROUND CHECKS APPLICANTS FOR CITY LICENSES" in Ordinance No. 78/15 adopted on March 9, 2015, and titled "An Ordinance Relating to Criminal History Background for Applicants for City Employment and City

Licenses” is amended to read as follows (underline indicates additions; ~~strike through~~ indicates deletions):

## LICENSE BACKGROUND CHECKS APPLICANTS FOR CITY LICENSES

PURPOSE: The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota’s Computerized Criminal History information for specified non-criminal purposes of licensing background checks.

CRIMINAL HISTORY LICENSE BACKGROUND INVESTIGATIONS: The Elysian Police Department (Le Sueur County Sheriff’s Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the following licenses within the city:

City licenses:

Rental licenses

~~Golf Cart Licenses~~

Vendor Licenses

On and Off Sale Licenses for Beverage Alcohol

Any other license for which a background check is required by City Ordinance.

In conducting the criminal history background investigation in order to screen license applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the licensing authority, including the City Council, the City Administrator, or other city staff involved the license approval process.

Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the city will not reject an applicant for a license on the basis of the applicant’s prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant’s request on this basis, the City shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
- C. The earliest date the applicant may reapply for the license.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

Section 2. That this ordinance shall take effect upon its passage and publication.

Passed by the City Council of the City of Elysian this 10<sup>th</sup> day of August, 2015.

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Clinton Stoen, Mayor

Attest:

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Lorri Kopischke, City Clerk/Administrator

Public Works – Ron Greenwald, Director

Greenwald reported the City has been asked to address a traffic issue on the corner near 407 First Street North. Residents are having a difficult time backing out of their driveways due to the rate of speed that southbound traffic is traveling. The Sheriff has been contacted and there will be extra patrol on that corner. The Sheriff also suggested asking the Council to install some signage there such as “blind driveway” to alert drivers to slow down.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve the purchase and installation of a “blind driveway” sign on the curve coming southbound near 407 First Street North.

Greenwald reported on a meeting with MNDot to discuss an overlay of State Hwy 60 between State Highway 14 and State Highway 13. The project is projected to occur in 2020 and MNDot is reaching out to the three affected communities and asking for their input for any improvements such as turn lanes, crosswalks, etc. Greenwald asked the Council to provide any suggestions they have for that project.

Administration Report – Kopischke

Councilmember Schnoor presented the following resolution with Councilmember McBroom seconding:

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 471/15**

**WHEREAS;** The Elysian City Council was presented with a request from the 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 in conjunction with a fishing contest to be held on February 7, 2016.

Upon vote being taken:

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

Councilmembers voting in the affirmative: McBroom, Opsahl, Schnoor, Stoen.

Councilmembers voting in the negative: None.

Whereupon said resolution was declared duly passed and adopted.

Dated this 10<sup>th</sup> day of August, 2015.

**ATTEST:**

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Lorri Kopischke, City Administrator

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Clinton Stoen, Mayor

Councilmember Schnoor presented the following resolution with Councilmember McBroom seconding:

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 472/15  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
LAKEVIEW MANOR TOWNHOME, INC**

**WHEREAS,** the City of Elysian has received a donation in the amount of \$500.00 from Lakeview Manor Townhome, Inc. toward a fire truck purchase;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT:** the City Council of the City of Elysian acknowledges and accepts a donation from Lakeview Manor Townhome, Inc. in the amount of \$500.00 to be placed in savings to be put toward the purchase of a fire truck.

Upon vote being taken:

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

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 10<sup>th</sup> day of August, 2015.

**ATTEST:**

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Lorri Kopischke, City Administrator

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Clinton Stoen, Mayor

Councilmember Schnoor presented the following resolution with Councilmember McBroom seconding:

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 473/15  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
MODERN WOODMEN OF AMERICA CAMP 2834**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$250.00 from Modern Woodmen of America Camp 2834 toward the purchase of trees or shrubs;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT:** the City Council of the City of Elysian acknowledges and accepts a donation from Modern Woodmen of America Camp 2834 in the amount of \$250.00 toward the purchase of trees or shrubs.

Upon vote being taken:

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

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 10<sup>th</sup> day of August, 2015.

ATTEST:

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Lorri Kopischke, City Administrator

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Clinton Stoen, Mayor

On motion by Stoen, seconded by Opsahl, all voting in favor, to approve the 2015 Municipal Maintenance Agreement between LeSueur County and the City of Elysian in the amount of \$10,457.65.

Kopischke reported the Planning and Zoning Commission had discussed the regulations for recreational vehicles being parked in the City at their August 4, 2015 meeting. The draft meeting minutes were provided for Council review.

After discussion, and with consideration of the recommendation of the Planning and Zoning Commission, on motion by Stoen, seconded by McBroom, all voting in favor, to release the order to Lynne and Dave Boeck, 123 Willow Point Drive, to remove their recreational vehicle (RV) from the back of their property and allow them to park it back in that location until such

time as Section 15, Subd. N of the City of Elysian Zoning Ordinance has been amended. This release is for the RV only. There shall be nothing else connected to the RV and it may not be connected to City water or sewer.

The Environmental Utility Fund Fee became effective July 1 and will appear on this month's utility bill. A public hearing was held regarding this fee on March 9, 2015 and the Council adopted on April 13, 2015. The fee will be used strictly for storm water costs.

Kopischke reported the Elysian 2016 Local Government Aid is \$8,920.

Nicole Lamont, Utility Billing Clerk, reported she had secured a "Paint the Town Grant" from the Southern Minnesota Initiative Foundation for 16 gallons of paint. The paint will be used to paint murals on the park bathroom. The theme will be the "Four Seasons of Elysian" and each mural will depict what that specific season means to Elysian.

Kopischke reported that National Night Out was a success. A big thank you to the Chamber of Commerce, the Elysian Fire Department, LeSueur County Sheriff's Office, Elysian Rescue Squad, Fischer's Bar, American Legion, Tucker's Tavern, Nu Horizons, Legion Auxiliary, Pit Stop, Marge Pribyl, and all the other donors and volunteers who made the event a success.

The Budget Workshop Meeting scheduled for August 13, 2015 was rescheduled to August 18, 2015 at 6:00 pm.

City Attorney Moran:

Moran presented a Fence License Agreement in response to a request at the July Council meeting made by Robert Anhorn to install a fence in the City's platted, but undeveloped street adjacent to property they own on 405 First Street North.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the Fence License Agreement between the City of Elysian and Robert G. and Darnell K. Anhorn.

Mayor Stoen reported the WEM Moving Forward Foundation has awarded \$18,000 to the City of Elysian toward playground equipment. The City will contribute \$6,500 in funds toward said improvements and Deputy Mason stated earlier in the meeting that the Sheriff's Youth Project's Board may be able to contribute some funds. The Park Board will be meeting the end of August.

On motion by Stoen, seconded by McBroom, all voting in favor, to appoint Nicole Lamont to the Park Committee.

On motion by Stoen, seconded by Schnoor, all voting in favor, bills and payrolls were approved in the amount of \$226,076.34.

Public Comment:

Patricia Nusbaum, 104 Park Avenue NE, noted that most of the parks she has visited in the Twin Cities have trees around the perimeter to provide shade. She suggested the Park Committee start looking at something like this for the park area on 6<sup>th</sup> Street NW. It takes a long time for trees to grow.

With regard to the mill and update project to Highway 60, Ms. Nusbaum reported that at one point there had been discussion of a bypass being built under the Highway to get people from one side to the other and be able to utilize those businesses on that side of the road. And then possibly a trail to access those businesses could be incorporated into the project for safety purposes. It is a dangerous highway.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 7:40 pm.

Attest:

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Lorri Kopischke, City Administrator

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Clinton Stoen, Mayor



**ELYSIAN CITY COUNCIL  
BUDGET WORKSHOP MEETING  
AUGUST 18, 2015**

The Elysian City Council held a budget workshop meeting on Tuesday, August 18, 2015 at City Hall at 6:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Tom McBroom, Dennis Schnoor; and City Administrator Lorri Kopischke. Absent: Councilmembers Mary Opsahl and Melanie Schlomann.

Alex Jermeland, Minnesota Valley Council of Governments, was present to explain what compensatory time is and how it can be implemented with city employees. Some items to consider are maximum accrual and carry over amounts. Council will consider and asked that staff also be asked for input.

Kopischke submitted draft revenue and expense figures for the 2015 budget payable in 2016. Council will review and discussion will be held at a future budget workshop meeting.

On motion by McBroom, seconded by Stoen, all voting in favor, meeting adjourned at 7:26 pm.

Attest:

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Clinton Stoen, Mayor

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
MEETING WITH REPRESENTATIVES  
LAKE VIEW MANOR TOWNHOME ASSOCIATION  
AUGUST 27, 2015**

The Elysian City Council met with representatives of the Lake View Manor Townhome Association on Thursday, August 27, 2015 at City Hall at 5:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Tom McBroom, Mary Opsahl, Dennis Schnoor; City Administrator Lorri Kopischke, and City Attorney Jason Moran. Absent: Councilmember Melanie Schlomann.

Representatives present from Lake View Manor Townhome Association included: Attorney Chris Johnson, Lawrence Marty, Mike Kauss, Barb Teal, Barb Judd, and Judy Kudrie.

Representatives of Lake View Manor Townhome Association (LVMTA) requested that the city, as owner of 20 of the lots in the Lake View Manor Townhome Development, reimburse the Association for providing access to Lake Francis to the potential buyers of those properties. The LVMTA advised that they paid \$50,000 for the access but then received \$5,000 back.

As the attorney representing LVMTA and the members of the board present at the meeting did not have the authority to negotiate an agreement at this meeting, there was Council consensus to allow the City Attorney to continue to work with the LVMTA Attorney and present the Council with an offer at a later date.

On motion by Stoen, seconded by Schnoor, all voting in favor, to close the meeting at 6:12 pm per attorney-client privilege, to discuss an amount to offer LVMTA to reimburse the Association for providing access to Lake Francis to the potential buyers of properties owned by the city in that development, and to determine an asking price for properties in negotiation of sale in the Lakeview Manor Development properties.

On motion by Stoen, seconded by McBroom, all voting in favor, to open the meeting at 6:23 pm.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 6:27 pm.

Attest:

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Clinton Stoen, Mayor

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
BUDGET WORKSHOP MEETING  
SEPTEMBER 2, 2015**

The Elysian City Council held a budget workshop meeting on Wednesday, September 2, 2015 at City Hall at 6:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Tom McBroom, Dennis Schnoor; and City Administrator Lorri Kopischke. Absent: Councilmembers Mary Opsahl and Melanie Schlomann.

Kopischke submitted draft revenue and expense figures for the 2015 budget payable in 2016. The only change from the August 17, 2015 draft is an increase in the Fire Department Budget. Council will consider the proposed levy resulting from this draft for approval at the September 14, 2015 Regular Meeting.

Council considered several compensatory time policies supplied by Minnesota Valley Council of Governments included a draft policy for the City of Elysian. The draft policy will be considered at the September 14, 2015 Regular Meeting.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 6:45 pm.

Attest:

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Clinton Stoen, Mayor

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Lorri Kopischke, City Administrator

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

The Elysian City Council met in regular session on Monday, September 14, 2015 at City Hall at 5:30 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Tom McBroom, Mary Opsahl, Dennis Schnoor, City Administrator Lorri Kopischke, Public Works Director Ron Greenwald (arrived at 5:50 pm), and City Attorney Jason Moran. Absent: Councilmember Melanie Schlomann.

Motion by Stoen, seconded by McBroom, all voting in favor, to close the Regular Meeting and open the Public Hearing at 5:31 pm.

The purpose of the hearing is to allow public input from citizens on Ordinance No. 80/15 – adopting a Special Assessment Policy.

Chris Cavett, SEH Engineering, presented an overview of the proposed Special Assessment Policy. This policy was discussed by the Council at a workshop on April 10, 2014 and presented in draft form at the July 2014 meeting. The final draft is on the agenda for final approval at tonight's meeting.

Ron Greenwald, Public Works Director, arrived at 5:50 pm.

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

Motion by Stoen, seconded by Opsahl, all voting in favor, to close the Public Hearing at 6:00 pm and open the Regular Meeting.

Motion by Stoen, seconded by McBroom, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:02 pm.

The purpose of the hearing is to inform the public of changes to the zoning ordinance text. Some of the changes proposed include establishing new regulations that would apply to the use of recreational vehicles as temporary living quarters for guests of a resident, additional parking regulations for the same, the addition of living quarters as a permitted use in the commercial district, and elimination of appearance standards and permitting process associated with accessory structures.

Stoen questioned Subd. S., 4. in regard to RVs being physically connected to any permanent or semi-permanent structures. It was suggested the language be clarified to read: "When parked, the recreational vehicle shall not be closer than fifteen (15) feet to any permanent or semi-permanent structures, such as decks, plumbing fixtures, or any other fixtures or structures that would prevent the vehicle from being moved from the parking space with seven (7) days upon official notice."

Schnoor suggested Subd. S, 6 be changed to be consistent with 4: "If not, said vehicles must be removed from the city within seven (7) days of official notification from City Staff, unless the owner addresses the nature of the complaint to City Staff's satisfaction."

There was Council consensus to retain Section 15, Subd. Q 7. but to remove “and exterior materials” from the first sentence and strike the last sentence “Metal corrugated siding or permanent sheet metal shall hereby be prohibited in all zoning districts.”

Public Comment:

Patricia Nusbaum, 104 Park Avenue NE, stated she had a problem and concern with pretty near all of Subd. S. The first part that bothers her is if she wants to use her driveway in front of her house to park the RV, according to this ordinance, she could. And it says down further, that she could let someone live there from May 1 to September 30 as a non-paying guest and then they could connect to water and electrical with a garden hose and an extension cord. Is it fire code ethical to allow an extension cord to go to a building? At one point there was a trailer house here in town that was removed because it was supplying electricity from the house to the trailer house. That wasn't the whole reason that house was removed but it was being done and the building inspector did not like it. With regard to the clause of allowing “non-paying guests” for a period of time, one question is how do you determine if they are “non-paying guests” and we don't have a police patrol that can go around and check that. Here is the situation I am thinking of, my driveway is cement so I could park an RV there, they could be there all summer, and I could run an extension cord to them for electricity and a hose for water, which I would be paying for the water and electricity, and I could say they are non-paying but it could be, who would know the difference? Is that what we want here in the city is to have RVs being filled by people who may be – someone coming up here from Texas and working at ITRON, or someone who would be allowed to live in that vehicle? Is that what we want to do here in the city is have these vehicles that are sitting around all over that would meet this and would be allowed. I can understand maybe a child would have a parent who has a winter home in Florida or someplace and then they want to live here in the summer but I just can't see putting an RV on the front lawn of anybody's house and living in it for 5 months.

The other thing is, it is not on the docket for tonight but I was surprised there wasn't something in here about lakeshore properties like the Meixl house. I remember the DNR guy was here and he had said it meets the ordinance but you may need to reconsider rezoning or getting the lot bigger so that sort of thing wouldn't happen again. I would like to see something in the ordinance under the R2 section.

That is my concern. The zoning ordinance is a very important ordinance because it directs how your community lives, the value of your homes, how we look. And I am opposed to having an RV sitting even on my neighbor's lawn all summer and having who knows living there and having how many living there – there could be ten people who are living there. Thank you.

No written comments were received.

Motion by Stoen, seconded by Schnoor, all voting in favor, to close the Public Hearing at 6:26 pm and open the Regular Meeting.

On motion by McBroom, seconded by Schnoor, all voting in favor, the minutes of the August 10, 2015 Regular Meeting, August 18, 2015 Budget Workshop, August 27 Meeting with Representatives of LakeView Manor Townhome Association, and September 2, 2015 Budget Workshop were approved as presented.

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

1. Update on 800 Megahertz Radios for Public Works Department.

Public Comment: None

Mark Beese, Northland Securities, requested approval of Resolution #479/15 – Authorizing the Issuance of Revenue Bonds for the Benefit of Kingsway Ministries, LLC. He explained that on May 22, 2007, the City of Elysian issued revenue bonds for Kingsway Ministries, LLC, in the amount of \$8,500,000. Proceeds from those bonds along with proceeds of revenue bonds concurrently issued by the City of Green Isle were used by the Company to finance the acquisition, construction and equipping of an 81 unit multi-family housing development for seniors in Belle Plaine, Minnesota. The current request is that the City of Elysian issue revenue bonds in an amount not to exceed \$7,500,000 which will be used to refinance a portion of that project. The City of Elysian will be paid a fee in the amount of .25% of the proposed \$7,730,000 which would be \$19,325. The City will also be reimbursed for any out-of-pocket expenses with respect to this transaction. The bonds will be issued as conduit bonds and will not constitute a general or moral obligation of the City, will not be secured by or payable from any property or assets of the City and will not be secured by any taxing power of the City.

City Attorney Moran noted the proposal is being reviewed by the City's Bond Counsel, Briggs and Morgan. He stated that the fee paid to the City for the issuance of bonds in 2007 was .5%. He asked if the current fee could be increased from .25% to .5%. Beese responded that the fee would not be increased. Kingsway Ministries is trying to save money and the City of Green Isle has agreed to the proposed .25% to issue the remainder of the bonds.

Councilmember Stoen presented the following resolution with Councilmember Opsahl seconding; and subject to approval by City of Elysian Bond Counsel Briggs and Morgan:

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 479/15**

**RESOLUTION AUTHORIZING THE ISSUANCE OF REVENUE REFUNDING  
BONDS FOR THE BENEFIT OF KINGSWAY MINISTRIES, LLC**

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

Section 1.     Recitals.

1.01. Pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Housing Act"), a municipality is authorized to carry out the public purposes described in the Housing Act by providing for the issuance of revenue bonds to provide funds to finance or refinance multifamily housing developments located within the municipality.

1.02. Pursuant to Minnesota Statutes, Section 471.656, as amended, a municipality is authorized to issue obligations to finance the acquisition or improvement of property located outside of the corporate boundaries of such municipality if the obligations are issued under a joint powers agreement between the governmental unit issuing the obligations and the governmental unit in which the property to be acquired or improved is located. Pursuant to Minnesota Statutes, Section 471.59, as amended, by the terms of a joint powers agreement entered into through action of their governing bodies, two governmental units may jointly or cooperatively exercise any power common to the contracting parties or any similar powers, including those which are the same except for the territorial limits within which they may be exercised and the joint powers

agreement may provide for the exercise of such powers by one or more of the participating governmental units on behalf of the other participating units.

1.03. On May 22, 2007, the City issued its Senior Housing Revenue Bonds (Kingsway Ministries, LLC Project), Series 2007A (the "Series 2007A Bonds"), in the original aggregate principal amount of \$8,500,000, and loaned the proceeds thereof to Kingsway Ministries, LLC, a Minnesota limited liability company (the "Company"), the sole member of which is The Lutheran Home Association, a Minnesota nonprofit corporation (the "Sole Member"). The Company applied the proceeds of the Series 2007A Bonds, along with the proceeds derived from the sale of the Senior Housing Revenue Bonds (Kingsway Ministries, LLC Project), Series 2007B (the "Series 2007B Bonds," and together with the Series 2007A Bonds, the "Series 2007 Bonds"), issued by the City of Green Isle, Minnesota (the "City of Green Isle") in the original aggregate principal amount of \$7,500,000, to finance the acquisition, construction, and equipping of an approximately eight-one (81) unit multifamily housing development for seniors, consisting of approximately forty-five (45) independent living units, twenty-two (22) assisted living units, and fourteen (14) memory care units (the "Project") located at 815 West Main Street in the City of Belle Plaine, Minnesota. Proceeds of the Series 2007A Bonds also financed a reserve fund for the Series 2007A Bonds, capitalized interest, working capital, and costs of issuance of the Series 2007A Bonds.

1.04. The Company has proposed that the City issue its Senior Housing Revenue Refunding Notes (Kingsway Ministries, LLC Project), Series 2015A (the "Series 2015A Notes"), in an approximate principal amount not to exceed \$7,730,000, to (i) refinance a portion of the Project through the redemption and prepayment of the outstanding Series 2007A Bonds; and (ii) pay costs of issuance of the Series 2015A Notes. The Company has asked that the City deem designate the Series 2015A Notes as bank-qualified for purposes of Section 265 of the Internal Revenue Code of 1986, as amended (the "Code") based on the bank-qualification designation provided to the Series 2007A Bonds.

1.05. The Company has further proposed that the City of Green Isle issue its Senior Housing Revenue Refunding Notes (Kingsway Ministries, LLC Project), Series 2015B (the "Series 2015B Notes," and collectively with the Series 2015A Notes, the "Notes"), in an approximate principal amount not to exceed \$6,800,000, to refinance the remaining portion of the Project through the redemption and prepayment of the outstanding Series 2007B Bonds.

Section 2. Authorization. The City Council hereby preliminarily authorizes the issuance of the Series 2015A Notes in the approximate principal amount of \$7,730,000 to (i) refinance a portion of the Project and the Series 2007 Project; and (ii) pay costs of issuance of the Series 2015A Notes.

Section 3. Costs. The Company will pay the administrative fees of the City and pay, or, upon demand, reimburse the City for payment of, any and all costs incurred by the City in connection with refinancing the Project and issuing the Series 2015A Notes, whether or not the Series 2015A Notes are issued.

Section 4. Commitment Conditional. The authorization provided herein is based on the assumption that the Series 2015A Notes shall be sold and issued by December 31, 2015. The adoption of this resolution does not constitute a guaranty or firm commitment that the City will issue the Series 2015A Notes as requested by the Company. The City retains the right in its sole discretion to withdraw from participation and accordingly not to issue the Series 2015A Notes.

Section 5. Effective Date. This resolution shall be in full force and effect from and after its passage.

Upon vote being taken:

Councilmembers voting in the affirmative: McBroom, Opsahl, Schnoor, Stoen.

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian, Minnesota, this 14<sup>th</sup> day of September, 2015.

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Mayor

Attest:

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City Administrator-Clerk-Treasurer

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve Ordinance No 80/15 – Special Assessment Policy.

## **CITY OF ELYSIAN**

### **ORDINANCE NO. 80/15 SPECIAL ASSESSMENT POLICY**

The City Council of the City of Elysian, Minnesota, hereby ordains: that the City adopts the Special Assessment Policy as follows:

Section 1: Policy Goals. The goals of Elysian's special assessment policies and procedures are to:

Subd. 1 Provide a stable, cost effective, and continuing source of funding within the financial capacity of the City to accommodate infrastructure needs for new development, redevelopment and maintenance within the community.

Subd. 2 To be responsive to community needs and desires for health, safety, welfare, accessibility, and mobility provided by new infrastructure and the maintenance of existing assets.

Subd. 3 Provide for and ensure the consistent, uniform, fair, and equitable treatment, insofar as it is practical, lawful and possible, of all property owners in regard to the assessment of cost for benefits to properties for the qualifying improvements listed in Chapter 429, Minnesota Statutes.

Subd. 4 Provide the City Council and staff with guidelines and methods to efficiently distribute infrastructure costs to benefitting properties in an equitable and consistent manner thereby enhancing the value of their property by assigning a proportionate value of the improvements to the properties deriving from the improvements.

Subd. 5 Provide a comprehensive, well-constructed and well-maintained infrastructure which services individual properties and takes advantage of economies of regional scale and flexibility in the timing of infrastructure development.

Subd. 6 To provide an effective tool for the management of municipal resources and to support a highly functional and well-maintained system of infrastructure which promotes



economic development and growth, fosters a sense of pride throughout the community, and facilitates the development and adoption of short and long-range capital improvement plans by identifying the magnitude and sources of funding available.

Subd. 7 Special assessments provide a means of levying charges for public services against property otherwise exempt from taxation.

Section 2: Introduction. A special assessment is a levy on a property to defray the cost of public improvements. Chapter 429 of the Minnesota State Statutes grants cities the authority to use special assessments as a mechanism to finance a broad range of public improvements. The special assessments exist to assign as much cost as reasonable to those properties receiving a direct benefit from a public improvement project, thereby reducing the reliance on the general tax levy.

Assessing the property owner for the benefit(s) received from the public improvement prevents or minimizes the possibility that a property owner will reap a financial profit from the improvement at the expense of taxpayers. Special assessments are a valuable tool to cities in that the public improvement costs are assigned to benefiting properties.

While the special assessment goals, policies, and procedures have been identified herein, the City Council has the authority to deviate from this policy when such rationale in equity arises or when the law or statutes require such deviation.

Section 3: Definitions. The following definitions apply to this Section of the code:

Subd. 1 "Adjacent or Abutting Property" means a property directly adjacent to public improvements.

Subd. 2 "Access" means a vehicular or pedestrian approach or entry to or exit from property. Properties shall be considered to have access to underground utility improvements when they directly abut and there is reasonable access available.

Subd. 3 "Adjusted Area" means an area of a benefited property that has been modified by an adjustment factor to more accurately represent the actual benefit the property receives from an improvement compared to other properties in the assessment area. Any adjustment must be approved by the Council. Design parameters which may be applied to determine the adjustment factor include, but are not limited to: trip generation; storm water runoff coefficients; water or sanitary sewer use; needed fire flow; or zoning or future land use.

Subd. 4 "Adjusted Frontage" means the assessable front footage of a benefited property modified by an adjustment factor to more accurately represent the true benefits that property receives from an improvement when compared to other properties in the assessment area. The adjustment will be based on the improvement design parameters applicable to that parcel, as approved by the City Council. This is useful for flag lots or other improved properties that have little direct frontage adjacent to the improvement and access is available directly to and from the improvement area. Design parameters which may be used to determine the adjustment factor include, but are not limited to: lot area comparison to surrounding lots to calculate equivalent front footage, trip generation, storm water runoff coefficients, water or sanitary sewer use, needed fire flow, or zoning or future land use.

Subd. 5 "Assessed Cost" means those costs of public improvements which have been determined to benefit specific properties. The assessed cost will be equal to the project

cost minus the City cost. Project costs eligible for assessment include all costs associated with the improvements, including, but not limited to, land acquisition, demolition, construction, administration, engineering, legal, financing and other costs. The financing charges include, but are not limited to, financial consultant's fees, bond counsel attorney's fees and capitalized interest.

Subd. 6 "Assessable Area" means the total area of the benefited properties, when using an area based assessment.

Subd. 7 "Assessable Footage" means the total front footage of all of the benefited properties, calculated by using the front footage method.

Subd. 8 "The Assessment Rate" is determined and annually adopted by the City Council. The Council adopts a unit rate which is associated with a single building lot as defined by City Code. The industrial rate is calculated by multiplying the residential unit rate by 1.2 then dividing by 75, which is the minimum frontage of a residential lot defined by City Code. Commercial and multi-family properties are assessed on a front footage basis, while residential is assessed on a unit basis. If a residential property has frontage allowing for a future lot split, then the second lot would be assessed. The Commercial rates are 1:0 times greater than Residential rates due to the increased use of the improvement.

Subd. 9 "Assessment Unit" means front footage, area, or unit.

Subd. 10 "Benefit" means the increase in property value as a result of a public improvement including, but not limited to: a street, sidewalk, trail, curb and gutter, water main, sanitary sewer, storm sewer, park, or street landscaping.

Subd. 11 "Commercial Property" means property located within the city limits that is zoned C-1, C-2, or C-3 and identified as such on the City's official Zoning Map.

Subd. 12 "Deferment" means a process of postponing the collection of the cost of public improvements and funding them as a system cost with the intention of collecting at a later date.

Subd. 13 "Driveway Approach" means that area which lies between the existing pavement and the right-of-way line, curb cut to curb cut.

Subd. 14 "Front Footage" means the distance measured along the right-of-way line directly abutting an improvement.

Subd. 15 "Industrial Property" means property located within the city limits that is zoned I and identified as such on the City's official Zoning Map.

Subd. 16 "Lot" means a separate parcel, tract, or area of land undivided by any public street or private road, which has been established by plat, metes and bounds subdivision, or as otherwise permitted by law, and which is occupied by or intended to be developed for and occupied by a principal building or group of buildings and accessory buildings, or utilized for a principal use and uses accessory thereof, including such open spaces and yards as are designed and arranged or required by the City's Zoning Code for the building, use or development.

Subd. 17 "Corner Lot" means a lot situated at the junction of and abutting on two or more intersecting streets.

Subd. 18 "Double Frontage Lot" means if a parcel, other than a corner lot, comprises frontage on two or more streets and is eligible for subdivision, then an adjusted front frontage assessment will be charged along each street. For double frontage lots lacking

the necessary depth for subdivision, only a single adjusted front frontage will be computed.

Subd. 19 "Irregularly Shaped Lot" means those lots abutting curved streets, cul-de-sacs, or other lots where there is more than five feet of difference in length between the front and back lot lines.

Subd. 20 "Rectangular Lot" means a lot with less than five feet difference in length between the front and back lot lines.

Subd. 21 "Special Case Lot Residential" means a lot which may not directly abut the improvement shall be assessed on a per unit basis if the improvement can be assessed.

Subd. 22 "Special Case Lot Commercial" means a lot which accesses the improvement but may have little or no real properties fronting the improvement. Adjusted frontage shall be considered.

Subd. 23 "Public Improvement" means improvements as allowed by State statute that provides a special benefit to properties, including but not limited to streets, sidewalks, trails, curb, gutter, sanitary sewer systems, storm sewer systems, water treatment and distribution systems.

Subd. 24 "Residential Property" means real property located within the city limits which is identified as such on the City's official Zoning Map as R-1, R-2, or as a PUD.

Subd. 25 "Special Assessment" means a legal process whereby the benefited property is charged back all or a portion of the cost of public improvements.

Subd. 26 "Standards for Surface Improvements" means those standards for surface improvements which have been established in the City's Engineering Standards.

Subd. 27 "Street" means a public right of way which affords primary means of access to abutting property, and shall also include avenue, highway, road, or boulevard.

Subd. 28 "Street, Arterial" means a street which serves, or is designed to serve, heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

Subd. 29 "Street, Collector" means a street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to an arterial street.

Subd. 30 "Street, Cul-De-Sac" means a minor street with only one outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.

Subd. 31 "Street, Local" means a street intended to serve primarily as an access to abutting properties.

Subd. 32 "Street, Pavement" means the wearing or exposed surface of the roadway used by vehicular traffic.

Subd. 33 "Street, Width" means the width of the right-of-way, measured at right angles to the centerline of the street, the distance between the right-of-way lines of a street.

Subd. 34 "Street Treatments" are defined as follows:

- A. Crack Seal and Seal Coat: Crack sealing involves patching and sealing cracks in the roadway this followed by seal coating, which involves spraying the road with oil and covering it with a layer of small rock. Crack sealing and seal coating generally are considered routine roadway maintenance. The

recommended interval is 4-8 years with the first application about 5-10 years after new roadway construction.

B. Mill and Overlay: Milling and overlaying consists of grinding off the upper layer off asphalt (typically 1"-3") and replacing it with a new layer of asphalt. This is generally done on roadways that have a fair amount of cracking and other surface distress, usually at about 60% of the street's life cycle. This is considered a structural improvement which will renew the street surface and extended its useful life.

C. Rehabilitate/Pavement Replacement: Rehabilitating a roadway consists of grinding up the existing asphalt and mixing it with a portion of the underlying gravel base (typically 4"-8"). This combination of bituminous and gravel is then used as the new road base, and a new asphalt surface is paved over this. This is generally done on roadways that have a significant amount of distress. This can be a good alternative to reconstructing a road if the existing road base appears to be structurally sufficient.

D. Partial Reconstruction: Partial Reconstruction of a roadway consists of completely removing the existing road and underlying gravel and sand base material, and construction of a new road section. This may also include correcting any poor base material beneath the section, or updating the road to meet design standards such as width and drainage. Partial reconstruction is often done in conjunction with utility repairs/replacement, and generally done on roadways exhibiting signs of major distress such as rutting, cracking, and potholes. To be considered a partial reconstruct under this policy, a majority of existing concrete curb and gutter must be salvaged.

E. Full Reconstruction: Reconstructing a roadway consists of completely removing the existing road, underlying gravel and sand base material beneath the section, or updating the road to meet design standards such as width and drainage. This is often done in conjunction with utility repairs/replacement, and is generally done on roadways that exhibit signs of major distress, such as rutting, cracking, and potholes.

Subd. 35 "System Cost" means that portion of the assessable cost that benefits properties whose assessments are deferred because they qualify for green acres status, are located outside of the City limits, or are unable to make use of the improvements due to factors beyond the property owner's control. The City may reimburse itself for such system costs from the benefitted properties when the basis for the deferral is no longer valid.

Subd. 36 "Unit" may include, but is not limited to: a household; a parcel/lot; water or sewer main length and size, sidewalk or trail length, width and depth, or infiltration area per parcel/lot.

Section 4: Methods of Assessment. All single-dwelling residential properties will be assessed by unit. Multiple-dwelling and commercial properties will be assessed by front-foot.

Subd. 1 Residential Unit Method: This method is used for single dwelling residential properties. A unit shall be defined as one buildable lot consistent with the City of Elysian's building ordinances.

A. Corner Lots: A lot located at a street intersection having both front and side-lot footage shall be assessed per unit. If a property abuts both streets and only one street is being improved then the lot will be assessed 50% of the per unit basis.

B. Double Frontage Lots: A lot with access to two separate non-intersecting streets but not a corner lot may be assessed for any street improvement to which it has direct access.

C. Irregularly Shaped Lots: Shall be assessed per unit.

D. Rectangular Lot: Shall be assessed per unit.

E. Special Case Lot Residential: Shall be assessed on a per unit basis if the improvement can be reasonably accessed.

Subd. 2 Commercial/Multi-Family Front Footage Method. This method is used for multi-family and commercial properties. The commercial rates are computed by taking the residential unit rate, dividing it by 75 (minimum residential lot width) and multiplying it by 1.0 (commercial properties are assessed at 1.0 times the residential rate).

A. Corner Lots: Lots located at a street intersection having both front and side-lot footage adjacent to improvements shall be assessed for both sides. No assessment would occur for an unimproved side.

B. Double Frontage Lot: A lot with access to two separate non-intersecting or intersecting streets but not a corner lot may be assessed for any street improvement to which it has direct access.

C. Irregularly Shaped Lots: Cul-de-sacs, or other lots where there is more than five feet of difference in length, the front footage shall be calculated using an average or other equitable means such as adjusted frontage.

D. Rectangular Lots: Lots with less than five feet of difference in length between the front and back lot lines shall be assessed based on front feet.

E. Special Case Lot Commercial: A lot which accesses the improvement but may have little or no real property fronting the improvement shall be assessed in a fair and equitable manner consistent with surrounding properties fronting the improvement. Adjusted frontage shall be considered.

Subd. 3 Industrial Front Footage Method. This method is used for industrial properties. The industrial rates are computed by taking the residential unit rate, dividing it by 75 (minimum residential lot width) and multiplying it by 1.2 (industrial properties are assessed at 1.2 times the residential rate).

A. Corner Lot: Lots located at a street intersection having both front and side lot footage adjacent to improvements shall be assessed for both sides. No assessment would occur for an unimproved side.

B. Double Frontage Lot: A lot with access to two separate non-intersecting or intersecting streets, but not a corner lot may be assessed for any street improvement which it has direct access.

C. Irregularly Shaped Lots: Cul-de-sacs, or other lots where there is more than five feet of difference in length, the front footage shall be calculated using an average or other equitable means such as adjusted frontage.

D. Rectangular Lots: Lots with less than five feet of difference in length between the front and back lot lines shall be assessed based on front feet.

E. Special Case Lot Industrial: A lot which accesses the improvement but may

have little or no real property fronting the improvement shall be assessed in a fair and equitable manner consistent with surrounding properties fronting the improvement, Adjusted frontage shall be considered.

Section 5: Assessment Rates. The assessment rates under this ordinance, (baseline 2014), shall be, and hereby are, adopted and made a part of the City's fee schedule. The City Council shall, on an annual basis, or with each feasibility study, review the fee schedule and determine if revisions or changes should be made.

Public Street Improvement Assessments:

	Residential Per Unit	Commercial / Multi-Family/ Institutional Per Front Foot	Industrial Per Front Foot
<u>Mill and overlay</u>	<u>\$ TBD</u>	<u>\$ TBD</u>	<u>\$ TBD</u>
<u>Rehabilitate/Pavement Replacement</u>	<u>\$ TBD</u>	<u>\$ TBD</u>	<u>\$ TBD</u>
<u>Partial Reconstruction</u>	<u>\$ TBD</u>	<u>\$ TBD</u>	<u>\$ TBD</u>
<u>Full Reconstruction</u>	<u>\$ TBD</u>	<u>\$ TBD</u>	<u>\$ TBD</u>
<u>Storm Drainage</u>	<u>\$ TBD</u>	<u>Case by Case</u>	<u>Case by Case</u>

Utility Improvement Assessments:

	<u>Residential/Domestic</u>	<u>Larger Services</u>
<u>Water service w/new main construction</u>	<u>\$ TBD</u>	<u>Case by Case</u>
<u>Sewer service w/new main construction</u>	<u>\$ TBD</u>	<u>Case by Case</u>

	<u>Residential/Domestic</u>	<u>Larger Services</u>
<u>Water service w/tap to existing main</u>	<u>Case by Case</u>	<u>Case by Case</u>
<u>Sewer service w/tap to existing main</u>	<u>Case by Case</u>	<u>Case by Case</u>

\* Residential is assumed 1" to 1 ½" water service line and all others will be assessed based on actual construction,

\*\* Sewer services are assumed 4" or 6" service line and all others will be assessed based on actual construction.

## Section 6: Payment of Special Assessments.

Subd. 1 All Properties. Special assessments for all classifications of properties shall be paid over a term set by the City Council not to exceed fifteen (15) years through certification to property taxes. Interest rates may vary, but shall be set no more than 2% above the average interest rate on the bond sale for the project. If there is no bond sale the interest rate will be fixed by resolution of the City Council. The increased rate covers administration and collection of the assessments over the life of the repayment period.

Subd. 2 Timing of Payments. Property owners may elect to make a payment to the City within the timeframe established by City resolution. Property owners may choose to make a full or partial payment. No interest shall accrue on the assessment from the adoption of the assessment role until the date specified by City resolution. Unpaid balances will be certified to the County (Le Sueur or Waseca as applicable) for payment with property taxes before the end of the year in which the Assessment Hearing was conducted.

Subd. 3 Partial Payment. It should be noted that if only a partial payment is made before certification to the County then the remaining assessment balance shall be paid with interest over the term as established by the City Council. The City will accept no more than two (2) payments of at least \$500.00 each, before the City's certification deadline for the assessment.

## Section 7: Deferred or Delayed Assessments.

Subd. 1 Scope. Chapter 429 of the Minnesota Statue allows for deferred and delayed assessments. This section is only meant to cover the most frequent cases encountered by the City in past years. Minnesota Statutes shall govern in all cases.

Subd. 2 Senior Citizen, Disability, Military, and Other Deferrals. Minnesota Statutes 435.193 authorizes the City Council to enact certain deferrals. Therefore the City Council shall, at its discretion, defer the payment of a special assessment for any homestead property owned by a person for who it would be a hardship to make the payment if the owner is one of the following:

- A person 65 years of age or older.

- A person retired by virtue of a permanent and total disability.

- A member of the Minnesota National Guard or other military reserves ordered into active military service, as defined in Minnesota Statutes Section 190.05, subdivision 5b or 5c, as stated in the person's military orders, for whom it would be a hardship to make the payments.

- A person that is unable to meet payment obligations due to proven financial hardship.

- Minnesota Statutes Section 273.111, known as the "Green Acres Law", requires deferrals for certain agricultural or specialized use property.

- Minnesota Statutes Section 429.061, subdivision 2, allows the City Council to defer special assessments for unimproved property until a designated future year, or until the platting of the property, or the construction of improvements.

In order to determine financial hardship the City Administrator shall review the applicant's income statement. As a general guideline, a financial hardship deferral is automatically met if household adjusted gross income is at or below 125% of the most recently published Federal Poverty Line issued by the Department of Health and Human Services. This

financial hardship guideline is intended to make clear the standard basis for financial hardship and remain non-discriminatory in financial hardship reviews. The City Council may approve deferrals where extenuating circumstances exist. A deferred assessment shall accrue interest and payment of such shall be determined in accordance with Section 7, Subd. 5 of this Ordinance.

Subd. 3 Deferral of Special Assessments. The City Administrator may record the deferment of special assessments where the following conditions are met:

- A. The applicant must be the owner of the property;
- B. The applicant must occupy the property as a principal place of residence;
- C. The applicant's income from all sources does not exceed the low income as established by the U.S. Department Housing and Urban Development as used in determining the eligibility for Section VIII housing;
- D. As to a deferment based upon age or disability, the applicant must apply for the deferment not later than fourteen (14) calendar days after the assessment is adopted by the City Council;
- E. As to a deferment based upon age or disability, the applicant must be 65 years of age or older, or retired by virtue of permanent disability.

Subd. 4 Deferment Period. The deferment will be granted for as long as the hardship exists and the conditions aforementioned have been met. The applicant must notify the City Administrator of any change in his/her status that would affect eligibility for deferment.

Subd. 5 Loss of Deferment Eligibility. The entire amount of deferred special assessment is due within 60 days after loss of eligibility by the applicant. If the special assessment is not paid within 60 days, the City Administrator shall add thereto interest at the applicable rate for the bond issue for the project. If there is no bond issue for the project, interest will be fixed by resolution of the City Council. The total amount of principal and interest from the due date through December 31 of the following year must be certified to the Le Sueur County Auditor for collection with taxes the following year. If the applicant demonstrates to the satisfaction of the City Council that full repayment of the deferred special assessment would cause the applicant particular undue financial hardship, the City Council may order that the applicant pay within 60 days a sum equal to the number of installments of deferred special assessments outstanding and unpaid to date (including principal and interest) with the balance thereafter paid according to the terms and conditions of the original special assessment.

Subd. 6 Termination of Deferment of Special Assessments. The option to defer the payment of special assessments terminates and all amounts accumulated plus applicable interest becomes due upon the occurrence of any one of the following:

- A. The death of the owner when there is no spouse who is eligible for the deferment;
- B. The sale, transfer, or subdivision of all or any part of the property;
- C. Loss of homestead status on the property; or
- D. Determination by the City Council for any reason that there would be no hardship to require immediate or partial payment.



Section 8. Deferment Interest. The City Council shall indicate by resolution whether interest will accrue and be added to the principal, will be paid annually, or will be forgiven while the assessment is deferred, and the number of installments in which assessments are to be paid when the deferral terminates. However, in no event shall the last installment be paid more than thirty (30) years after the assessment was levied.

Section 9. Assessment Considerations. The Council shall take into account the following additional considerations in determining the special assessment;

A. Developers proposing projects that will be public infrastructure upon completion shall be completed as a Public Improvement Project and require the Developer to petition the City for said improvement as in accordance with Chapter 429 of the Minnesota Statute process. 100% of the total project cost shall be paid by the petitioners) unless stipulated otherwise in a Developer Agreement approved by the City Council.

B. All properties benefitted from improvements are subject to the special assessment.

C. The assessment rates listed in Section 5 will change year to year depending on Council rate adjustments. Special assessments can be made for improvements listed in Chapter 429 of the Minnesota Statutes and are not limited to those listed in this policy.

D. The special assessment methods described in the policy statement cannot be considered as all inclusive. Unique or unusual circumstances may, at times, justify special consideration. In such situations, the City Council may, from time to time, establish by resolution or as part of a Feasibility Study, amendments to the assessment policy to cover situations that may have been contemplated in this policy.

E. Prior to assessment roll adoption, the special assessment levy shall be certified to be at or below that of the benefit received by subject properties. The City Council may consider assessing up to 100% of total project costs or proven benefit whichever is less when such cases are warranted.

Effective Date: This ordinance was adopted by the City Council on September 14, 2015. The ordinance becomes effective on the day following the publication of the ordinance, or summary thereof, in the City's legal newspaper.

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By Its: Mayor

ATTEST:

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City Administrator

On motion by Schnoor, seconded by McBroom, all voting in favor, to table consideration of the proposed Zoning Amendment. City Attorney will makes some recommendations and the Planning and Zoning Commission will be asked to look at Council suggestions to make some additional changes.

John Roessler, Emergency Management Director, distributed an updated Emergency Management Handbook for Government Officials and asked the Council to provide him with any corrections/updates.

Roessler provided an update on the petroleum spill that occurred at the Casey's General Store, 111 West Highway #60. The leak was discovered on August 11, 2015. The Duty Officer was called and he instructed the City to call Minnesota Pollution Control Agency (MPCA), Environmental Protection Agency (EPA) and the Department of Natural Resources (DNR). The leak has been stopped and the MPCA is continuing to test and monitor the site. It will be cleaned up this fall.

Public Works – Ron Greenwald, Director

Greenwald reported the Minnesota Department of Health (MDH) is recommending all municipal water systems submit a variance request to maintain an average fluoride concentration of 0.7 mg/L, between 0.5 and 0.9 mg/L, levels supported by current US Department of Health and Human Services recommendations.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the Variance Request to Minnesota Rule 4720.0030.

Administration Report – Kopischke

Councilmember Stoen presented the following resolution with Councilmember McBroom seconding:

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 475/15**

**A RESOLUTION ACCEPTING RESIGNATION  
AND DECLARING A VACANCY**

**WHEREAS**, the Elysian City Council has received the signed written resignation of Councilmember Melanie Schlomann, dated and effective as of August 10, 2015.

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

1. That the City Council hereby accepts Melanie Schlomann's written and signed resignation as described above; and
2. That the City Council herein declares that a vacancy now exists on the Elysian City Council effective September 14, 2015; and
3. That the vacancy created herein shall be filled by appointment by the City Council pursuant to Minnesota State Statute §412.02 Subd. 2a and that a special election to fill the vacancy shall be held on November 8, 2016 for the remainder of Ms. Schlomann's term. To this end, City Administrator Lorri Kopischke is herein authorized to publish notice of the vacancy and to accept applications for the appointment for the vacancy until the special election is held. Ms. Kopischke shall supply the applications to the City Council and the Council shall make the

appointment. The appointed person shall fill the vacancy until the special election held on November 8, 2016.

Upon vote being taken:

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

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14<sup>th</sup> of September, 2015.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

The City Council vacancy will be advertised in the Lake Region Life Newspaper and on the City website and Facebook page. Council reviewed the proposed application and consensus was that the application period will be September 17 through September 30<sup>th</sup> at 4:30 pm.

Councilmember McBroom presented the following resolution with Councilmember Schnoor seconding:

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 476/15**

**RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN COED VOLLEYBALL LEAGUE**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$300.00 from the Elysian CoEd Volleyball League for maintenance of the volleyball courts;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT:** the City Council of the City of Elysian acknowledges and accepts a donation from the Elysian CoEd Volleyball League for the maintenance of the volleyball courts.

Upon vote being taken:

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

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14<sup>th</sup> day of September, 2015.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Councilmember McBroom presented the following resolution with Councilmember Schnoor seconding:

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 477/15**

**RESOLUTION ACKNOWLEDGING A DONATION FROM  
LESUEUR COUNTY SHERIFF'S YOUTH PROGRAM**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$5,000.00 from the LeSueur County Sheriff's Youth Program for playground equipment;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT:** the City Council of the City of Elysian acknowledges and accepts a donation from the LeSueur County Sheriff's Youth Program for playground equipment.

Upon vote being taken:

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

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14<sup>th</sup> day of September, 2015.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Councilmember Stoen presented the following resolution with Councilmember Schnoor seconding:

**RESOLUTION 478/15**  
**RESOLUTION ADOPTING PRELIMINARY 2015 TAX LEVY, PAYABLE 2016**  
**CITY OF ELYSIAN**  
**LE SUEUR AND WASECA COUNTIES**

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

General Fund	\$383,814
Fire Relief	\$ 5,577
Maintenance Replacement Eq.	\$ 10,000
Storm Sewer	\$ 5,000
City Hall Debt	\$ 30,713
2012 Local Improvement Levy	\$ 10,491
2011 Fire Truck Debt	\$ 16,398
2016 Fire Truck Debt	\$ 20,496
2016 Street Improvement	\$ 40,000

**Total Preliminary Levy** **\$522,489**

Voting Yes: McBroom, Opsahl, Schnoor, Stoen.

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 September 14, 2015.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

The proposed budget and levy will be discussed and public comment received at the December 14, 2015 City Council meeting at 6:01 pm at Elysian City Hall.

An update to the overtime section of the City of Elysian Personnel Policy was considered. The update includes Compensatory Time for full-time employees which accrues at the rate of one and one-half times the employee's regular rate of pay. No more than forty hours can be accumulated at any time. An employee may roll over sixteen hours into the next payroll year. Any compensatory time accumulated over sixteen hours will be paid out at the end of the year. All accrued compensatory time will be paid out to the employee at the time of separation.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve the update to the overtime section of the City of Elysian Personnel Policy which includes compensatory time.

On motion by Schnoor, seconded by McBroom, all voting in favor, to approve to request a cost analysis for estimates of costs of the potential retirement coverage to participate in the Statewide Volunteer Firefighter Plan.

City of Elysian employee evaluations will be completed this month. The evaluation of the City Administrator will be conducted following the October 12, 2015 City Council Meeting.

City of Elysian Residential Citywide Clean-Up Day is scheduled for Saturday, October 10th, 2015 from 8:30 to 11:00 am and will be held at the Lake Francis City Park.

Invitation to Mayor and City Councilmembers to the Annual Half-Way to St Paddy's Day Celebration dinner Sunday, September 20, 2015 at the Kilkenny Fire Hall at 5:30 pm.

Notice of LeSueur County Officials Association Meeting Thursday, September 24, 2015 at 6:30 pm, LeCenter American Legion Club.

Update on Sakatah Trail Work: Starting Wednesday, September 16 until freeze up, the Sakatah Trail will be under construction to rehabilitate the trail from Blue Earth County Road 12 to the East edge of Madison Lake. This portion of the trail as well as the Madison Lake parking lot and Hwy 86 parking lot will be closed. The goal is to complete the project this fall. Also, there will be a request to receive bonding money to finish trail reconstruction from Madison Lake to Waterville; however, until the next legislative session wraps up, we will not know if the project is funded.

Kopischke reported she is working with Melanie Nelson, LeSueur County, on the process of obtaining 800 megahertz radios for the Public Works Department.

City Attorney Moran:

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the Developers Agreement – Special Assessment between the City of Elysian, Kyle and Rachel Short, and Scott Weber. The Shorts signed the agreement. The agreement has been emailed to Weber.

Nicole Lamont, Utility Billing Clerk, presented the proposals for the new park equipment. The total anticipated costs are \$41,500 of which \$33,500 have been raised. There are two different playground equipment proposals. Lamont will upload them to the city Facebook page and ask for comments.

On motion by Stoen, seconded by McBroom, all voting in favor, bills and payrolls were approved in the amount of \$72,434.23.

Public Comment:

Dori Mutch, 1250 Scenic Hideaway Lane, stated she was advised to bring to the attention of the Council regarding the Meixl/Oswald Development 1. We remain to be concerned about the lack of storm water system and overbuilding of impervious surface. 2. The LP Tank is out of regulatory compliance. The LP tank setback of ten feet from an electrical source is not adhered to. The fire chief was notified on September 11, 2015 and there has not yet been a response. I have had to call law enforcement twice for trespassing because of the overbuild and the lack of egress to the back of the property. That is not a good use of tax payer resources. I pay taxes twice in this county – once in LeSueur and once for property on Ray's Lake. I have also been advised to let you know that I have had no personal, prior or professional experience with Meixl. I have been accused by past city and present staff that I am carrying out a personal vendetta which is defamatory and not true. I don't know them from Adam. Referring back to the ordinance you so thoughtfully discussed, if you have any questions call the State Fire Marshall's Office. They were very helpful to us in giving us the National Fire Protection Codes. If you are so thoughtfully discussing how the City of Elysian is going to look you might want to take a look that there is an LP tank sitting in the front of this property and very close to the right-of-way. I want to thank Lorri. I think she was the right choice for hiring and I welcome her workability. I think the Planning and Zoning could have done a better job with the Meixl project. Lessons learned and I hope it won't happen again. I do have a call out to US Water and Soil Conservation too.

Tom Mutch, 1250 Scenic Hideaway Lane, there is a hole on our property where you guys dug for that sewer line. I would like someone to come and fill it up. (Dori Mutch interjected: It is not marked in anyway. There are elderly neighbors and that needs to be considered so no one gets hurt.) I am not sure if Lorri forwarded you that video from last Saturday morning but the storm water is going right down into the lake. My shoreline is just filled with dirt. There is too much roofline and the water is going down right between the two properties right now. There used to be forty feet between there and now there is eight. You have a vortex of water going down that hill. It needs to be resolved. I am asking if the city will work with the hydrologist at the DNR.

On motion by Stoen, seconded by McBroom, all voting in favor, to close the meeting at 7:24 pm to discuss attorney-client matters pertaining to Lakeview Manor Townhome Association Issues, as well as to discuss marketability of City Lots at Lakeview Manor.

On motion by Stoen, seconded by McBroom, all voting in favor, to open the meeting at 7:36 pm.

During closed session the Council discussed attorney-client matters pertaining to Lakeview Manor Townhome Association Issues, as well as to discuss marketability of City Lots at Lakeview Manor. City Attorney was given discretion to act on the City's behalf.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 7:39 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator



**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
OCTOBER 12, 2015**

The Elysian City Council met in regular session on Monday, October 12, 2015 at City Hall at 6:00 pm.

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

On motion by McBroom, seconded by Opsahl, all voting in favor, the minutes of the September 14, 2015 Regular Meeting were approved as presented.

Schnoor asked that in the future the minutes be consistent when referring to the Mayor.

On motion by McBroom, seconded by Schnoor, all voting in favor, the agenda of the October 12, 2015 meeting was approved as presented.

Public Comment: None

Joel Whitehurst, Superintendent, Waterville-Elysian-Morristown Schools, presented an outline of the proposed Operating Referendum which will be on the ballot on November 3, 2015. He encouraged all to vote on November 3.

Chief Deputy Brent Mason, LeSueur County, reported the city has been relatively quiet this past month. The speeding around the curve heading north on County Road 11 has been addressed with periodic enforcement during the summer months.

Council reviewed the Zoning Ordinance Amendment as revised and approved by Elysian Planning and Zoning Commission on October 6, 2015. There was council consensus to change the following:

Under Section 15. Performance Standards. Subd. Q. Accessory Structure Standards. #5 add: Any accessory structure less than 120 square feet does not require a building permit.

On motion by Opsahl, seconded by McBroom, all voting in favor, to hold a public hearing on November 9, 2015 at 6:00 pm. The purpose of the hearing is to inform the public of changes to the zoning ordinance text. Some of the changes proposed include establishing new regulations that would apply to the use of recreational vehicles as temporary living quarters for guests of a resident, additional parking regulations for the same, the addition of living quarters as a permitted use in the commercial district, and elimination of appearance standards and permitting process associated with accessory structures.

On motion by Opsahl, seconded by McBroom, all voting in favor, to hold a public hearing on November 9, 2015 at 6:30 pm to consider approval of the revised/amended City of Elysian Emergency Management Handbook for Government Officials.

Stoen reported that the City of Elysian received five applications for the city council vacancy. The applicants are: Bernard Meyer, Patricia Nusbaum, Kurtis Couch, Brian Ziemer and Michael Kauss. All the applications were very complete and included a lot of information regarding the applicants. Stoen asked the Council if they felt they had enough information in the applications

to make an informed decision without interviews. There was council consensus that there was sufficient information included in the applications to make an informed decision without individual interviews. The applicants all answered the questions posed to them and those questions would have been the same questions asked in an interview so the necessity of an interview was not warranted. Stoen explained the procedure is addressed by Minnesota State Statute 412.02 Subd. 2a. The mayor will ask for a motion from the council for an appointment. If that motion does not pass, the mayor will ask for a second motion to appoint. Roll call votes will be taken on the motions. If a motion fails to get a second motion, it will fail. If a motion does not get a majority vote, it will fail. If there is a tie, the mayor has the authority to break or not break a tie. If no motion has a majority vote, the mayor has the authority to appoint a citizen who is 21 years of age or older and is a resident of the City of Elysian and is willing to accept the appointment.

Motion by McBroom to appoint Michael Kauss as City Council Member until the special election of November 8, 2016, to fill the term that was left vacant due to the resignation of Melanie Schlomann. Motion died for lack of a second.

Motion by Schnoor to appoint Brian Ziemer as City Council Member until the special election of November 8, 2016, to fill the term that was left vacant due to the resignation of Melanie Schlomann. Motion died for lack of a second.

Being that no additional motion was made, per Minnesota State Statute 412.02 Subd 2a., Mayor Stoen appointed Robert "Bobby" Houlihan as City Council Member until the special election of November 8, 2016, to fill the term that was left vacant due to the resignation of Melanie Schlomann. Houlihan will be sworn in at the November 9, 2015 City Council meeting.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 480/15**

**RESOLUTION ACKNOWLEDGING A DONATION FROM  
SOUTHERN MN INITIATIVE FOUNDATION**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$1,668.46 from Southern MN Initiative Foundation for waste receptacles;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT:** the City Council of the City of Elysian acknowledges and accepts a donation in the amount of \$1,668.46 from Southern MN Initiative Foundation for waste receptacles.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 12<sup>th</sup> day of October, 2015.

Approved:

\_\_\_\_\_  
Clinton Stoen, Mayor

Attested:

\_\_\_\_\_  
Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 481/15**

**RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN AMERICAN LEGION POST #311**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$100.00 from the Elysian American Legion Post #311, for tax relief to the Elysian Area Chamber of Commerce for the purpose of funding a portion of the Spook Trail.

**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 \$100.00 – Spook Trail.

Upon vote being taken:

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

Council Members voting in the negative: None

Adopted by the City Council of the City of Elysian this 12<sup>th</sup> day of October, 2015.

Approved:

\_\_\_\_\_  
Clinton Stoen, Mayor

Attested:

\_\_\_\_\_  
Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 482/15**

**RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN FIRE DEPARTMENT RELIEF ASSOCIATION**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$11,500 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 \$11,500 donation from the Elysian Fire Department Relief Association and have designated that the donation be disbursed as follows: \$7,500 to be put toward the debt service for the fire vehicle and \$4,000 to park equipment.

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

Upon vote being taken:

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

Council Members voting in the negative: None

Adopted by the City Council of the City of Elysian this 12<sup>th</sup> day of October, 2015.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

As the Elysian Fire Relief Association has chosen not to transfer their pension to the Statewide Volunteer Firefighter Retirement Plan this year, it is required that the City obtain GASB 67/68 pension actuarial services for the Elysian Fire Relief's Association's pension plan. On motion by Stoen, seconded by McBroom, all voting in favor, to approve the Engagement Letter for GASB 67/68 Actuarial Services with the firm of Van Iwaarden Associates.

Residents requesting seasonal shut-offs are requested to provide a 72 hour notice to the Public Works Department.

SEH will hold a 2016 Street Improvement Neighborhood Meeting Tuesday, October 27, 2015 from 6:30 to 8:00 pm at City Hall.

The October LeSueur County Elected Officials Meeting will be hosted by Elysian and will be held on Wednesday, October 28, 2015 at 6:30 pm at The Thirsty Beaver Bar and catered by EllieGails Bakery and Deli.

The Elysian Area Chamber of Commerce Spook Trail will be held Friday, October 31, 2015 from 5:30 to 8:00 pm. The Spook Trail for trick or treating will be from the Wilderness to the Elysian Bank. There will be a free meal of hot dogs, chips and a beverage at the Elysian Fire Hall from 5:30 until gone. Spook House will be located at the Lake Area Clubhouse from 5:30 to 9:00 - \$3.00 at the door with all proceeds benefitting the Elysian Area Chamber.

City Attorney Moran provided an update on discussion with Lake View Manor Townhome Association. He is awaiting official confirmation from their attorney, Chris Johnson, but a settlement agreement and proposed lien has been drafted for the amount of \$1,064 per lot. Moran has also reached out to the developer who has indicated some interest in the lots and is working on a purchase agreement with the developer.

Moran reported a letter has been received from Tom and Dori Mutch's attorney, Cory Genelin, regarding water issues between Mutch and Meixl. Moran will contact the city engineer and follow up as appropriate.

Stoen distributed a rendering of a proposed concession stand with handicap accessible bathrooms for the Lake Francis Park. On motion by McBroom, seconded by Opsahl, all voting in favor, Stoen was authorized to send the material list for the building out for bids to get the price for the entire project.

On motion by Schnoor, seconded by McBroom, all voting in favor, bills, payroll and transfers were approved in the amount of \$99,029.51.

#### Public Comment:

Mike Kauss, 6 Egret Lane, I just want to point out the way I feel as a member of the community after tonight. In the newspaper you posted that the candidates who put applications in on time would receive an interview. And you also stated that we would then be told who put their names in. Tonight is the first time I heard the names of the people. The fact that I didn't get in is not the issue. But I find it almost a sham that you appointed somebody who didn't even have the decency to put an application in. I wouldn't have had a problem if you would have chosen one of the other five people but to go completely beyond offends me. The reason it offends me is that I took my time in good faith and honesty, put in a damn good application and I would not have wasted my time had I thought this was what would happen. And you can sit there and say you followed the statute and you did but I want you to know that it is offensive to me and I assume to the others who submitted their applications that you appointed somebody who didn't take the time to even fill an application out. I hope you do well and are successful. You won't get anything from me in the future in anyway or form.

John Stephanie, 205 Lake View Court, just noticed that Casey's reopened and I was wondering if all the work has been completed with Casey's as far as cleaning up where all the gas leaked out. I heard there was discussion between MPCA and Casey's and I just wondered if there was any other work to be done. City Staff stated that MPCA and Casey's Corporate are still working to resolve the issue.

On motion by Stoen, seconded by McBroom, all voting in favor, to close the meeting at 6:45 pm to discuss performance evaluation of City Administrator Lorri Kopischke.

On motion by Stoen, seconded by Opsahl, all voting in favor, to open the meeting at 7:07 pm.

On motion by Stoen, seconded by Opsahl, all voting in favor, meeting adjourned at 7:08 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
NOVEMBER 9, 2015**

The Elysian City Council met in regular session on Monday, November 9, 2015 at City Hall at 6:00 pm.

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

Administrator Kopischke administered the oath of office with Robert Houlihan answering for City Council appointment. Houlihan then took his seat at the Council table.

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

The purpose of the hearing is to inform the public of changes to the zoning ordinance text. Some of the changes proposed include establishing new regulations that would apply to the use of recreational vehicles as temporary living quarters for guests of a resident, additional parking regulations for the same, the addition of living quarters as a permitted use in the commercial district, and elimination of appearance standards and permitting process associated with accessory structures.

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

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

On motion by McBroom, seconded by Schnoor, all voting in favor, the minutes of the October 12, 2015 Regular Meeting were approved as presented.

On motion by Stoen, seconded by McBroom, all voting in favor, the agenda of the November 9, 2015 meeting was approved with the following additions:

1. Plowing of Dedicated Park Land on Frank Avenue NW
2. Bids on Tillable City-Owned Land
3. City Office Closed on Day Following Thanksgiving
4. Update on Petroleum Spill

Public Comment:

Carl Morsching, 43616 Reeds Lake Road, Janesville – Owner of Elysian Auto Service, distributed a packet including pictures to the Council. He stated that when he opened his business he had to get a conditional use permit from the City on February 27, 2001. He read: “All businesses should be treated fair. Every new business should have to follow the same conditions of existing business in Elysian. Elysian Planning and Zoning should be implementing the same conditions for similar businesses. Over time new conditions should be added to help protect the community and the environmental impact. Like all the restaurants, bar, hair salons, gas stations, auto repair, auto body and auto sales.

We attended the Planning and Zoning Commission regular meeting on September 1, 2015 and informed the Planning and Zoning of the conditions Elysian Auto Service has followed for the past 14 years. The conditions have had a positive impact on the community and our business. We feel the condition of #1. No salvage vehicles to be located on the property for more than seven (7) days – has eliminated the impact of damaged vehicles, non-completed vehicles or salvage vehicles from being stored on our property for months or years in essence no junk yard. It has held us to a higher standard than #3. All visibly non-completed vehicles must be shielded from public view.

If you allow salvage vehicles or non-completed vehicles to be stored on commercial property for longer than seven (7) days you're endangering the community, environment, storm sewer and wetlands around it. (Fluids leaking Transmission, Coolant, Battery Acid, Motor Oil and etc.)

Over the past 14 years these conditions on Elysian Auto Service have impacted our yearly income by not allowing storage for more than 7 days. If we could impound vehicles we could charge storage for that. We can't store the vehicles so we can't implement that. It has been a good plan because it has kept us in a good stand and has cleaned up our area. I don't think that I have ever had a complaint that my place didn't look clean. There are no junk vehicles sitting around. No half repaired vehicles, etc.

The pictures you have in your packets are towns around us that have no conditions and you can see how the mess looks. Everyone said if someone new comes in they are going to have guidelines because now they can't go against them. So I think we really want to draw these standards before the mess happens. New Richland does have a class action lawsuit on one of them.

On February 27, 2001, Elysian Auto Service CUP was seconded by Councilmember Schnoor, to authorize and approve the conditional use permit with:

1. No salvage vehicles to be located on the property for more than seven (7) days.
2. Provide landscaping of area to relieve the cement/asphalt appearance as much as possible, and to have property looked finished as soon as possible.
3. Parking lot – to minimize the amount of asphalt in front of the building.
4. Garbage to be in back of building must be contained or placed inside of building.
5. Save as many trees as possible in the back of building and to the east. Trees on the west will remain.

Now we hope the Elysian City Council will be implementing the same conditions for similar businesses. Over time new conditions should be added to help protect the community and the environmental impact."

Morsching stated they are just looking for a fair thing from what they had to follow to the next person. He noted that the city is not required to send out a public notice to the neighbors for a CUP but it may be a nice thing to do as some of the property owners do not live in Elysian and do not get the newspaper. He knows those property owners weren't contacted because he has contacted all of them.

Morsching stated he just wants this to be a fair thing that the same type of business has to follow the same thing that he had to.

Gina Fiorini, Kennedy & Graven, Chartered & Max Scheuer, CFO of The Lutheran Home were present to request approval of Resolution #484/15 – Resolution Authorizing the Issuance, Sale and Delivery of a Revenue Note for the Benefit of Kingsway Ministries, LLC; Approving the



Form of and Authorizing the Execution and Delivery of the Revenue Note and Related Documents; and Granting Approval for Certain Other Actions with Respect Thereto.

City Attorney Moran asked for clarification that there would be no liability to the city, whatsoever, as a result of the issuance of these bonds, if there is any default of any party, there is no liability of the city whatsoever. Fiorini stated that is correct. Kingsway Ministries is solely responsible. There is no liability to the city whatsoever.

Moran then asked if it was correct that Kingsway Ministries would be paying all the administrative costs associated with issuing the bonds. Fiorini stated that is correct. Kingsway Ministries will be paying all administrative costs including legal fees and bond counsel fees and that is set forth in all the documents.

Moran asked that in the event of a default by Kingsway Ministries, what is the collateral for that loan. Fiorini explained the bank will have a mortgage on Kingsway facility and there is extra protection in that Kingsway Corporation and The Lutheran Home Corporation are also guaranteeing the loan.

Moran then asked that if those entities went bankrupt and default, what assurance does the city have that there won't be anyone coming back against the city for this. Fiorini stated it is set forth in all the documents that the city will be signing and the other parties saying that the city is not responsible and it is not a debt of the city. Fiorini noted that even in the case of an IRS audit, there will be no cost to the city.

Max Scheuer provided a brief description of the Kingsway – Lutheran Home facilities.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 484/15**

**RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF A  
REVENUE NOTE FOR THE BENEFIT OF KINGSWAY MINISTRIES, LLC; APPROVING  
THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE  
REVENUE NOTE AND RELATED DOCUMENTS; AND GRANTING APPROVAL FOR  
CERTAIN OTHER ACTIONS WITH RESPECT THERETO**

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

Section 1. Background.

1.01. Statutory Authorization.

(a) The City is authorized by Minnesota Statutes, Chapter 462C, as amended (the "Act"), to issue revenue obligations to finance or refinance multifamily housing developments (including nursing and assisted living facilities).

(b) Minnesota Statutes, Section 471.656, as amended, authorizes a municipality to issue obligations to finance or refinance the acquisition or improvement of property located outside of the corporate boundaries of such municipality if the obligations are issued under a joint

powers agreement between the municipality issuing the obligations and the municipality in which the property to be acquired or improved is located.

(c) Pursuant to Minnesota Statutes, Section 471.59, as amended, by the terms of a joint powers agreement entered into through action of their governing bodies, two municipalities may jointly or cooperatively exercise any power common to the contracting parties or any similar powers, including those which are the same except for the territorial limits within which they may be exercised and the joint powers agreement may provide for the exercise of such powers by one or more of the participating municipalities on behalf of the other participating municipalities.

1.02. The Prior Bonds. At the request of Kingsway Ministries, LLC, a Minnesota limited liability company (the "Borrower"), the sole member of which is The Lutheran Home Association, a Minnesota nonprofit corporation (the "Corporation"), the City issued its Senior Housing Revenue Bonds (Kingsway Ministries, LLC Project), Series 2007A (the "Series 2007A Bonds"), in the original aggregate principal amount of \$8,500,000, and the City of Green Isle, Minnesota (the "City of Green Isle") issued its Senior Housing Revenue Bonds (Kingsway Ministries, LLC Project), Series 2007B (the "Series 2007B Bonds," and together with the Series 2007A Bonds, the "Prior Bonds"), in the original aggregate principal amount of \$7,500,000. The Borrower applied the proceeds of the Prior Bonds, as loaned to the Borrower by the City and the City of Green Isle, to finance the acquisition, construction, and equipping of an approximately eighty-one (81) unit multifamily housing development for seniors, consisting of approximately forty-five (45) independent living units, twenty-two (22) assisted living units, and fourteen (14) memory care units, located at 815 West Main Street, Belle Plaine, Minnesota (the "Project").

1.03. The Notes. The Borrower has determined to refinance the Project and has requested that (i) the City issue its Senior Housing Revenue Refunding Note (Kingsway Ministries, LLC Project), Series 2015A (the "Series 2015A Note"), in an approximate principal amount not to exceed \$7,730,000, to refund the outstanding Series 2007A Bonds; and (ii) the City of Green Isle issue its Senior Housing Revenue Refunding Note (Kingsway Ministries, LLC Project), Series 2015B (the "Series 2015B Note," and together with the Series 2015A Note, the "Notes"), in an approximate principal amount not to exceed \$6,855,000, to refund the outstanding Series 2007B Bonds. The Notes will be privately placed with First National Bank of Northfield (the "Lender").

1.04. Use of Proceeds of the Series 2015A Note. The Borrower intends to apply the proceeds of the Series 2015A Note to (i) refinance a portion of the Project through the redemption and prepayment of the outstanding Series 2007A Bonds; (ii) fund required reserves; and (iii) pay costs of issuance of the Series 2015A Note. The proceeds of the Series 2015A Note will be disbursed by the Lender to the Borrower pursuant to a Loan Agreement, to be dated on or after November 1, 2015 (the "Loan Agreement"), between the City and the Borrower.

1.05. Tax-Exempt Status of Corporation. The Corporation has represented to the City that it is exempt from federal income taxation under Section 501(a) of the Internal Revenue Code of 1986, as amended (the "Code"), as a result of the application of Section 501(c)(3) of the Code.

1.06. Loan Repayments. The loan repayments to be made by the Borrower under the Loan Agreement will be fixed so as to produce revenue sufficient to pay the principal of, premium, if any, and interest on the Series 2015A Note when due. The City will assign its rights to the basic payments and certain other rights under the Loan Agreement to the Lender pursuant to the terms of a Pledge Agreement, to be dated on or after November 1, 2015 (the "Pledge Agreement"), between the City and the Lender. The Borrower will secure its obligations by executing and delivering to the Lender (i) an Amended and Restated Combination Mortgage, Security Agreement and Fixture Financing Statement, to be dated on or after November 1, 2015 (the "Mortgage"), between the Borrower and the Lender; and (ii) an Amended and Restated

Assignment of Leases and Rents, to be dated on or after November 1, 2015 (the "Assignment of Leases and Rents"), between the Borrower and the Lender. The Borrower or the Corporation may also deliver to the Lender one or more security agreements and/or guaranties as additional security.

1.07. Parity Debt. The Series 2015A Note and the Series 2015B Note, if issued by the City of Green Isle, will be secured by the Mortgage and the Assignment of Leases and Rents on a parity basis.

1.08. Conduit Borrowing Agreement. On October 19, 2015, the City Council of the City of Belle Plaine provided host approval to the issuance of the Notes by the City and the City of Green Isle to refinance the Project and authorized the execution and delivery of a Conduit Borrowing Agreement, to be dated on or after November 1, 2015 (the "Conduit Borrowing Agreement"), between the City of Belle Plaine, as host city, and the City and the City of Green Isle, as the issuer cities

1.09. Documents. Forms of the following documents have been submitted to the City Council and are now on file with the City: (i) the Series 2015A Note; (ii) the Loan Agreement; (iii) the Pledge Agreement; (iv) the Conduit Borrowing Agreement; (v) the Mortgage; and (vi) the Assignment of Leases and Rents.

## Section 2. Issuance of the Series 2015A Note.

2.01. Findings. The City Council hereby finds, determines, and declares that:

(a) The issuance and sale of the Series 2015A Note, the execution and delivery by the City of the Loan Agreement, the Pledge Agreement, and the Conduit Borrowing Agreement and the performance of all covenants and agreements of the City contained in the Loan Agreement, the Pledge Agreement, and the Conduit Borrowing Agreement are undertaken pursuant to the Act.

(b) The loan repayments to be made by the Borrower under the Loan Agreement are fixed so as to produce revenues sufficient to provide for the prompt payment of principal of, premium, if any, and interest on the Series 2015A Note issued under this resolution when due, and the Loan Agreement also provides that the Borrower is required to pay all expenses of the operation and maintenance of the Project, including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and all lawfully imposed taxes and special assessments levied upon or with respect to the Project and payable during the term of the Loan Agreement.

(c) As provided in the Loan Agreement, the Series 2015A Note shall not be payable from nor charged upon any funds other than the revenues or funds and assets pledged to its payment, nor shall the City be subject to any liability thereon, except as otherwise provided in this paragraph. No holder of the Series 2015A Note shall ever have the right to compel any exercise by the City of its taxing powers to pay any of the Series 2015A Note or the interest or premium thereon, or to enforce payment thereof against any property of the City except the interests of the City in the Loan Agreement and the revenues and assets thereunder, which will be assigned to the Lender under the Pledge Agreement. The Series 2015A Note shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City, except the interests of the City in the Loan Agreement, and the revenues and assets thereunder, which will be assigned to the Lender under the Pledge Agreement. The Series 2015A Note shall recite that the Series 2015A Note is issued pursuant to the Act, and that the Series 2015A Note, including interest and premium, if any, thereon, is payable solely from the revenues and assets pledged to the payment

thereof, and the Series 2015A Note shall not constitute a debt of the City within the meaning of any constitutional or statutory limitations.

2.02. Issuance and Sale of the Series 2015A Note. The City hereby authorizes the issuance of the Series 2015A Note in a principal amount not to exceed \$7,730,000. The Series 2015A Note shall be issued pursuant to the terms set forth in the form of Series 2015A Note now on file with the City. The aggregate principal amount of the Series 2015A Note, the interest rate of the Series 2015A Note, the terms for adjustment of the interest rate on the Series 2015A Note, the date of the documents referenced in this resolution and the Series 2015A Note, and the terms of redemption of the Series 2015A Note may be established or modified with the approval of the City. The execution and delivery of the Series 2015A Note shall be conclusive evidence that the City has approved such terms as subsequently established or modified. The offer of the Lender to purchase the Series 2015A Note at the price of par plus accrued interest, if any, to the date of delivery at the interest rate or rates specified in the Series 2015A Note is hereby accepted. The Mayor and City Administrator of the City are hereby authorized to execute and deliver any agreements with any depository institution, including any representation letter or amendment to any existing representation letter, in the event the City and the Lender elect to register the Series 2015A Note in book-entry form.

2.03. Approval of Documents. The Loan Agreement, the Pledge Agreement, the Conduit Borrowing Agreement, and the Note Purchase Agreement with respect to the Series 2015A Note, to be dated after the date hereof (the "Note Purchase Agreement"), between the City, the Borrower, and the Lender, are hereby approved in substantially the forms on file with the City on the date hereof. The terms of the Loan Agreement, the Pledge Agreement, the Conduit Borrowing Agreement, and the Note Purchase Agreement may be established or modified with the approval of the City. The execution and delivery of such documents shall be conclusive evidence that the City has approved such terms as subsequently established or modified. The Mayor and City Administrator of the City are authorized and directed to execute and deliver the Loan Agreement, the Pledge Agreement, the Conduit Borrowing Agreement, and the Note Purchase Agreement. Copies of all of the documents necessary to the transaction herein described shall be delivered, filed, and recorded as provided herein and in the Loan Agreement.

2.04. Certifications of the City. The Mayor and the City Administrator of the City and other officers, employees, and agents of the City are hereby authorized and directed to prepare and furnish to Kennedy & Graven, Chartered, acting as bond counsel to the City ("Bond Counsel"), and the Lender certified copies of all proceedings and records of the City relating to the issuance of the Series 2015A Note, including a certification of this resolution. Such officers, employees, and agents are hereby authorized to execute and deliver, on behalf of the City, all other certificates, instruments, and other written documents that may be requested by Bond Counsel, the Lender, or other persons or entities in conjunction with the issuance of the Series 2015A Note. Without imposing any limitation on the scope of the preceding sentence, such officers, employees, and agents are specifically authorized to execute and deliver one or more general certificates of the City, one or more endorsements of the City to the tax certificate or certificates of the Borrower, one or more Information Returns for Tax-Exempt Private Activity Bond Issues, Form 8038, and all other documents and certificates as shall be necessary and appropriate in connection with the issuance, sale, and delivery of the Series 2015A Note. The City hereby authorizes Bond Counsel to prepare, execute, and deliver its approving legal opinion with respect to the Series 2015A Note.

2.05. Security for the Series 2015A Note. The City hereby authorizes the Borrower to provide such security for payment of its obligations under the Loan Agreement and for payment of the Series 2015A Note, including the Mortgage and the Assignment of Leases and Rents, as is agreed upon by the Borrower and the Lender, and the City hereby approves the execution and delivery of such security.

2.06. Bank Qualification Designation for the Series 2015A Note. Based on the opinion of Bond Counsel, the Series 2015A Note will be deemed a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Code based on the “qualified tax-exempt obligation” status of the Series 2007A Bonds to be refunded with the proceeds of the Series 2015A Note.

Section 3. Miscellaneous.

3.01. Agreements Binding. All agreements, covenants, and obligations of the City contained herein and in the above-referenced documents shall be deemed to be the agreements, covenants, and obligations of the City to the full extent authorized or permitted by law, and all such agreements, covenants, and obligations shall be binding on the City and enforceable in accordance with their terms. No agreement, covenant, or obligation contained in this resolution or in the above-referenced documents shall be deemed to be an agreement, covenant, or obligation of any member of the City Council, or of any officer, employee, or agent of the City in that person’s individual capacity. Neither the members of the City Council nor any officer executing the Series 2015A Note shall be liable personally on the Series 2015A Note or be subject to any personal liability or accountability by reason of the issuance of the Series 2015A Note.

3.02. Rights Conferred. Except as herein otherwise expressly provided, nothing herein or in the Loan Agreement, expressed or implied, is intended or shall be construed to confer upon any person, firm, or corporation other than the City and the registered and beneficial owners of the Series 2015A Note, any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any provision hereof or of the Loan Agreement or any provision thereof; this resolution, the Loan Agreement and all of their provisions being intended to be, and being for the sole and exclusive benefit of the City and the registered and beneficial owners of the Series 2015A Note issued under the provisions of this resolution and the Loan Agreement, and the Borrower to the extent expressly provided in the Loan Agreement.

3.03. Validity. In case any one or more of the provisions of this resolution, or of the documents mentioned herein, or of the Series 2015A Note issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Series 2015A Note, but this resolution, the aforementioned documents, and the Series 2015A Note shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein. If for any reason the Mayor or the City Administrator, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City, shall for any reason cease to be an officer, employee, or agent of the City after the execution by such person of any certificate, instrument, or other written document, such fact shall not affect the validity or enforceability of such certificate, instrument, or other written document. If for any reason the Mayor or the City Administrator is unable to execute and deliver the documents referred to in this resolution, such documents may be executed by any member of the City Council or any officer of the City delegated the duties of the Mayor or the City Administrator with the same force and effect as if such documents were executed and delivered by the Mayor or the City Administrator.

3.04. Effective Date. This resolution shall be in full force and effect from and after its approval.

Upon vote being taken:

Councilmembers voting in the affirmative: Stoen, Houlihan, Opsahl, McBroom, Schnoor

Councilmembers voting in the negative: None

Approved by the City Council of the City of Elysian, Minnesota, this 9th day of November, 2015.

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Clinton Stoen, Mayor

ATTEST:

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Lorri Kopischke, City Administrator

On motion by Opsahl, seconded by McBroom, all voting in favor, to approve changes to the zoning ordinance text as follows:

**Section 3. Rules and Definitions.**

***Recreational Vehicles.*** Will include campers, travel trailers or other trailers under 20 feet in length, boats and personal watercraft.

**Section 8. Central Business Commercial District C-1**

Subd. D Conditional Uses

10. Live & Work space on ground floor in commercial structures. The ground floor of a commercial structure may house both a commercial use and a residential use, provided:

- a. The residential space comprises 50% or less of the useable floor space;
- b. The residential use has a separate entrance as does the commercial use.
- c. The front exterior of the structure maintains a full commercial appearance.

**Section 15. Performance Standards.**

Subd. Q. Accessory Structure Standards.

1. Attached Structures: An attached structure shall be considered an integral part of the principal building and shall comply with all requirements applying to the principal building.
2. Permitted Locations: Detached accessory structures are permitted in side yards and rear yards, provided that, such structures shall not be located closer than six (6') feet to the principal structure.
3. Prohibited Locations: No accessory structure shall be located in any of the following:
  - a. front yard;
  - b. within a drainage or utility easement;
  - c. below the ordinary high water mark of a public water or wetland;
  - d. within the setback requirements from the ordinary high water mark of any public water body.

4. Dimensional Limits: Attached and detached accessory structures are subject to the dimensional limits established below:
  - a. Maximum height: seventeen feet (17') and a maximum side wall height of a detached structure shall not exceed ten feet (10');
  - b. Total number of detached accessory buildings per lot: two (2); and
  - c. Accessory structure(s) total building area allowed per lot: 1,800 square feet.
5. Permit Requirements: A building permit must be secured from the Zoning Administrator prior to constructing or locating an accessory structure anywhere on the lot. Any accessory structure less than 120 square feet does not require a building permit.
6. Construction Timing: No accessory structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
7. Building Material Requirements: All accessory structures shall be constructed with a design and exterior material that is generally compatible with the overall character of the principal structure. It is not required that accessory structures be of the same material or same color as the primary structure, however, the material and color of the accessory structure shall be complementary to the primary structure.

#### **Subd. S Recreational Vehicles & District Standards**

1. In Residential Districts, five (5) recreational vehicles shall be permitted to be parked in the yard. There shall be ten (10) feet required between the recreational vehicle and any other recreational vehicle or accessory structure. The recreational vehicle shall not be placed in such a manner that impedes pedestrian walkways or in any manner infringes on any driving lane line of sight. Any recreational vehicle parked in compliance with the provisions of the Elysian City Codes shall additionally be subject to any and all accessory building setback provisions.
2. A recreational vehicle shall not, at any time, be used as a primary housing unit. A recreational vehicle may serve as a temporary place of occupancy in only the following specific instances:
  - a. A recreational vehicle may be used to temporarily house non-paying guests of the primary residential homeowner between May 1<sup>st</sup> and September 30<sup>th</sup>. Any such temporary occupancy shall not exceed twenty one (21) days per season.
  - b. A recreational vehicle may be used to temporarily house non-paying guests of the primary residential homeowner for a total of four (4) days between October 1<sup>st</sup> and April 30<sup>th</sup>. Any occupancy shall not exceed four (4) days per season.
3. Recreational vehicles shall never be physically connected to any permanent or semi-permanent structures that would prevent the vehicle from being immediately towed or immediately moved from the parking space upon which it rests. In addition, all recreational vehicles shall be parked at least ten (10) feet away from any permanent or semi-permanent structures including other recreational vehicles. No decking of any type will ever be allowed.
4. The only permitted connections to a legally compliant recreational vehicle shall be one garden hose for fresh water and one extension cord for electrical power. Any and all collected septage within the vehicle must be disposed of at an approved dump station. No connection to the City's sewage collection system, or the City's Water Main System, or any private service lines or private wells is permitted.

5. All recreational vehicles must be maintained in a clean, well-kept, orderly and operable condition. All recreational vehicles shall have license plates affixed thereto pursuant to Minnesota Law, current license and current registration.
6. In Commercial Districts, recreational vehicles may be parked along the street for up to twelve (12) hours within a twenty four (24) hour period.
7. The provisions of this ordinance are applicable to the owner of the recreational vehicle in question and the owner of the real estate upon which the recreational vehicle sits. Owners of the real estate upon which a recreational vehicle sits shall ensure that the recreational vehicle on their respective property is in full compliance with the terms and conditions of the City's Ordinances.
8. Any violation of this Section shall be deemed a misdemeanor pursuant to Minnesota Law.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 483/15  
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, December 5, 2015.

**WHEREAS:** State Laws of Minnesota require approval be granted by the local governing body, thus the City of Elysian.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT:** the Elysian City Council grants approval for a one day off site lawful gambling license to the Elysian Fire Department Relief Association.

Upon vote being taken:

Councilmembers voting in the affirmative: Stoen, Houlihan, Opsahl, McBroom, Schnoor

Councilmembers voting in the negative: None

Adopted by the City Council of the City of Elysian this 9<sup>th</sup> day of November, 2015.

Approved:

\_\_\_\_\_  
Clinton Stoen, Mayor

Attested:

\_\_\_\_\_  
Lorri Kopischke, City Administrator

Kopischke asked if another budget meeting was needed. Council consensus was that an additional budget meeting was not necessary.



On motion by Stoen, seconded by McBroom, all voting in favor, The Truth in Taxation Hearing on the Final 2015 Tax Levy – Payable 2016 will be held December 14, 2015 at 6:01 pm.

On motion by Stoen, seconded by McBroom, all voting in favor, the City Offices will be closed on Friday, November 27, 2015. Employees may use vacation or comp time for this day.

Update on Petroleum Spill from Emergency Manager John Roessler: The flumes will remain in the ditch through the winter. In the spring they will see how much vegetation returns. If no vegetation regrows, more dredging can be done to remove contaminants. If the vegetation grows back, they will remove the flumes and leave as is. The tiles coming from Casey's have been sealed. The property at 202 Third Street SW has been hooked to its own tile – no longer tied in with Casey's.

Public Works Director Greenwald reported that the cornstalks are currently being removed from the dedicated park land on Frank Avenue NW. Greenwald stated the land would be better prepared for grass seeding in the spring if it was moldboard plowed this fall. He estimated the cost to be \$200. There was council consensus to have the ground moldboard plowed for a cost of approximately \$200.

Greenwald stated there is approximately 10 city-owned plowable acres surrounding the sewer ponds that are being rented out for planting for a fee of \$80 per acre. There is also an EDA-owned 1.6 acre plat being rented out for a flat fee of \$25. He would like to put these acres out for bid to see if they would bring more revenue. There was council consensus to put the plowable acres out for bid for the 2016 planting season.

Motion by Stoen, seconded by Schnoor, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:30 pm.

The purpose of the hearing is to hear public comment in regard to amending the Emergency Management Handbook for Government Officials prepared January 2008. The purpose of this plan is to ensure that in the event of any type of disaster, the City's facilities, equipment, and manpower will be used in a coordinated, effective way, so as to: maximize the protection of life and property, and ensure the continuity of government.

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

Motion by Stoen, seconded by McBroom, all voting in favor, to close the Public Hearing at 6:32 pm and open the Regular Meeting.

Chris Cavett, SEH Engineering, presented the draft Feasibility Report of the 2016 Street and Utility Improvement Project. He reported a neighborhood meeting was held with residents to the adjacent property on October 27 and a meeting was held with representatives of the WEM School District on November 4, 2015.

The streets included in the proposed project are:

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

The project includes consideration of sanitary sewer, sanitary sewer services, water main, water services, storm sewer, concrete curb and gutter, sidewalk, aggregate base, bituminous surfacing, turf restoration, and miscellaneous items required to properly complete the improvements.

The total estimated project cost is \$2,535,000. The recommended 2016 assessment rates presented in this report are: \$8,200 per residential unit and \$109.33 per front-foot for Commercial/Institutional/Multi-family. The recommended assessment for residential water service is \$1,600 per unit.

There was Council consensus to not include individual infiltration basins "rain gardens" in the project. There was Council consensus to only include sidewalk from south of the school to the Sakatah Trail. The Council did not approve sidewalk from the school north to Frank Street NW or on Frank Street NW between 5<sup>th</sup> Street NW and 6<sup>th</sup> Street NW.

Schnoor asked if the bid opening could be scheduled one month earlier. Cavett will make every attempt to move the bid opening to as soon as possible.

Schnoor stated he would like to see the street in front of the school remain the current width. Cavett explained the design changes and that the impact of reducing the width will be minimal.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 485/15  
RECEIVING REPORT AND CALLING  
HEARING ON IMPROVEMENT  
2016 STREET AND UTILITY IMPROVEMENT PROJECT**

**WHEREAS**, pursuant to resolution of the council adopted August 10, 2015, a report has been prepared by Short Elliott Hendrickson Inc. (SEH®) with reference to the **2016 Street and Utility Improvement Project**, with reference to the improvement of following streets:

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

and this report was received by the council on November 9, 2015, 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 streets in accordance with the report and the assessment of abutting property and properties for which benefit can be attributed for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429, at an estimated total cost of the improvement of \$2,535,000.

2. A public hearing shall be held on such proposed improvement on the 14th day of December, 2015, in the Elysian City Hall at 6:15 p.m. and the City Administrator shall give mailed and published notice of such hearing and improvement as required by law.

Upon vote being taken:

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

Council Members voting in the negative: None

Adopted by the City Council of the City of Elysian this 9th day of November, 2015.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Council considered a conditional use permit request from Bryan Suemnick to locate a 48 x 72 foot pole shed for storage of his equipment and trucks at 105 First Street South. It was noted that Suemnick has been working with LeSueur County Soil and Water Conservation District on the drainage and wetland issues on this lot since early 2015. The Planning and Zoning did not require paving of the driveway as Suemnick will be driving heavy equipment on the driveway and it would not hold up to that. A survey was included with the location of the shed, the screening, and the water flow illustrated.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 487/15**

**APPROVING CONDITIONAL USE PERMIT  
FOR BRYAN SUEMNICK**

**WHEREAS**, the City of Elysian has received an application from Bryan Suemnick for a conditional use permit to locate a 48' x 72' pole shed for storage of his equipment and trucks at 105 First Street South (Parcel ID 16.035.7000); and

**WHEREAS**, a public hearing was held by the Planning and Zoning Commission on November 3, 2015 to receive public comment on the conditional use permit; and

**WHEREAS**, following the public hearing, the Planning and Zoning Commission recommended approval of the conditional use permit, subject to the following conditions:

- 1) A concrete apron be installed on the shed entrance at such time as the concrete floor is poured inside the shed;
- 2) That evergreens be planted in between the sugar maples along State Highway 60;
- 3) There will be no outside storage of equipment for more than seven days;
- 4) There will be no outside storage of any by-products of the jobs which would include trees and brush;
- 5) No building will commence until final approval by the LeSueur County Soil and Water Conservation District has been received by City Staff;
- 6) All City of Elysian Zoning Regulations are followed; and
- 7) That the applicant will indemnify and hold the City of Elysian harmless from any and all claims, causes of action, injuries, and damages which may be brought by any party against the City of Elysian by virtue of the City's granting of the permit recommended herein.

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Elysian, Minnesota hereby approves the conditional use permit in accordance with and subject to the conditions as recommended by the Planning and Zoning Commission.

Upon vote being taken:

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

Council members voting in the negative: None

Adopted by the City Council of the City of Elysian this 9<sup>th</sup> day of November, 2015.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Council considered a conditional use permit request from Rick and Cheryl Galewski to locate a Car Sales, Auto Repair, and Auto Body Business on the south 300 block of State Highway 60 West. This request was first heard by the Planning and Zoning Commission at a Public Hearing on September 1, 2015. They then had a workshop meeting on September 22 and have considered the request at two subsequent meetings of October 6 and November 3, 2015. A site and grading plan is included with the application. A Wetland Type and Boundary Application has been submitted to LeSueur County, the applicant has retained a civil engineer and is also working with the City Engineer. The Planning and Zoning is recommending approval with the following conditions:

- 1) The gravel surface shown in the Phase 1 development has to be paved within five years or prior to the commencement of Phase 2 development (whichever comes first) and the gravel surface proposed for Phase 2 has to be paved five years from the commencement of development of Phase 2;
- 2) Garbage to be in back of the building must be contained or placed inside of building;
- 3) All visibly non-complete vehicles must be shielded from public view;

- 4) There will be a fence on the south side of the property to screen the neighboring property within three months of completion of Phase 1. Arborvitaes will be planted on the neighbor's side of this fence;
- 5) The east side of the property will be screened with arborvitaes and the north side will be landscaped with low bushes, flowers and short pine trees;
- 6) The CUP is contingent on final approval of the LeSueur County Water and Soil Conservation District and the City Engineer,
- 7) The site will be built and will comply with the submitted site plan;
- 8) All City of Elysian Zoning Regulations are followed; and
- 9) That the applicant will indemnify and hold the City of Elysian harmless from any and all claims, causes of action, injuries, and damages which may be brought by any party against the City of Elysian by virtue of the City's granting of the permit recommended herein.

Stoen noted an email from Chris Short, 206 Third Street SW, and also the comments made earlier during public comment time by Carl Morsching.

McBroom stated he was not comfortable with the lot not being paved for five years. He would prefer the Phase 1 gravel surface be paved within one year of the opening of the business. He asked how many cars might be stored there waiting to be worked on. Galewski stated it could be anywhere from zero to twelve. It was noted that eleven cars could be purchased with a dealer's license.

Moran asked if they would object to the condition as stated in the Elysian Auto CUP of "No salvage vehicles to be located on the property for more than seven (7) days." Galewski stated their business is not an auto repair shop. It is a used car sales and they deal with salvage titles all the time. There also can be a problem with getting parts here in seven days.

McBroom asked what type of fence they are proposing. Galewski stated chain link with slats.

Schnoor stated it was difficult for him as he had been on the council and had voted for the Elysian Auto Conditional Use Permit in 2001 with the stated conditions. It is a difficult situation but he has to stick to his guns and say he would require no salvage vehicles on the lot for more than seven (7) days - any vehicle that does not look complete, fender gone, front, side or back gone. A motor or transmission or something not noticeable to the eye would be a mechanical problem and not a salvage vehicle.

Galewski explained where the fence will be located. It was noted that Mr. Short's concern was that sitting on his front porch he would be able to see over that fence as his lot sits up higher.

McBroom again stated he would like to see the gravel portion paved within one year. Galewski stated they did not know if they will be that large by that time and able to afford that. They have developed the site plan including the holding pond in anticipation of growth and are planning for Phase 2.

McBroom stated that in "full disclosure" he had purchased two cars from Galewski and they run great and are safe for the kids. It is not that the service is not good. But as a Councilmember he has to vote what is best for the city here and going forward. He cannot compromise on condition #3.

Houlihan asked if they could put a building up for storage. Galewski stated he would not commit to a building. He did not know if a building would ever be feasible and did not want to be locked

into a building. He stated the big hang up is the word "salvage". If that word was replaced with "dismantled" or unsightly" it would be fine.

After extensive discussion, the following conditions were revised to read:

1. The gravel surface shown in the Phase 1 development has to be paved within **THREE** years or prior to the commencement of Phase 2 development (whichever comes first), **NO GRAVEL ON PHASE 2 UNTIL PHASE 1 IS PAVED**, and the gravel surface proposed for Phase 2 has to be paved **THREE** years from the commencement of development of Phase 2;
3. All visibly non-complete vehicles must be shielded from public view **AND MUST BE REMOVED FROM PREMISES WITHIN SEVEN (7) BUSINESS DAYS OF THE ACCEPTANCE BY THE APPLICANT OR READY FOR SALE**;
4. There will be a **SEVEN (7) FOOT, NON-SEE THROUGH** fence **MAINTAINED IN GOOD CONDITION** on the south side of the property to screen the neighboring property within three months of completion of Phase 1. Arborvitaes will be planted on the neighbor's side of this fence;

Motion by Stoen to approve Resolution 488/15, approving Conditional Use Permit for Rick and Cheryl Galewski with conditions recommended by the Planning and Zoning Commission and condition 1, 3 and 4 as revised above. There was no second to the motion. Motion died for lack of a second.

City Council will hold a workshop to consider the request for a Conditional Use Permit for Rick and Cheryl Galewski on Tuesday, November 17 at 6:00 pm.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the Emergency Management Handbook for Government Officials prepared January 2008 and amended November 9, 2015.

City Attorney Moran presented a Lake Access/Equipment Agreement and Special Assessment document with Lakeview Manor Townhome Association (LMTA). The agreement will allow lake access use of the property purchased by LMTA for the properties owned by the City for the amount of \$1,064 per unit.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the Lake Access Equipment Agreement and Special Assessment between the City of Elysian and Lakeview Manor Townhome Association.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 486/15**

**WHEREAS:** the City Council for the City of Elysian met on the 9<sup>th</sup> day of November, 2015, for a regularly scheduled City Council meeting; and

**WHEREAS:** at the aforementioned meeting, a discussion was held regarding the Settlement Agreement reached with Lakeview Manor Townhome Association, Common Interest Community #026; and

**WHEREAS:** the proposed settlement agreement is attached hereto; and

**WHEREAS:** the City Council met and discussed the proposed settlement attached Agreement and the benefits to be gained by settling the matter; and

**WHEREAS:** the City Council for the City of Elysian met this day, discussed this issue, and upon vote taken authorized that the Settlement Agreement attached hereto be authorized and approved. Said motion was made by Councilmember Stoen, seconded by Councilmember McBroom, and passed unanimously.

Upon vote being taken:

Councilmembers voting in the affirmative: Stoen, Houlihan, McBroom, Opsahl, Schnoor

Councilmembers voting in the negative: None

Adopted by the City Council of the City of Elysian this 9<sup>th</sup> day of November, 2015.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Moran presented a Purchase Agreement by JAND Development, Inc. (William Freitag) for eight (8) lots CIC #26 Lakeview Manor as follows:

Lot-001 Block 007 & 2.1276% of common area  
Lot-002 Block 007 & 2.1276% of common area  
Lot-003 Block 007 & 2.1276% of common area  
Lot-004 Block 007 & 2.1276% of common area  
Lot-001 Block 006 & 2.1276% of common area  
Lot-002 Block 006 & 2.1276% of common area  
Lot-003 Block 006 & 2.1276% of common area  
Lot-004 Block 006 & 2.1276% of common area

On motion by McBroom, seconded by Schnoor, all voting in favor, to approve the Purchase Agreement with JAND Development, Inc. (William Freitag) for eight (8) lots in the amount of \$90,000.

The Council considered two bids for playground equipment at the Lake Francis Park: BYO Recreation in the amount of \$27,126.98 and Northland Recreation in the amount of \$27,981.75. Pictures of the equipment in both proposals have been posted on the City Facebook page and at City Hall and residents have had the opportunity to vote on the one they prefer. The Little Tikes equipment from Northland Recreation was preferred. The City is still accepting donations to complete the park project. The rubber mulch and border has been quoted in the amount of \$30,000.

On motion by Stoen, seconded by McBroom, all voting in favor, to purchase the playground equipment as quoted by Northland Recreation in the amount of \$27,981.75.

Stoen reported City Administrator Kopischke met or exceeded all expectations in the performance evaluation of October 12, 2015.

Congratulations to WEM Girls' Volleyball team headed to the State Championship Games Thursday, Friday and Saturday for the first time in history. Good luck and Go BUCS!

On motion by McBroom, seconded by Houlihan, all voting in favor, bills, payroll and transfers were approved in the amount of \$163,293.16.

Public Comment: None

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 8:30 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator



**ELYSIAN CITY COUNCIL  
SPECIAL MEETING  
NOVEMBER 17, 2015**

The Elysian City Council met in special session on Tuesday, November 17, 2015 at City Hall at 6:00 pm.

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

Elysian City Council had considered this request at their Regular Meeting on November 9, 2015. A motion to approve the request with conditions failed due to a lack of a second to the motion.

The Council again considered the conditional use permit request from Rick and Cheryl Galewski to locate a Car Sales, Auto Repair, and Auto Body Business on the south 300 block of State Highway 60 West during this special meeting on November 17, 2015.

Rick and Cheryl Galewski were present. Galewski stated he had started this process to be able to sell cars in Elysian. This is a business that will draw people into Elysian state-wide and multi-state-wide.

Moran noted that Condition #3 seemed to be causing the most difficulty for approval. He presented the following verbiage for Condition #3: "All visibly non-complete vehicles or inoperable vehicles must be shielded from public view; this includes salvaged vehicles. These types of vehicles shall be made road ready, and ready for sale, within 7 business days of receipt of the same, or they shall be stored indoors."

Galewski agreed that in the big picture everyone is trying to be fair to all the businesses. His business model is to sell cars. It is similar to the other business in town (Elysian Auto) but it is not the same. He suggested the definition of salvage is not the same as it was 14 years ago when the Elysian Auto CUP was approved. He stated including the word "salvage" in the condition would stop the main part of his business. He did not know if he would be able to get the cars repaired in seven days and his shed is only 30 x 42 feet. The recommendation from Planning and Zoning required the unfinished vehicles be "shielded from public view". He asked if that wasn't good enough.

Galewski also asked that Condition #1 be left at "5 years" as suggested by Planning and Zoning. He stated there is a hidden cost to paving that area that no one sees and that is the removal of all the ground underneath which will cost \$20,000 to \$30,000. The other CUP his business is being compared to still has gravel on their site. He stated there is so much money going out right away with this business he will need some time to stabilize. He also noted there will be 75 feet of grass between the road and the first row of cars and there will be a pond going in.

After much discussion, Councilmember Stoen introduced the resolution and was seconded by Councilmember Schnoor with the conditions as listed:

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 488/15  
APPROVING CONDITIONAL USE PERMIT  
FOR RICK AND CHERYL GALEWSKI**

**WHEREAS**, the City of Elysian has received an application from Rick and Cheryl Galewski for a conditional use permit to locate a Car Sales, Auto Repair and Auto Body Business on the south 300 block of State Highway 60 West (Parcel ID 16.410.0820); and

**WHEREAS**, a public hearing was held by the Planning and Zoning Commission on September 1, 2015 to receive public comment on the conditional use permit; and

**WHEREAS**, the use proposed by the Galewski's is a permitted use; and

**WHEREAS**, following the public hearing, the Planning and Zoning Commission recommended approval of the conditional use permit, subject to conditions, as the proposed use is within the spirit of the City's Zoning ordinance, it is beneficial to the City's tax base, the use makes good use of the land in issue, the proposed use does comply with the City's existing Zoning Ordinances, the proposed use has the ability to create employment opportunities for the City of Elysian, and is in the best interest and general welfare of the City of Elysian; and

**WHEREAS**, the City Council for the City of Elysian met, discussed the recommendations of the Planning and Zoning Commission, reviewed the application for the Conditional Use Plan, questioned the Galewski's regarding their proposed use, reviewed building plans, reviewed a survey, and heard public comment on the issue and considered the same; and

**WHEREAS**, considering all of the above:

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Elysian, Minnesota hereby finds that the proposed use is within the spirit of the City's Zoning ordinance, it is beneficial to the City's tax base, the use makes good use of the land in issue, the proposed use does comply with the City's existing Zoning Ordinances, the proposed use has the ability to create employment opportunities for the City of Elysian, and is in the best interest and general welfare of the City of Elysian, and therefore the City Council for the City of Elysian herein and hereby approves the conditional use permit in accordance with and subject to the following conditions as revised by the City Council of the City of Elysian at their November 17, 2015 Special Meeting:

- 1) The gravel surface shown in the Phase 1 development has to be paved within three years or prior to the commencement of Phase 2 development (whichever comes first), no gravel on Phase 2 until Phase 1 is paved, and the gravel surface proposed for Phase 2 has to be paved within three years from the commencement of development of Phase 2;
- 2) Garbage to be in back of the building must be contained or placed inside of building;
- 3) All visibly non-complete vehicles or inoperable vehicles must be shielded from public view; this includes salvaged vehicles. These types of vehicles shall be made road ready, and ready for sale, within 7 business days of receipt of the same, or they shall be stored indoors;

- 4) There will be a fence on the south side of the property to screen the neighboring property within three months of completion of Phase 1. Arborvitaes will be planted on the neighbor's side of this fence;
- 5) The east side of the property will be screened with arborvitaes and the north side will be landscaped with low bushes, flowers and short pine trees;
- 6) The CUP is contingent on final approval of the LeSueur County Water and Soil Conservation District and the City Engineer,
- 7) The site will be built and will comply with the submitted site plan;
- 8) All City of Elysian Zoning Regulations are followed; and
- 9) That the applicant will indemnify and hold the City of Elysian harmless from any and all claims, causes of action, injuries, and damages which may be brought by any party against the City of Elysian by virtue of the City's granting of the permit recommended herein.

Upon vote being taken:

Council members voting in favor: Stoen, Houlihan, McBroom, Opsahl, Schnoor.

Opposed or abstained: None.

Adopted by the City Council of the City of Elysian this 17<sup>th</sup> day of November, 2015.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 6:40 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

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

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

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

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

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

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

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

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

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

1. Planning and Zoning Commission Vacancy

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

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

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

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

Upon vote being taken:

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

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14<sup>th</sup> day of December, 2015.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

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

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

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

Upon vote being taken:

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

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14<sup>th</sup> day of December, 2015.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

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

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

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

Upon vote being taken:

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

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

Adopted by the City Council of the City of Elysian this 14<sup>th</sup> day of December, 2015.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

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

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

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

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

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

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

**Total Final Levy**

**\$522,489**

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

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

Voting in the negative: None.

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

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

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

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

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

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

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

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



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

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

Upon vote being taken:

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

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

Adopted by the City Council of the City of Elysian this 14<sup>th</sup> day of December, 2015.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

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

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

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

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

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

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

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

Public Comment:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Written Comment:

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

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

Public Comment:

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

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

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

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

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

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

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

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

Upon vote being taken:

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

Council Members voting in the negative: None.

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

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Public Comment:**

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

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

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator



**ELYSIAN CITY COUNCIL  
SPECIAL YEAR END MEETING  
DECEMBER 29, 2015**

The Elysian City Council met in special session on Tuesday, December 29, 2015 at City Hall at 6:00 pm.

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

On motion by McBroom, seconded by Schnoor, all voting in favor, the agenda of the December 29, 2015 meeting was approved as presented.

Kopischke explained that she had met with Richard Almich, Senior Advisor, Minnesota Valley Council of Governments, to examine the water and sewer rates and consider rates for 2016. Almich looked at the reserves, debt service and projected budget amounts for both funds. His recommendation was that no change was needed to the water and sewer utility rates for 2016.

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 495/15**

**RESOLUTION SETTING WATER AND SEWER  
UTILITY RATES FOR 2016**

**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 2016 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 rates will become effective on January 1, 2016.

Upon vote being taken:

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

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 29<sup>th</sup> day of December, 2015

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 496/15  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN AGENCY**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$500.00 from the Elysian Agency for playground equipment;

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

Upon vote being taken:

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

Councilmembers voting in the affirmative: McBroom, Schnoor, Stoen.

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 29<sup>th</sup> day of December, 2015.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 497/15  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
JAMES SCHWECKE**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$50.00 from James Schwেকে to the Elysian Fire Department in the memory of former Councilmember Brian Zierner;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT:** the City Council of the City of Elysian acknowledges and accepts a donation in the amount of \$50.00 from James Schwেকে to the Elysian Fire Department in the memory of former Councilmember Brian Zierner.

Upon vote being taken:

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

Councilmembers voting in the affirmative: McBroom, Schnoor, Stoen.

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 29<sup>th</sup> day of December, 2015.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

The Council considered two quotes for sanitary sewer televising. Pipe Services was slightly lower with a cost of \$4,680 but they cannot perform the work until mid-February. Empire Pipe is

\$5,580 and can begin work as soon as next week. City Engineer Cavett is recommending that based on the scheduling difference, the Council award the televising contract to Empire Pipe.

On motion by McBroom, seconded by Stoen, all voting in favor, to award the contract for sanitary sewer televising to Empire Pipe in the amount of \$5,580.

On motion by Stoen, seconded by McBroom, all voting in favor, year-end bills were approved in the amount of \$83,963.67.

On motion by Schnoor, seconded by McBroom, all voting in favor, to approve the 2016 Expenditure and Revenue Budget as presented.

Stoen opened the bids received for the lease of approximately 12 acres of tillable land (Parcel ID# 16.999.0310, ID# 16.999.0300, and ID# 16.999.0490) for a term of three years ending December 31, 2018.

Bid #1: Roger Lamont, 2016 - \$138 per acre, 2017 - \$138 per acre, and 2018 - \$138 per acre.

Bid #2: Dennis Rients, \$100 per harvested acres of every leased year.

Bid #3: Jeff Stangler, \$135 per acre per year for the term of the contract.

As per bid advertisement, the current renter will be offered the opportunity to match the highest bid. The contract will be awarded to the highest bidder at the January 11, 2016 City Council Meeting.

On motion by Stoen, seconded by McBroom, all voting in favor, to close the meeting at 6:21 pm per attorney-client privilege, to discuss sale of city-owned land on Main Street

On motion by Stoen, seconded by McBroom, all voting in favor, to open the meeting at 6:50 pm.

During the closed portion of the meeting it was decided to schedule a meeting with Elysian City Councilmembers and Jeremy Henninger to discuss the terms of the sale of the land on Main Street.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 6:51 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator