

**ELYSIAN CITY COUNCIL  
SPECIAL MEETING  
JANUARY 4, 2016**

The Elysian City Council met in special session on Monday, January 4, 2016 at City Hall at 6:00 pm.

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

The Council discussed the sale of city-owned land on Main Street East – Parcel #16.999.0460 – with Jeremy Henninger.

After discussion it was agreed that:

1. City Attorney Moran would work with the DNR to resolve the sewer access issues;
2. Henninger would place \$10,000.00 in an escrow account which would be refunded with completion of a laundromat as presented in his building permit application to be open to the public within one year;
3. The small park area in the northwest corner of the parking lot (approximately 10 feet by 15 feet) would be left as-is;
4. Continue to allow public parking in the lot;
5. Lot be paved within one year;
6. Water and sewer hook-up fees will be waived; and
7. All professional fees and all closing costs and fees, survey costs, and filing fees will be paid by Henninger.

On motion by Stoen, seconded by Houlihan, all voting in favor, meeting adjourned at 6:58 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
JANUARY 11, 2016**

The Elysian City Council met in regular session on Monday, January 11, 2016 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. Absent: None.

On motion by McBroom, seconded by Houlihan, all voting in favor, the minutes of the December 14, 2015 Regular Meeting, December 29, 2015 Special Meeting, and January 4, 2016 Special Meeting were approved as presented.

On motion by Opsahl, seconded by Schnoor, all voting in favor, the agenda of the January 11, 2016 meeting was approved as presented.

Public Comment: None.

On motion by Stoen, seconded by McBroom, all voting in favor, to award the bid for land lease of approximately 12 acres of tillable land (Parcel ID #16.999.0310, ID# 16.999.0300, ID#16.999.0490) for the term of January 1, 2016 through December 31, 2018 to the high bidder of Roger Lamont, 49792 193<sup>rd</sup> Avenue, Waterville, MN 56096 in the amount of \$138 per acre.

On motion by Stoen, seconded by Houlihan, all voting in favor, to set the 2016 regular Council meeting date and time for the second Monday of each month at 6:00 pm unless otherwise designated.

On motion by Schnoor, seconded by McBroom, all voting in favor, the appointments/ assignments for 2016 were approved as follows:

1. Mayor Pro Tem – Mary Opsahl
2. Official Depository – Elysian Bank and Northland Securities
3. Official Publication – Elysian Enterprise
4. Legal Counsel – Jason Moran, Law Firm of Christian, Keogh, Moran & King – Criminal and Civil
5. Auditor – Burkhardt & Burkhardt, Ltd

On motion by McBroom, seconded by Houlihan, all voting in favor, the appointments / assignments for 2016 were approved as follows:

**Planning and Zoning**

Member from Council – Clinton Stoen – 1 year term

Member from Public – Rick Galewski - 3 year term

Member from Public – Dan Engebretson - 3 year term

**EDA**

Member from Council – Mary Opsahl – 1 year term

Member from Council – Tom McBroom – 1 year term

Administrator – City Administrator Lorri Kopischke

**Park Committee**

Member from Council – Tom McBroom - 1 year term

Member from Council – Dennis Schnoor - 1 year term

Member from Staff – Ron Greenwald - 1 year term

Member from Staff – Nicole Lamont – 1 year term

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

Elysian Representative to the MVCOG General Assembly – Clinton Stoen - 1 year term

Fire Relief Association

Member from Council – Dennis Schnoor – 1 year term

Member Appointed – City Administrator Lorri Kopischke – 1 year term

Joint Fire Board Representative - Clinton Stoen

Emergency Management

Director – John Roessler

On motion by Schnoor, seconded by McBroom, all voting in favor, the Fire Department Chief appointments were approved as follows:

Chief – Jason James

First Assistant Chief – Mark Muellerleile

Second Assistant Chief – Eric Muellerleile

Report Public Works: Ron Greenwald, Director

Greenwald reported the results of the Minnesota Department of Health Sanitary Survey Report for Elysian Public Water System, LeSueur County. This survey was performed on December 9, 2015 by Amy Lynch, Section of Drinking Water Protection.

The conduit for well #2 is broken/unsealed where the conduit connects to the well cap. The conduit must be repaired or replaced to prevent contamination from entering the well. It was recommended that either a stationary/fixed or mobile power source (generator) be purchased as a backup for the well in case of a power failure. This can be looked at in the next budgeting year. It was recommended that a secondary storage containment for capturing fluoride in case of an equipment failure or a fluoride spill be provided. It was suggested that the City look at the addition of chlorine into the water system. The City's drinking water has not had a bad water test so this is only a recommendation and not a requirement.

Greenwald stated that during the compliance check for waste water last summer, it was suggested that the pumps on the lift stations be looked at. Upon examination it was found that one of the check valves at Lift Station A on County Road 11 was leaking back. It is recommended that the check valves be replaced. This can be done in 2017 and the cost is estimated to be under \$5,000.

Greenwald noted the concern expressed at the December meeting regarding the storm sewer on 6<sup>th</sup> Street. It has been checked. There were some branches and debris and it has been cleaned. That culvert will be replaced as part of the 2016 Street Project.

Greenwald noted that half of the jetting has been completed and televising of the sewer system will begin this week weather permitting.

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 498/16  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN FIRE RELIEF ASSOCIATION**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$5,000.00 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 \$5,000.00 to be placed in savings to be put toward the purchase of a truck.

Upon vote being taken:

Councilmember Opsahl 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 11<sup>th</sup> day of January, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 499/16  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
CANNON VALLEY COMMUNICATIONS FOUNDATION**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$2,500.00 from the Cannon Valley Communications 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 Communications 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 Opsahl 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 11<sup>th</sup> day of January, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 500/16  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
SOUTHERN MN INITIATIVE FOUNDATION**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$250.00 from the Southern MN Initiative 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 Southern MN Initiative Foundation in the amount of \$250.00 to be placed in savings to be put toward the purchase of a truck.

Upon vote being taken:

Councilmember Opsahl 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 11<sup>th</sup> day of January, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

The new and improved Elysian website will be launched this week - [www.elysianmn.com](http://www.elysianmn.com) The EDA will be hosting an Open House to present the new website to area business owners on January 25, 2016 at 7:00 pm at City Hall.

Council discussed the American Flag flying on the corner near Tucker's Tavern. Prices will be obtained in regards to getting electrical power to the pole to light the flag at night.

Attorney Moran reported he is still working with the DNR on the property between Main Street and Highway 60.

On motion by Stoen, seconded by McBroom, all voting in favor, bills, payroll and transfers were approved in the amount of \$34,864.31.

Public Comment: None.

On motion by Stoen, seconded by Schnoor, all voting in favor, meeting adjourned at 6:25 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
FEBRUARY 8, 2016**

The Elysian City Council met in regular session on Monday, February 8, 2016 at City Hall at 6:00 pm.

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

On motion by Schnoor, seconded by Opsahl, all voting in favor, the minutes of the January 11, 2016 Regular Meeting were approved as presented.

On motion by Stoen, seconded by Houlihan, all voting in favor, the agenda of the January 11, 2016 meeting was approved with the following addition:

1. Commissioner Steve Rohlfling.

Public Comment: None.

County Commissioner Steve Rohlfling updated the council on happenings around LeSueur County. The county is considering a joint power with Nicollet and Blue Earth Counties to supply rural transit. He asked the council to provide input on their vision of rural transit in the area by March 1. The Commissioners are also working on redetermination of ditches in the county to enhance better water quality to the lake systems. The County also has funding available for the aquatic invasive species. Rohlfling noted there have been a lot of bad accidents and advised caution while traveling. Lastly he distributed pamphlets advertising all cities within LeSueur County.

Chris Cavett, SEH Engineering, presented the proposed schedule for the 2016 Street and Utility Improvement Project. Advertisement of bids will be March 3, 10 and 17. Council will declare cost to be assessed, order preparation of the assessment roll and call for the hearing on proposed assessments March 14. Bids will be opened April 1 and there will be a neighborhood open house April 7. Council will receive bids, hold assessment hearing, adopt assessments, and consider award of bids April 11 and construction will commence in May.

Cavett noted there are a couple of issues pending. There is a vacant parcel on Main Street and 5<sup>th</sup> Street NW that is not served by sanitary sewer. Cavett is working with the owner on including that in the project. Cavett will also be meeting with Woodbine Townhome Association to explain the filtration basin that will be constructed in the public right-of-way on Fourth Street NW.

With that noted, Cavett and SEH Engineering are recommending approval of Resolution #502/16 and #503/16.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 502-16  
APPROVING PLANS AND SPECIFICATIONS AND  
ORDERING ADVERTISEMENT FOR BIDS  
2016 STREET AND UTILITY IMPROVEMENT PROJECT**

**WHEREAS**, pursuant to a resolution passed by the council on December 14, 2015, the consulting engineer retained for the purpose, has prepared plans and specifications for the construction of the **2016 Street and Utility Improvement Project**, and has presented such plans and specifications to the council for approval;

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

1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
2. The City Administrator shall prepare and cause to be inserted in the official paper an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published as required by law, shall specify the work to be done, and shall state that bids will be received by the City Administrator until 10:00 a.m. on Friday, April 1, 2016, at which time they will be publicly opened in the council chambers of the Elysian City Hall by the City Administrator and engineer, will then be tabulated, and will be considered by the council at 6:00 p.m. on Monday, April 11, 2016, in the council chambers of the Elysian City Hall. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the council on the issue of responsibility. No bids will be considered unless sealed and filed with the City Administrator and accompanied by a cashier's check, bid bond, or certified check payable to the clerk for 5 percent of the amount of such bid

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 8th day of February, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Stoen introduced the resolution and was seconded by Councilmember Houlihan.

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 503/16  
RESTRICTING PARKING ON FIFTH STREET NW, SAP 040-650-002  
2016 STREET AND UTILITY IMPROVEMENT PROJECT**

**WHEREAS**, the City of Elysian and Le Sueur County have planned the improvement of Fifth Street NW, (CSAH 50) from TH 60 to Main Street (CSAH 50) in the City of Elysian, Minnesota; and

**WHEREAS**, Fifth Street NW, from TH 60 to Main Street is designated as County State Aid Highway, Route 50 / SAP 040-650-002; and

**WHEREAS**, Le Sueur County will be expending County State Aid Highway Funds on the improvements of this Street; and

**WHEREAS**, this improvement, in locations as shown on the construction plan, does not provide adequate width for parking on both sides of the street; and MnDOT plan approval of the proposed construction as a County State Aid Highway project must therefore be conditioned upon certain parking restrictions.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the City Council of the City of Elysian that parking of motor vehicles shall be banned on the east side of Fifth Street NW (CSAH 50) from TH 60 to Main Street (CSAH 50), and on the west side of Fifth Street NW (CSAH 50) from TH 60 to 150 feet north of TH 60, according to the final approved construction plans, at all times.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 8th day of February, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Chris Knutson, Engineer, SEH Engineering, presented a memorandum outlining stormwater management and treatment for Phase B of the City Capital Improvement Plan. This study is focused on stormwater treatment for the Lake Francis watershed east of Fourth Street NW, west of County Road 11 and north of Main Street West. This report is being presented now as there may be funding

opportunities for low interest loans or grants. One possible source is the MN Clean Water Fund and the first step in making application is to be placed on the Project Priority List.

One option for stormwater management and treatment in this watershed would be construction of an infiltration basin. One location identified for this basin is the lot located next to the baseball field, north of Frank Avenue NW between Second Street NW and First Street N. There are not many other opportunities to locate a basin within this watershed. The City would need to acquire the property if construction of this basin was pursued.

Knutson and SEH Engineering are recommending that the City Council accept the CIP – Phase B and authorize SEH to submit this project to the Project Priority List. The deadline for application to the PPL is March 4, 2016. This would get the project in the queue for the 2017 project cycle which runs from July 2016 to June 2017. If the project is not completed within that timeframe, it can be resubmitted to remain in the queue. This will not place the city under any obligation to construct the basin.

On motion by Opsahl, seconded by Houlihan, all voting in favor, to accept the CIP - Phase B Stormwater Treatment Memorandum and authorize SEH Engineering to submit this project to the Project Priority List.

Pat Nusbaum, Elysian Area Library and Heritage Center, reported that the letter from the City of Elysian regarding potential funding to help maintain librarian staffing at a minimum of 32 hours per week in 2017 has been presented to the Waseca/LeSueur Library System Board. The hope was that the Board would allow the Elysian Library to use volunteers through the end of 2016. However, the Library System Board has decided against this and the deadline for use of volunteers to staff the library is May 11, 2016. The approximate cost to bridge the gap and provide for a librarian 32 hours per week for the remaining 7.5 months of 2016 is \$4,000. The Elysian Library Board is requesting the City provide funding for the remainder of the 2016 year.

Schnoor asked how long the Elysian Library can continue to operate on the funds they have. Nusbaum reported that the Library does have funds to pay the debt, lights and heat but does not have the money to fund the hours of the librarian after the May 11 deadline.

Council directed staff to look at the budget and see if funds could be made available to fund the librarian to sustain the 32 hours and at what point in the 2016 city cash flow the funds would be available. This will be discussed again at the March 14, 2016 Council Meeting.

Report Public Works: Ron Greenwald, Director

Greenwald reported he had obtained an estimate to install an outside light on the flag on Main Street and County Road 11 in front of Tuckers Tavern. This would provide electric service to the outside of the building, to the retaining wall, and then up the pole. As the work cannot be completed until spring, Council directed Greenwald to obtain at least one more estimate and present again at the March 14, 2016 City Council Meeting.

Greenwald presented an estimate from Minnesota Pump Works for installation of a dialer with enclosure at Lift Station #1. This is the lift station at the park, closest to the water. Lift Station B which is located in Roemhildt's Addition also has a dial up system and this quote would include putting that dial up in service as well. Greenwald reported that this is the only company that is willing to install dial-up. Most other companies are going to wireless, would charge \$4,000 to \$8,000 and charge a monthly service fee.

Opsahl stated she would prefer to go with a more modernized system and do all the lift stations.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve Minnesota Pump Works in the amount of \$1,854.80 to install a dialer with enclosure at Lift Station 1 and also set up the existing dialer at Lift Station B.

There was Council consensus to begin the advertisement process for Public Works summer help position.

Schnoor thanked the Public Works Department for clearing the snow around the fire hydrants.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 501/16  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
SONIA ZIEMER**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$200.00 from Sonia Ziemer to the Elysian Fire Department in the memory of former Councilmember Brian Ziemer;

**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 \$200.00 from Sonia Ziemer to the Elysian Fire Department in the memory of former Councilmember Brian Ziemer.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 8<sup>th</sup> day of February, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

The Lake Francis Lake Association has requested that the city facilitate the administration of the 2016 Watercraft Inspector. This will include processing the payroll and possibly arranging for advertisement of the position. The city is reimbursed for all costs but is not reimbursed for staff time. There was Council consensus to facilitate administration of the 2016 Watercraft Inspector.

A draft ordinance regulating the conduct of peddlers, solicitors, and transient merchants within the City of Elysian, Minnesota was presented. On motion by Stoen, seconded by Houlihan, all voting in favor, to schedule a public hearing to consider Ordinance No #81/15 - An Ordinance Regulating the Conduct of Peddlers, Solicitors, and Transient Merchants within the City of Elysian, Minnesota for Monday, March 14, 2016 at 6:00 pm.

The LeSueur County Elected Officials Association is working to publish a pamphlet advertising amenities of the cities in LeSueur County. They hope to have this published and distributed in May at no cost to the member cities.

The City is now 100% on the auto read meter system. Therefore, the cardboard billing cards with a meter reading card are no longer needed. Kopischke presented a new style utility billing form with a perforated bottom. Switching to this form will save the city approximately \$800 per year. On motion by Stoen, seconded by Schnoor, all voting in favor, to approve the new utility billing form as presented.

Kopischke presented a proposal for consideration of expenditures to move to paperless Council Meetings and city-issued email accounts. This will include seven (7) units – Samsung Galaxy Tab A-9.7” 16GB, screen protectors, and covers with stands. The cost for equipment is \$2,897.86. The set up for 5 council email accounts for one year and the set-up of the aforementioned equipment has been quoted at \$1,050. The total expenditure to be operational is \$3,947.86. There is \$4,000 budgeted for this process. This system will save the city money in paper, copier costs, and staff time. On motion by Opsahl, seconded by Houlihan, to purchase the Galaxy Tabs, screen protectors, and covers and move forward with the process to change to a paperless Council Meeting. Upon vote being taken: Affirmative: Houlihan, Opsahl, Stoen. Negative: Schnoor. Motion declared carried.

Kopischke presented a quote from Pantheon Computer Systems for suggested security upgrades to the City's network system. On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the Quote from Pantheon for the Cisco 100 series switch in the amount of \$189.95 and the WatchGuard Firebox T10 in the amount of \$625.00.

Kopischke presented a request for a City credit card and approval of a Credit Card / Fuel Credit Card Use Policy. The credit card would be issued to the Administrator, Public Works Director and Fire Chief. Elysian Bank has provided an application for a VISA card. The city auditor is in favor of the City obtaining such a card. The City Attorney has reviewed the proposed policy. On motion by Stoen, seconded by Opsahl, all voting in favor, to approve the application for a city credit card to be issued to the Administrator, Public Works Director, and Fire Chief and of the proposed Credit Card / Fuel Credit Card Use Policy to regulate use of such cards.

On motion by Opsahl, seconded by Houlihan, all voting in favor, bills, payroll and transfers were approved in the amount of \$179,486.08.

Public Comment:

Pat Nusbaum, 104 Park Avenue NE, regarding the transportation issue that Commissioner Rohlifing had talked about I think it's something maybe we should look at it a little bit. I am the President of the LeSueur County Housing Authority and I know that at those meetings we talk a lot about apartment units and so forth in the counties and the cities. Commissioner Rohlifing can you tell us who now does have transportation for our cities?



Rohlfing stated that LeSueur, St Peter and Montgomery have transportation that the County helps fund. The County envisions enhancing the services that are there. One option is to entertain Mankato as our regional hub. The DOT has a 40 bay building there. We envision a low scale model. Your dial a ride should cover all but 10-15% of the costs. There are only six or seven counties in Minnesota that do not have transit and we are three of them. I think it is a good idea and something we need to look at.

Nusbaum asked was the property being discussed for a storm water drainage area County Road 11 and Frank Avenue NW. Engineer Knutson stated it was Frank and Second Street NW. Nusbaum then suggested a taking of that property if the owner would not sell it.

Nusbaum stated that everything that was done tonight was really good in her opinion except that she did not know why you would go with dial up when we're moving ahead and many, many cities around here definitely have the wireless. And that's where they're heading, even small communities do. I think if you are just doing one, you should start out right and do it the more modern way. Thank you.

Commissioner Rohlfing stated that if the city is working on a watershed or a retaining pond please, I will give you my number. Get in touch with the county for gravel tax money. That will be a grant source for you. Go there and put your app in. I want us to be a part of it. Thank you.

On motion by Stoen, seconded by Schnoor, all voting in favor, to close the meeting to go to closed session to discuss the sale of city owned land on Main Street and Attorney Client Matter at 7:22 pm.

On motion by Stoen, seconded by Schnoor, all voting in favor to reopen the meeting at 7:40 pm.

During the closed portion of the meeting the conditions for the sale of the property on Main Street to Jeremy Henninger were discussed. Attorney Moran is authorized to work with Henninger.

On motion by Stoen, seconded by Houlihan, all voting in favor, meeting adjourned at 7:41 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
SPECIAL MEETING  
FEBRUARY 18, 2016**

The Elysian City Council met in special session on Thursday, February 18, 2016 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. Absent: None.

The purpose of this meeting was to discuss and/or take action on the sale of the property legally described as "The North 50 feet of Lot 7 and the North 50 feet of the West 25 feet of Lot 6, Block 20, Elysian Logan, City of Elysian, LeSueur County, Minnesota" to Henninger Properties, LLC.

Attorney Jason Moran presented a purchase agreement to sell the property to Henninger Properties, LLC for \$1,000, and Addenda to the Purchase Agreement – Escrow Agreement, Quit Claim Deed and a design of the proposed Laundry Mat Facility. The Addenda to the Purchase Agreement includes the following additional terms and conditions:

1. Buyer will deposit \$10,000 into an Escrow Account with these funds being held in Escrow by the City of Elysian as security for Buyer's completion of the following:

- a. Buyer agrees that by June 1, 2017, it will fully and completely pave (with either concrete or bituminous) the parking lot area of the property purchased herein and as more fully described on the building permit plan; attached hereto.
- b. Buyer agrees that the parking lot area described on the building permit plan and attached hereto shall be made open and available to the public.
- c. Buyer agrees that it will not disturb, and that it will keep fully in place, the 10x15 foot park area located at the Southeast Corner of the property purchased herein.
- d. Buyer agrees that it will construct a Laundry Mat Facility as is presented in the building permit plan, attached hereto, and will open said facility to the public, and keep that facility open to the public for two (2) years following its opening.
- e. Buyer agrees that prior to making any connection to the City's water and sewer main infrastructure Buyer will, prior to making any said connection, secure the City's express permission to do so.
- f. Seller has further agreed that any and all Sewer Access Charges (SAC) and Water Access Charges (WAC) shall be waived upon Buyer's satisfaction of the above conditions (a), (c) and (d). Should buyer fail to satisfy said conditions, then the Seller shall be authorized to take action to collect those SAC and WAC charges from Buyer.
- g. Buyer is purchasing the property in an "as is" condition. Seller makes no warranties or representations regarding chain of title or access to the sewer main. Buyer understands that the City is attempting to secure a utility connection through the south side of the parcel in the "alley" with the Minnesota Department of Natural Resources. Buyer shall undertake obtaining a utility crossing easement from the Minnesota Department of Natural Resources with respect to Buyer's owned property for the utility connection and Buyer shall bear all costs associated with Buyer's procurement of the easement.
- h. It is expressly agreed that should either party default in the performance of any of its obligations hereunder then the non-performing party shall be liable to the other for any costs of collection and/or costs of enforcement including but not limited to attorneys fees,

costs incurred, and consequential and/or incidental damages sustained.

i. Buyer agrees that the restrictions contained in this Escrow Agreement shall be binding on any successors, assigns or future buyers, and that all of the restrictions in this Escrow Agreement shall run with the land.

j. Buyer agrees to be responsible for all closing costs associated with this transaction including recording fees, the City's Attorney fees with regard to this transaction, State Deed Tax fee, and any other costs or fees associated with the closing of this matter.

k. In exchange for these assurances, and upon closing, Buyer shall deposit with Seller the sum of \$10,000, which Seller shall hold in escrow. The escrowed sum, with any accrued interest, shall be returned to Buyer within ten (10) business days upon the latter of completing the paying as provided in section (a) or the opening of the Laundry Mat Facility. If, however, either condition is not satisfied within the time frame provided herein, then Buyer shall forfeit to the Seller the amount held in Escrow for non-compliance.

After studying the above documents, on motion by McBroom, seconded by Houlihan, all voting in favor, to approve the purchase agreement to sell the property to Henninger Properties, LLC for \$1,000, and Addenda to the Purchase Agreement – Escrow Agreement, Quit Claim Deed and a design of the proposed Laundry Mat Facility and to authorize the following resolution:

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 504/16**

**WHEREAS**, the City Council for the City of Elysian met on the 18<sup>th</sup> of February, 2016, for a scheduled City Council meeting;

**WHEREAS**, at the aforementioned meeting, a discussion was held regarding a parcel of property the City of Elysian owns, specifically, that real estate legally identified as PID number of: 16.999.0460;

**WHEREAS**, Henninger Construction has proposed to purchase the aforementioned real estate for \$1,000 and expand its construction business in Elysian as well as open a Laundromat in Elysian;

**WHEREAS**, the City Council met and discussed this proposed sale to Henninger Construction. The City Council understands that this is a good economic opportunity for the City of Elysian. The expansion will help create construction jobs in Elysian. In addition, due to the sale, the property will generate more tax revenue than it is currently generating. Henninger Construction has additionally agreed that within one year of the completion of construction on its main building, it will then pave the gravel surface on the property further enhancing the area. Henninger Construction has additionally agreed to open a Laundromat in Elysian. In sum, having Henninger Construction expand its operation in Elysian will help to enhance the City's overall tax base, it will employ additional residents, allow for the development and public use of a Laundromat, and it will make the development of adjacent real estate in the vicinity easier and more viable. In total, the council met and agreed that it is in the best interest and general welfare of the City of Elysian for this sale to occur.

**NOW, THEREFORE**, the City Council for the City of Elysian met this day, discussed this issue, and upon vote taken authorized that parcel number 16.999.0460 be sold and deeded to Henninger Construction via Quit Claim Deed.

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 18<sup>th</sup> day of February, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Kopischke updated the Council on the streetlights on east Main Street. Xcel Energy has the parts ordered to fix the streetlights but the parts will not be in stock until March 31, 2016. At that time the entire light will be replaced including the pole, globe and bulb.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 6:20 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
MARCH 14, 2016**

The Elysian City Council met in regular session on Monday, March 14, 2016 at City Hall at 6:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan, Mary Opsahl (arrived at 6:26 pm), Dennis Schnoor, City Administrator Lorri Kopischke, Public Works Director Ron Greenwald, and City Attorney Jason Moran. Absent: Councilmember Tom McBroom.

Motion by Stoen, seconded by Schnoor, 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 hear public comment in regard to Ordinance No. 81/16 – An Ordinance Regulating the Conduct of Peddlers, Solicitors, and Transient Merchants within the City of Elysian, Minnesota.

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 6:04 pm and open the Regular Meeting.

On motion by Schnoor, seconded by Houlihan, all voting in favor, the minutes of the February 8, 2016 Regular Meeting and February 18, 2016 Special Meeting were approved as presented.

On motion by Stoen, seconded by Houlihan, all voting in favor, the agenda of the March 14, 2016 meeting was approved as presented.

Public Comment: None.

Chris Cavett, SEH Engineering, reported that it had been discovered during the preparation of plans and the detailed utility design that the vacant parcel of land, owned by Wayne and Steve James, located at Fifth Street NW and Park Avenue NW (PID 16.410.0595), had no direct access to the sanitary sewer. SEH is recommending an extension of a sanitary sewer main to the property on Park Avenue NW from the existing sanitary sewer on Fourth Street NW. The work would be included with the 2016 Street and Utility Improvement Project and the costs to be assessed to the benefitting property. In order to expedite this item with the current bidding schedule, the proposed sanitary sewer main extension has been added to the current plans and separate bids for the sewer work are being solicited as an Add-Alternative bid schedule to the project.

It has been recommended to the property owner that they submit a written petition request to the City Council to have this work included with the project. This may be done prior to the March 14, 2016 council meeting, but as a fall back to remain in compliance with MN Stat. 429, SEH is recommending the Council continue to include this as a council initiated improvement. If the owner submits a petition and is willing to waive his rights to a public hearing, the public hearing and publications will not be necessary. The public hearing, (if needed) would be held just prior to the assessment hearing on April 11, 2016.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 506/16**  
**ORDERING PREPARATION OF REPORT AMENDMENT**  
**2016 STREET AND UTILITY IMPROVEMENT PROJECT**

**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 the November 9, 2015 Feasibility Report; and

**WHEREAS**, it is proposed to amend the November 9, 2015 Feasibility Report to include a proposed extension of sanitary sewer main on Park Avenue NW, from 4<sup>th</sup> Street NW to approximately 200-feet west of 4<sup>th</sup> Street NW, within the 2016 project area; and

**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:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14th day of March, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN**  
**ELYSIAN, MINNESOTA**

**RESOLUTION 507/16  
RECEIVING REPORT AMENDMENT 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**, and this report was received by the council on November 9, 2015; and

**WHEREAS**, pursuant to resolution of the council adopted March 14, 2016, a report amendment has been prepared by Short Elliott Hendrickson Inc. (SEH®) with reference to the **2016 Street and Utility Improvement Project**; (Report Amendment: Proposed Sanitary Sewer Extension), and this report amendment was received by the council on March 14, 2016; and

**WHEREAS**, the report provides information regarding whether the proposed amendment to the 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 sanitary sewer main in accordance with the report and the assessment to the 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 \$13,200.
2. A public hearing shall be held on such proposed improvement on the 11th day of April, 2016, in the Elysian City Hall at 6:00 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: Houlihan, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14h day of March, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Kopischke reported that a Petition for Sanitary Sewer Extension Improvement to vacant parcel at Fifth Street NW and Park Avenue NW (PID 16.410.0595) from the owners Wayne O. James and Steven D. James had been received at 4:30 today, March 14, 2016. The Petition was read into the record as follows:

March 13, 2016

Ms. Lorri Kopischke  
City Administrator  
City of Elysian  
PO Box 246  
Elysian, MN 56028

Petition for Sanitary Sewer Extension Improvement to vacant parcel at Fifth Street NW and Park Avenue NW (PID 16.410.0595), Owned by Wayne O. James and Steven D. James.

Dear Ms. Kopischke:

We are writing to request that the City Council of Elysian accept this written petition request to have sanitary sewer main extended to the undeveloped property we own at Fifth Street NW and Park Avenue NW, (PID: 16.410.0595) and to include the work with the City's proposed 2016 Street and Utility Improvement Project.

We have met with and discussed the situation with the City Engineer to review options to extend sanitary sewer to serve said property. The proposed sanitary sewer main would be extended west on Park Avenue NW from Fourth Street NW. The full cost of the sanitary sewer main improvement has been estimated by the City Engineer at \$13,200.

By including this improvement with the City's project, we understand the improvement may be assessed to the property in addition to the current street and water assessments.

We also understand that by adding this sanitary sewer main extension work to the city project that we are entitled to a public hearing with the City Council regarding the sanitary sewer main improvements.

However, with our submission of this written petition, we are waiving our right to a public hearing with the City Council and we waive our right to appeal the assessment for said improvements.

Please contact us with any questions.

Sincerely,

Wayne O. James	Steven D. James
Co-Owner	Co-Owner

On motion by Stoen, seconded by Schnoor, all voting in favor, to accept the Petition for Sanitary Sewer Extension Improvement to vacant parcel at Fifth Street NW and Park Avenue NW (PID 16.410.0595), owned by Wayne O. James and Steven D James.

On motion by Stoen, seconded by Houlihan, all voting in favor, to cancel the public hearing to be held on the 2016 Street and Utility Improvement Project; (Report Amendment: Proposed Sanitary Sewer Extension), scheduled for the 11th day of April, 2016, in the Elysian City Hall at 6:00 p.m.

Cavett reported the 2016 Street and Utility Improvement Project is currently out for bids, bid opening is scheduled for April 1, 2016 and an anticipated award of construction contract on April 11, 2016. The assessment roll has been prepared based on the City of Elysian's assessment policy. The next step in the process is to set a public hearing for the proposed assessments. The Assessment Hearing is proposed for Monday, April 11, 2016 at 6:00 pm.

Cavett presented the following for review:



1. Copy of an informational cover letter to be sent with the assessment notice.
2. Sample copy of the Notice of Hearing on Proposed Assessment to be mailed.
3. Notice of Plan Review Open House (to be held Thursday, April 7 from 5 – 7 pm).
4. Copy of the Proposed Assessment Roll – (draft until adoption).
5. Maps of the project / assessment area.

Councilmember Opsahl arrived at 6:26 pm.

Moran noted he would not be available to attend the April 11, 2016 Council Meeting.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 508/16  
DECLARING COST TO BE ASSESSED,  
ORDERING PREPARATION OF PROPOSED ASSESSMENT, AND  
CALLING FOR HEARING ON PROPOSED ASSESSMENT  
2016 STREET AND UTILITY IMPROVEMENT PROJECT**

**WHEREAS**, costs have been determined for the 2016 Street and Utility Improvement Project, for the construction 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, and the estimated contract price for such improvements is \$1,980,000 and the estimated final expenses is \$554,400, so that the estimated final total cost of the improvements will be \$2,534,400.

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

1. The costs will be assessed against benefited property owners per Minnesota Statutes Chapter 429.
2. The portion of the cost of such improvement to be paid by the city is hereby declared to be \$1,776,889.47, and the portion of the cost of such improvement to be paid by LeSueur County is hereby declared to be \$149,009.28, and the portion of the cost to be assessed against benefited property owners is declared to be \$608,501.57.
3. Assessment shall be payable in equal annual installments extending over a period of 15 years, the first of the installments to be payable on or before the first Monday in January, 2017, and shall bear interest at the rate of 4.25 percent per annum beginning November 1, 2016.
4. The City Administrator, with the assistance of the consulting engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and he shall file a copy of such proposed assessment in his office for public inspection.
5. A hearing shall be held on the 11th day of April, 2016, in the Elysian City Hall at 6:00 p.m., to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.

6. The City Administrator is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and shall state in the notice the total cost of the improvement. The City Administrator shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing.
7. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor-Treasurer on November 1, 2016, pay the whole or part of the assessment on such property with interest accrued to the date of payment, to the City Administrator, except that no interest shall be charged on any portion of the assessment paid by October 31, 2016. The property owner may at any time thereafter, pay to the County Auditor-Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.
8. No more than two (2) Partial Payments of a minimum of \$500.00 shall be allowed prior to October 31, 2016.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14th day of March, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Cavett explained the Minnesota Department of Transportation requires the County to obtain a resolution from the City to do the County State Aid Highway 50 portion of the project within the City limits (the one block segment of Fifth Street NW, from TH 60 to Main Street).

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 509/16  
APPROVING COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS  
2016 STREET AND UTILITY IMPROVEMENT PROJECT**

WHEREAS, plans for Project No. SAP 040-650-002 showing proposed alignment, profiles grades and cross-sections for the construction, reconstruction or improvement of County State-Aid Highway No. 50 within the limits of the City as a State Aid Project have been prepared and presented to the City.

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

That said plans be in all things approved.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14th day of March, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Chief Deputy Brett Mason, LeSueur County Sherriff's Department was present to report on happenings in the City. He stated there have been some minor burglaries in the area. He noted a speed trailer has been placed near the Lake Francis boat access. The trailer tells speed and can also be programmed to display messages. The City can request use of the sign at any time.

A request from the Elysian Area Library and Heritage Center was received and considered at the February 8, 2016 City Council Meeting, to fund the approximate cost to bridge the gap and provide for a librarian 32 hours per week for the remaining 7.5 months of 2016 in the amount of \$4,000. Staff is recommending the needed funds be allocated from the \$19,325 the city received as an administrative fee from Kingsway Ministries. This administrative fee was received in December 2015 and is being held in the city general savings account.

On motion by Houlihan, seconded by Opsahl, all voting in favor, to provide a donation to the Elysian Area Library and Heritage Center in the amount of \$4,000 to provide funding to bridge the gap to provide a librarian for 32 hours per week for the remaining 7.5 months of 2016 and to transfer the funds for this donation from the administrative fee collected from Kingsway Ministries in December 2015.

On motion by Houlihan, seconded by Schnoor, all voting in favor, to approve Ordinance No. 81/16 – An Ordinance Regulating the Conduct of Peddlers, Solicitors, and Transient Merchants within the City of Elysian, Minnesota.

**ORDINANCE NO. 81/16**

**AN ORDINANCE REGULATING THE CONDUCT OF PEDDLERS, SOLICITORS, AND  
TRANSIENT MERCHANTS WITHIN THE CITY OF ELYSIAN, MINNESOTA**

**BE IT ORDAINED by the Mayor and Council of the City of Elysian,  
Le Sueur/Waseca County, Minnesota, as follows:**

**SECTION 1. DEFINITIONS.**

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PEDDLER.** A person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of offering for sale, displaying for exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise, or other personal property that the person is carrying or otherwise transporting. For purpose of this ordinance, the term peddler shall have the same common meaning as the term **HAWKER**.

**PERSON.** Any natural individual, group, organization, corporation, partnership, or similar association. As applied to groups, organizations, corporations, partnerships and associations, the term shall include each member, officer, partner, associate, agent or employee.

**REGULAR BUSINESS DAY.** Any day during which the city hall is normally open for the purpose of conducting public business. Holidays defined by state law shall not be considered regular business days.

**SOLICITOR.** A person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property, or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above. For purposes of this ordinance, the term solicitor shall have the same meaning as the term **CANVASSER**.

**TRANSIENT MERCHANT.** A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise, or other personal property and who does not remain or intend to remain in any one location for more than fourteen (14) consecutive days.

**SECTION 2. EXCEPTIONS TO DEFINITIONS.**

For the purpose of the requirements of this chapter, the terms **PEDDLER**, **SOLICITOR**, and **TRANSIENT MERCHANT** shall not apply to:

(A) Non-commercial door-to-door advocates. Nothing within this ordinance shall be interpreted to prohibit or restrict non-commercial door-to-door advocates. Person engaging in non-commercial door-to-door advocacy shall not be required to register as a solicitor under Section 7. The term **DOOR-TO-DOOR ADVOCACY** includes door-to-door canvassing and pamphleteering as vehicles for the dissemination of religious, political and other ideas.

(B) Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a retail seller of the items being sold by the wholesaler.

(C) Any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products, such as baked goods or milk.

(D) Any person making deliveries of perishable food and dairy products to the customers on his or her established delivery route.

(E) Any person making deliveries of newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large.

(F) Any person conducting the type of sale commonly known as garage sales, rummage sales, or estate sales.

(G) Any person participating in an organized multi-person bazaar or flea market.

(H) Any person conducting an auction as a properly licensed auctioneer.

(I) Any officer of the court conducting a court-ordered sale.

Exemption from these definitions shall not, for the scope of this chapter, excuse any person from complying with any other applicable statutory provision or requirement provided by another city ordinance.

### **SECTION 3. LICENSING; EXEMPTIONS.**

(A) **County license required.** No person shall conduct business as a peddler, solicitor, or transient merchant within the city limits without first having obtained the appropriate license from the county as may be required by Minnesota Statutes Chapter 329 as it may be amended from time to time, if the county issues a license for the activity.

(B) **City license required.** Except as otherwise provided for by this ordinance, no person shall conduct business within this jurisdiction as a peddler or a transient merchant without first obtaining a license from the city. Solicitors need not be licensed, but are still required to register with the city pursuant to Section 7.

(C) **Application.** An application for a city license to conduct business as a peddler or transient merchant shall be made at least fourteen (14) regular business days before the applicant desires to begin conducting a business operation within the city. Application for a license shall be made on a form approved by the City Council and available from the office of the Clerk-Administrator. All applications shall be signed by the applicant. All applications shall include the following information:

(1) The applicant's full legal name.

(2) Any and all other names under which the applicant has or does conduct business, or to which the applicant will officially answer to.

(3) A physical description of the applicant (hair color, eye color, height, weight, any distinguishing marks or features, and the like).

(4) Full address of applicant's permanent residence.

(5) Telephone number of applicant's permanent residence.

(6) Full legal name of any and all business operations owned, managed, or operated by applicant, or for which the applicant is an employee or an agent.

(7) Full address of applicant's regular place of business, if any exists.

(8) Any and all business-related telephone numbers of the applicant, including cellular phones and facsimile (fax) machines.

(9) The type of business for which the applicant is applying for a license.

(10) Whether the applicant is applying for an annual or daily license.

(11) The dates during which the applicant intends to conduct business. If the applicant is applying for a daily license, the number of days he or she will be conducting business within the city, with a maximum of fourteen (14) consecutive days.

(12) Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city, including the location where a transient merchant intends to set up his or her business.

(13) A statement as to whether or not the applicant has been convicted within the last five (5) years of any felony, gross misdemeanor or misdemeanor for violating any state or federal statute or any local ordinance, other than minor traffic offenses.

(14) A list of the three (3) most recent locations where the applicant has conducted business as a peddler or transient merchant.

(15) Proof of any required county license.

(16) Written permission of the property owner or the property owner's agent for any location to be used by a transient merchant.

(17) A general description of the items to be sold or services to be provided.

(18) Any and all additional information as may be deemed necessary by the City Council.

(19) The applicant's driver's license number or other acceptable form of identification.

(20) The license plate number, registration information, vehicle identification number (VIN) and physical description for any vehicle to be used in conjunction with the licensed business operation.

(D) **Fee.** All applications for a license under this chapter shall be accompanied by the fee established in the city licensing fee schedule as it may be amended from time to time.

(E) **Procedure.** Upon receipt of the application and payment of the license fee, the Administrator-Clerk, within two (2) regular business days, must determine if the application is complete. An application will be considered complete if all required information is provided. If the Administrator-Clerk determines that the application is incomplete, the Administrator-Clerk must inform the applicant of the required, necessary information that is missing. If the application is complete, the Administrator-Clerk must order any investigation, including background checks, necessary to verify the information provided with the application. Within ten (10) regular business days of receiving a complete application the Administrator-Clerk must issue the license unless

grounds exist for denying the license application under Section 4, in which case the Administrator-Clerk must deny the request for a city peddler or transient merchant license. If the Administrator-Clerk denies the license application, the applicant must be notified in writing of the decision, the reason for denial and the applicant's right to appeal the denial by requesting, within twenty (20) days of receiving notice of rejection, a public hearing before the City Council. The City Council shall hear the appeal with twenty (20) days of the date of the request for a hearing. The decision of the City Council following the public hearing can be appealed by petitioning the Minnesota Court of Appeals for a writ of certiorari.

(F) **Duration.** An annual license granted under this ordinance shall be valid for one calendar year from the date of issuance. All other licenses granted to peddlers and transient merchants under this ordinance shall be valid only during the time period indicated on the license.

(G) **License exemptions.**

(1) No license shall be required for any person to sell or attempt to sell, or to take or attempt to take orders for, any product grown, produced, cultivated, or raised on any farm.

(2) No license shall be required for any person going from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement for the primary purpose of exercising that person's state or federal constitutional rights such as the freedom of speech, freedom of the press, freedom of religion, and the like. This exemption will not apply if the person's exercise of constitutional rights is merely incidental to what would properly be considered a commercial activity.

(3) Professional fund raisers working on behalf of an otherwise exempt person or group shall not be exempt from the licensing requirements.

**SECTION 4. LICENSE INELIGIBILITY.**

The following shall be grounds for denying a peddler or transient merchant license:

(A) The failure of an applicant to obtain and demonstrate proof of having obtained any required county license.

(B) The failure of an applicant to truthfully provide any information requested by the city as part of the application process.

(C) The failure of an applicant to sign the license application.

(D) The failure of an applicant to pay the required fee at the time of application.

(E) A conviction within the past five (5) years of the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon the person's ability to conduct the business for which the license is being sought in a professional, honest and legal manner. Such violations shall include, but are not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.

(F) The revocation with the past five (5) years of any license issued to an applicant for the purpose of conducting business as a peddler, solicitor, or transient merchant.

(G) When an applicant has a bad business reputation. Evidence of a bad business reputation shall include, but is not limited to, the existence of more than three (3) complaints against an

applicant with the Better Business Bureau, the Office of the Minnesota Attorney General or other state attorney general's office, or other similar business or consumer rights office or agency, with the preceding twelve (12) months, or three (3) complaints filed with the city against an applicant within the preceding five (5) years.

## **SECTION 5. LICENSE SUSPENSION AND REVOCATION**

(A) **Generally.** Any license issued under this section may be suspended or revoked at the discretion of the City Council for violation of any of the following:

- (1) Subsequent knowledge by the city of fraud, misrepresentation or incorrect statements provided by an applicant on the application form.
- (2) Fraud, misrepresentation or false statements made during the course of the licensed activity.
- (3) Subsequent conviction of any offense to which the granting of the license could have been denied under Section 4.
- (4) Engaging in any prohibited activity as provided under Section 8 of this ordinance.
- (5) Violation of any other provision of this ordinance.

(B) **Multiple persons under one license.** The suspension or revocation of any license issued for the purpose of authorizing multiple persons to conduct business as peddlers or transient merchants on behalf of the licensee shall serve as a suspension or revocation of each authorized person's authority to conduct business as a peddler or transient merchant on behalf of the licensee whose license is suspended or revoked.

(C) **Notice.** Prior to revoking or suspending any license issued under this chapter, the city shall provide a license holder with written notice of the alleged violations and inform the licensee of his or her right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the license application, or if no residential address is listed, to the business address provided on the license application.

(D) **Public Hearing.** Upon receiving the notice provided in part (C) of this section, the licensee shall have the right to request a public hearing. If no request for a hearing is received by the Administrator-Clerk within ten (10) days following the service of the notice, the city may proceed with the suspension or revocation. For the purpose of a mailed notice, service shall be considered complete as of the date the notice is placed in the mail. If a public hearing is requested within the stated time frame, a hearing shall be scheduled within twenty (20) days from the date of the request for the public hearing. Within three (3) regular business days of the hearing, the City Council shall notify the licensee of its decision.

(E) **Emergency.** If, in the discretion of the City Council, imminent harm to the health or safety of the public may occur because of the actions of a peddler or transient merchant licensed under this ordinance, the City Council may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in part (C) of this section.

(F) **Appeal.** Any person whose license is suspended or revoked under this section shall have the right to appeal that decision in court.



## **SECTION 6. LICENSE TRANSFERABILITY.**

No license issued under this chapter shall be transferred to any person other than the person to whom the license was issued.

## **SECTION 7. REGISTRATION.**

(A) All solicitors and any person exempt from the licensing requirements of this ordinance under Section 3 shall be required to register with the city prior to engaging in those activities. Registration shall be made on the same form required for a license application, but no fee shall be required. Immediately upon completion of the registration form, the Administrator-Clerk shall issue to the registrant a certificate of registration as proof of the registration. Certificates of registration shall be non-transferrable.

(B) Individuals that will be engaging in non-commercial door-to-door advocacy shall not be required to register.

## **SECTION 8. PROHIBITED ACTIVITIES.**

No peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall conduct business in any of the following manner:

(A) Calling attention to his or her business or the items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.

(B) Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way.

(C) Conducting business in a way as to create a threat to the health, safety, and welfare of any specific individual or the general public.

(D) Conducting business before 8 a.m. or after 8 p.m.

(E) Failing to provide proof of license, or registration, and identification when requested.

(F) Using the license or registration of another person.

(G) Alleging false or misleading statements about the products or services being sold, including untrue statements of endorsement. No peddler, solicitor, or transient merchant shall claim to have the endorsement of the city solely based on the city having issued a license or certificate of registration to that person.

(H) Remaining on the property of another when requested to leave, or to otherwise conduct business in any manner that a reasonable person would find obscene, threatening, intimidating or abusive.

## **SECTION 9. EXCLUSION BY PLACARD.**

Unless specifically invited by the property owner or tenant, no peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall enter onto the property of another for the purpose of conducting business as a peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or similar activity when the property is marked with a sign or placard:

(1) At least four inches long.

(2) At least four inches wide.

(3) With print of at least 48 point in size.

(4) Stating “No Peddlers, Solicitors or Transient Merchants,” “Peddlers, Solicitors, and Transient Merchants Prohibited,” or other comparable statement.

No person other than the property owner or tenant shall remove, deface, or otherwise tamper with any sign or placard under this section.

#### **SECTION 10. PENALTY.**

Any individual found in violation of any provision of this ordinance, shall be a guilty of a misdemeanor.

#### **SECTION 11. SEVERABILITY.**

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

#### **SECTION 12. EFFECTIVE DATE.**

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, Subd. 4, as it may be amended from time to time, which meets the requirements of Minnesota Statute Section 331A.01, Subd. 10, as it may be amended from time to time.

Passed by the City Council of the City of Elysian this 14<sup>th</sup> day of March, 2016.

#### **Attest:**

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Clinton Stoen, Mayor

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Lorri Kopischke, City Administrator

Report Public Works: Ron Greenwald, Director

Greenwald presented two quotes to provide the electrical service required to illuminate the flag in front of Tuckers Tavern on Main Street – Volkman Electric in the amount of \$1,435 and Ploog Electric in the amount of \$1,300. Both estimates include a plug in on the pole, a plug in on the building and the light.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to accept the quote and authorize the installation from Ploog Electric in the amount of \$1,300.

Greenwald presented a quote from KEI, Kibble Equipment, for a John Deere Z920M Commercial ZTrak Mower in the amount of \$9,250 less the trade in summary of the 2014 John Deere Z920M Mower for a net cost of \$3,000. This price includes 480 hours of use in the next two years. There is a similar offer that includes a lesser amount of hours (250 hours) for a cost of \$2,000. Greenwald stated with the new park, etc., the City will use the full 480 hours.

On motion by Stoen, seconded by Opsahl, all voting in favor, to approve the quote from KEI, Kibble Equipment, in the amount of \$3,000 for the John Deere Z920M Commercial ZTrak Mower in the amount of \$3,000 with 480 hours of use.

Greenwald reported the Elysian Park Committee would like to move forward with seeding the park on Sixth Street. The cost of the seed is approximately \$1,600 and rental of a Brillion Seeder would be \$100 to \$200.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the expenditure of \$1,800 to seed the park on Sixth Street.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 505/16  
REQUEST FOR LAWFUL GAMBLING  
ST ANDREWS CHURCH BINGO/RAFFLE**

**WHEREAS:** the Elysian City Council was presented with a request from St. Andrew's Catholic Church for one day lawful gambling event: raffle and bingo, on August 14, 2016.

**WHEREAS:** St. Andrew's Catholic Church is a nonprofit organization conducting lawful gambling in the City of Elysian.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT:** the Elysian City Council grants approval to St. Andrew's Catholic Church for one day lawful gambling event: raffle and bingo, on August 14, 2016.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14th day of March, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Kopischke presented a draft Investment Policy. Northland Securities has recommended the City consider adopting such policy prior to the bonding process. The City Auditor and City Attorney have approved the draft policy.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve the Investment Policy as presented.

There was Council consensus to schedule the 2015 Audit Report for April 11, 2016 at 5:30 pm prior to the Regular Council Meeting.

Kopischke presented a participation agreement with GOVPAYNET service. This service provides a means for residents to pay for their utility bills, licensing, etc. via credit or debit card on the internet, via phone or via a swipe machine at city hall. There is no cost to the city. The customer utilizing the service pays all related fees. Other local government agencies in Minnesota are using the service and have been pleased with the results. The agreement may be terminated by participant at any time with or without cause upon 30 days written notice.

On motion by Houlihan, seconded by Opsahl, all voting in favor, to approve entering into the participant agreement with GOVPAYNET services for the payment of fees.

Kopischke requested approval of a one-time credit card purchase above the limit of \$1,000 to pay for the purchase of the galaxy tablets and other accessories at Best Buy in the amount of \$2,335.72.

On motion by Opsahl, seconded by Houlihan, all voting in favor, to approve a one-time credit card purchase above the limit of \$1,000 to purchase the galaxy tablets and accessories at Best Buy in the amount of \$2,335.72.

The Board of Appeal and Equalization Open Book Meetings for 2016 are as follows – LeSueur County: Tuesday, April 12, 2016 from 10:00 am to 6:00 pm, LeSueur County Courthouse and Waseca County: April 18<sup>th</sup> to April 21<sup>st</sup> from 8:00 am to 4:30 pm, Waseca County Assessor's Office.

The March LeSueur County Officials Association Meeting will be held on Wednesday, March 23, 2016, at the Montgomery American Legion Club, 6:30 pm social and food, 7:00 pm meeting.

Nicole Lamont, Park Committee, presented the Council with a quote for a swing set at the Lake Francis Beach Park in the amount of \$2,734. There is not a swing set included in the current proposed playground equipment. If the swing is ordered with the other equipment, the freight charge of \$370 will be waived.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve adding the swing set in the amount of \$2,734 to the Lake Francis Beach Park equipment.

Lamont reported the Sakatah Trail Sno-Cruisers Snowmobile Club is hosting a chili feed and silent auction fundraiser for the Lake Francis Beach Park on April 23, 2016 from 5 to 7 pm at the Elysian American Legion.

On motion by Schnoor, seconded by Houlihan, all voting in favor, bills, payroll and transfers were approved in the amount of \$124,080.01.

Public Comment:

Brian Barnett, 309 Third Street NW, asked if the cost of the storm water basin on Fourth Street was included in the 2016 Street Improvement Project. The cost is included in the project.

On motion by Stoen, seconded by Houlihan, all voting in favor, meeting adjourned at 6:56 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
APRIL 11, 2016**

The Elysian City Council met in regular session on Monday, April 11, 2016 at City Hall at 5:30 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Tom McBroom, Mary Opsahl (arrived at 5:50 pm), Dennis Schnoor, City Administrator Lorri Kopischke, and Public Works Director Ron Greenwald (arrived at 5:53 pm). Absent: Councilmember Robert Houlihan and City Attorney Jason Moran.

Mike Burkhardt, Auditor, Burkhardt & Burkhardt Inc., presented the annual audit report for 2015. Burkhardt stated all was in order and thanked the staff for their good work over the past year and during the audit process.

Councilmember Opsahl arrived at 5:50 pm

On motion by Stoen, seconded by McBroom, all voting in favor, the audit report for year 2015 was approved as presented.

Public Works Director Greenwald arrived at 5:53 pm.

On motion by Stoen, seconded by McBroom, all voting in favor, to recess the meeting at 5:55 pm. The meeting reconvened at 6:00 pm.

On 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 allow public input from citizens regarding the proposed assessment for the 2016 Street and Utility Improvement Project, which includes improvements 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

Chris Cavett, SEH Engineering, presented an overview of the Public Improvement Process, MN Statutes 429. A map of the project area was shown and the 2016 Street and Utility Improvement Public Process was reviewed.

The estimated project cost summary is as follows:

• Street Improvements:	\$1,307,464	(67.0%)
• Sanitary Sewer Improvements:	\$48,048	(2.5%)
• Water System Improvements:	\$280,235	(14.4%)
• Stormwater Improvements:	<u>\$314,142</u>	<u>(16.1%)</u>
Total:	\$1,949,889	(100%)

The estimated project financing is as follows:

• Sanitary Sewer Utility Fund:	\$34,848	(1.8%)
• Water Utility Fund:	\$280,235	(14.4%)
• Environmental (Storm) Utility Fund:	\$314,142	(16.1%)
• Le Sueur County:	\$107,898	(5.5%)
• Assessments:	\$606,902	(31.1%)
• General Levy:	<u>\$605,864</u>	<u>(31.1%)</u>
Total:	\$1,949,889	(100%)

The estimated contribution breakdown:

• Neighborhood Contribution:	\$606,902	(31.1%)
• CSAH Funds (County):	\$107,898	(5.5%)
• City-Wide Contribution:	<u>\$1,235,090</u>	<u>(63.4%)</u>
Total:	\$1,949,889	(100%)

Cavett then reviewed the City of Elysian's Special Assessment Policy. The intent of the Policy is to provide "consistent, uniform, fair and equitable treatment" to all properties in the City. The residential rate is "UNIT" method or Base Rate. There is a separate rate for Multi-Family, Institutional, Commercial and Industrial properties. With the fixed base rate method, the rate is known before the project takes place and is consistent year-to-year, neighborhood-to-neighborhood, and project-to-project.

The 2016 "Proposed" Assessment Rates are as follows:

- Water Service Line: \$1,600 / Unit – Residential
- Sanitary Sewer Service Line: \$1,150 / Unit
- Special Sanitary Sewer Main: \$13,200 / Unit – Undeveloped property on Park Ave
- Reconstructed Street, Curb, & Gutter: \$8,200 / Unit – Residential  
\$109.33 / FF – Commercial / Institutional / MF

Cavett then reviewed the method for Assessment Payments. Assessments are payable until October 31, 2016, interest free. Partial payments (no more than two payments and in the amounts of at least \$500) can be made until October 31, 2016, interest free. The remaining unpaid balance will then be levied to the County and payable with property taxes over 15 years. Interest on the assessments is proposed at 4.25%. There are methods available to request deferred assessments. The deferred assessments still accrue interest and obligation to pay the assessments remains when the property is sold.

Public Comment.

Dave Bell, 304 Sixth Street NW, I am relatively a newcomer to town. I moved here in July. I think my property there should have just one assessment. I guess I am considered a double lot. There probably could be another house squeezed in there, but it would be almost like having another house put in your front yard in my opinion. Due to the fact that I do realize it is a possibility, I would agree to sign some kind of an agreement that over the next 20 years another home could not be built on that property.

Steve Ritchison, 101 Fourth Street NW, I am just also asking the council to reduce or waive one additional assessment on my house because we also do have a large lot and we have never had any intention to subdivide our property. Our current assessment of over \$20,000 is ridiculous to me and even half of that is going to be a financial burden on us for many years to come.

Mark Sybilrud, 514 Lake Avenue NW, Just a point of clarification. First you said a house is a house, that's how it is going to be assessed? So a couple things that I have been looking at this area here with three cabins in there, that's a unique situation I have been told so we are going to do something different with that? A house is a house and now you are going to change it because it is on one lot or what?

Cavett responded. There is a parcel here that is a unique situation that I have never seen before. It is one parcel that has what they call three one-third interests on it. We are basically treating it in essence like a townhome property. One unit was assessed to it and was split into thirds. My logic here would be that the property would never be subdivided. If anyone would ever want to do anything with it they would literally have to buy the entire property, remove all three homes on it and start over. It would still only be one parcel. It is not really a house is a house, it is one buildable, stand-alone tax id parcel. That is how we treated it. Granted this is a unique situation.

Sybilrud then referred to the properties of 510, 512, and 514 Lake Avenue NW. They are all getting the full assessment of \$8,200. Those lots do not access or have any property along the street. All the others have property that abuts the road. Sybilrud asked if 411 Sixth Street NW was getting assessed with the project.

Cavett explained there is a large parcel northwest of the project area and there are also a number of parcels west of the project area that do utilize these streets to access the area. But these parcels are off the project area and the idea is that eventually more will be done in the future and those will be dealt with at that time.

Sybilrud stated this is where they disagree because these people can't get out unless they use this road. When you talk about the future, well this person has his kids and his grandkids and this may be in the family for a hundred years and never be developed. These properties are not included in Phase A, B, C, or D. I am not concerned with them being assessed but it does not seem like we are doing apples apples apples.

Cavett stated that while that area is not identified in the next four projects, it is certain that something will be done in that area. Again, 510, 512, 514 all have direct access off the project area. The street, water and sewer is direct access off the project area. There has to be a point where it is cut off and this was the logical point. Eventually when that street going back in there has to be done, those properties will be affected.

Sybilrud asked if the road was going to be widened two feet on each side or if it would be just four feet on one side or the other.

Cavett explained that most of the streets in the project area are 24 feet wide. The road will be widened to approximately 28 feet. On average it will be about two feet on either side. The exception is that not every road is straight. So there will be a few individuals that will see a little more or a little less. But generally speaking it will be two feet on either side.

Sybilrud asked if the trees suffered root damage, how would that be taken care of?

Cavett noted there are very few trees that are going to be affected with the project. Certainly if there is a problem with a tree that is in the right-of-way, those are trees that are the city responsibility and the city is not going anywhere. We will address that at the time if something were to happen to them.

The Mayor called for further public comment. There was no further public comment.

Written comments.

Kopischke reported there was one written request from Alvin and Doris Coon, 306 West Main Street, regarding assessment of a water service which did not serve their property. This issue has been resolved and the Coon's assessment amount has been adjusted.

The following written comments were received:

"March 30, 2016

To: Elysian City Council

Re: Assessment

City Councilmembers,

We have no intentions of subdividing our property at 101 Fourth Street NW. We would ask the council to consider reducing or waiving our additional assessment amount. Thank you for your consideration.

Steve and Joyce Ritchison"

"April 11, 2016

To the Elysian City Council

I, David Bell, am responding to the possibility of a double assessment on my property, 304 NW 6<sup>th</sup> St. I have no interest in subdividing my lot, but I do realize it is a possibility. So I would agree to sign an agreement that the property could not be divided over the next 20 years. Hopefully this will resolve a double assessment on my property.

Sincerely, Dave Bell"

No further written comments were received.

Motion by Stoen, seconded by Schnoor, all voting in favor, to close the Public Hearing at 6:32 pm and open the Regular Meeting.

On motion by McBroom, seconded by Opsahl, all voting in favor, the minutes of the March 14, 2016 Regular Meeting were approved as presented.

On motion by Stoen, seconded by Schnoor, all voting in favor, the agenda of the April 11, 2016 meeting was approved with the following addition:

1. Consideration of Purchase of a Laptop for Civil Defense.

Public Comment: None.

George Eilertson, Senior Vice President, Northland Securities, presented an overview of financing for the 2016 Street and Utility Improvement Project. Eilertson presented preliminary figures for a \$1,950,000 General Obligation Improvement Bond. This bond would be payable over 15 years in accordance with the City's Special Assessment Policy. It is anticipated that the bonds will be awarded on May 23, 2016 with an average interest rate of 2.10%. The bond issued debt service will be structured around the existing debt so as to maintain a level tax levy. Eilertson also presented a summary of a combined refunding of three existing bond issues that would result in a net debt service reduction of \$73,340.18.

Chris Cavett, SEH Engineering, presented the assessment roll and map for the 2016 Street and Utility Project. He noted that per the Elysian Special Assessment Policy interest rates may vary, but shall be set no more than 2% above the average interest rate on the bond sale of the property. The bond has not yet been sold but the interest rate is estimated to be between 2.25% to 2.5%. The



interest rate published in the notice of assessment was set at 4.25%. Council can reduce this rate prior to the final certification of assessments to LeSueur County.

Cavett noted that the assessment statement for Alvin and Doris Coon, 306 Main Street West, had been corrected and a revised statement had been sent to the owner.

Cavett noted that there are two parcels in the project area where the properties are large enough to subdivide and should be considered for a double assessment. The owners of both of these properties have submitted a written objection and did speak during public comment time this evening. The City Council could consider entering into an agreement with the property owners for deferment of the second as undeveloped property. This should be referred to the city attorney.

Cavett stated SEH is recommending that the City Council consider approving Resolution 510/16 Adopting Assessment for the 2016 Street and Utility Improvement Project.

Motion by Stoen, seconded by McBroom, all voting in favor, to pull the assessments for Steven and Joyce Ritchison – PID # 16.410.0590 and for David Bell – PID # 16.410.0990 from the assessment roll and to direct staff/engineer to review and bring back a recommendation for Council consideration at the next meeting.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 510/16  
ADOPTING ASSESSMENT**

**WHEREAS**, pursuant to proper notice duly given as required by law, the council has met and heard and passed upon all objections to the proposed assessment for the **2016 Street and Utility Improvement Project**, which includes improvements 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

by the construction 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, and has amended such proposed assessment as it deems just.

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

1. Such proposed assessment, as amended, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments, including principal and interest, extending over a period of 15 years, the first of the installments to be payable on or before the first Monday in January 2017, and will bear interest at a rate of 4.25 percent

per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2017. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor-Treasurer on November 1, 2016, pay the whole or part of the assessment on such property with interest accrued to the date of payment, to the City Administrator, except that no interest shall be charged on any portion of the assessment paid by October 31, 2016. The property owner may at any time thereafter, pay to the County Auditor-Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.
4. The City Administrator shall forthwith transmit a certified duplicate of this assessment to the County Auditor-Treasurer to be extended on the property tax lists of the county. Such assessment shall be collected and paid over in the same manner as other municipal taxes.

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 11th day of April, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Cavett reported that at 10:00 am on Friday, April 1, 2016, five (5) bids were received for the 2016 Street and Utility Improvement Project. Present at the bid opening on behalf of the City were Chris Cavett, Lorri Kopischke and Ron Greenwald. The results were as follows:

Contractor	Base Bid	Alternate 1	Alternate 2	Alternate 3
R.A.W. Construction, LLC Faribault, MN	\$1,374,459.00	\$20,336.10	\$10,233.27	\$10,197.00
James Bros. Construction Elysian, MN	\$1,398,312.70	\$7,720.00	\$2,931.50	\$7,425.00

Dirt Merchant, Inc. Mankato, MN	\$1,435,699.83	\$5,850.00	\$13,906.10	\$10,428.00
WW Blacktopping, Inc. Mankato, MN	\$1,575,080.10	\$8,340.00	\$10,878.00	\$6,600.00
BCM Construction, Inc. Faribault, MN	\$1,838,469.00	\$4,020.00	\$12,850.00	\$10,725.00

The three bid alternates are as follows:

Alternate No. 1: add or deduct for substituting copper water service pipe for the polyethylene (PE) pipe as proposed in the base bid.

Alternate No. 2: bid for extension of sanitary sewer main west on Park Avenue. This item was a petition improvement received by the Council at the March meeting. As this was a petitioned improvement, the benefitting property signed a waiver for a hearing and the work is being assessed in full.

Alternate No. 3: bid for sawing and sealing of the bituminous pavement.

Cavett reported that based on the investigation of the contractor's past work, R.A.W. Construction, LLC of Faribault, MN has completed satisfactory work for other communities in the area and he finds no reason to deny awarding the contract to R.A.W. Construction, LLC.

Cavett stated that if council agrees with proceeding with the project, it is recommended that the City Council approve Resolution 511/16 Accepting Bids and award the contract for the 2016 Street and Utility Improvement Project to R.A.W. Construction, LLC of Faribault in the amount of \$1,394,889.27 which includes the base bid and the bids for Alternate Nos. 2 and 3.

McBroom noted in R.A.W. Construction reference review #11, there were comments regarding scheduling and staying on track with schedule. Cavett confirmed these were comments he received. He stated this was not uncommon with contractors but certainly something that is good to know ahead and keep on top of.

McBroom asked if there was anything in the contract that would reward the contractor for early completion or assess for not meeting scheduled deadline. Cavett replied that there is no incentive for early completion. There is liquidated damage for late (substantial) completion. There is also an interim completion requirement which basically requires that once a street is opened up - the pavement removed - there is nine weeks to get blacktop back down.

McBroom stated that the scheduling comments are concerning for him.

Schnoor stated that he has a tough time getting another "green" company in town to do the work. It seems like every time we do a street project we get a young company in here and we end up with problems. Not saying there is anything wrong with them, don't get me wrong. It makes me eerie of a young company that we don't know much about. I don't think much of the saw and sealing of new blacktop. The first thing that goes kaput is the joints.

Cavett stated he swears by the saw and sealing. MNDot used to do it on trunk highways but they stopped because on high volume roads you do get "cupping". Tom Wood, MNDot, still recommends it on urban low volume settings. We did it in Maplewood for the eight years I was there. We considered it in New Prague and I contacted them in Maplewood and they are still doing it. I did an informal survey with the city engineers of the communities that have been doing it, and they are

continuing to do it. I certainly do recommend it. You will definitely spend that on grout and seal when those roads begin to crack and again those cracks don't get filled right away.

Stoen stated he understood the hesitation with a newer company we are unfamiliar with. But we also should feel that we have done our homework through the engineer and the references we have called. But again, I can understand your hesitation. And another thing that is difficult is we have bids in front of us, as is with any project, no matter what we do in our community, from local companies. We all know we want to support our economy and our local company but in this situation we don't necessarily have that choice because we stand to lose approximately \$107,000 in county funding.

Opsahl stated it is concerning to lose the county funding if the City does not follow through with the lowest bid.

McBroom agreed that if the City loses that \$107,000 in county funding, the taxpayers will have to absorb that loss. He was not comfortable with that loss.

Schnoor stated he had questions about the saw and sealing and about putting plastic pipes under the City streets.

Cavett noted the City of Elysian is currently all copper piping. The cities of New Prague and Mankato are going to all polyethylene. Greenwald stated he had talked to a number of different cities and that is definitely the route they are going.

Commissioner Rohlfing stated he wasn't familiar with the rules on county funding. Kopischke confirmed that Darrell Pettis, LeSueur County, has informed the City of Elysian that if they do not award to the lowest bidder (without cause) they will lose the county funding for this project.

Rohlfing asked if the state aid portion of this project was going to be sawed and sealed and if that would meet county specifications. Cavett replied that this has been accounted for within the scope of the project but will be confirmed with Pettis.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 511/16  
ACCEPTING BIDS  
2016 STREET AND UTILITY IMPROVEMENT PROJECT**

WHEREAS, pursuant to an advertisement for bids for the construction of the **2016 Street and Utility Improvement Project**, bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement:

<b><u>Contractor</u></b>	<b><u>Base Bid</u></b>	<b><u>Alternate 1</u></b>	<b><u>Alternate 2</u></b>	<b><u>Alternate 3</u></b>
R.A.W. Construction, LLC Faribault, MN	\$1,374,459.00	\$20,336.10	\$10,233.27	\$10,197.00
James Bros. Construction Elysian, MN	\$1,398,312.70	\$7,720.00	\$2,931.50	\$7,425.00
Dirt Merchant, Inc. Mankato, MN	\$1,435,699.83	\$5,850.00	\$13,906.10	\$10,428.00

W W Blacktopping, Inc. Mankato, MN	\$1,575,080.10	\$8,340.00	\$10,878.00	\$6,600.00
BCM Construction, Inc. Faribault, MN	\$1,838,469.00	\$4,020.00	\$12,850.00	\$10,725.00

AND WHEREAS, it appears that R.A.W. Construction, LLC, of Faribault, Minnesota, is the lowest responsible bidder,

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

1. The mayor and city administrator are hereby authorized and directed to enter into a contract with R.A.W. Construction, LLC, of Faribault, Minnesota, in the name of the City of Elysian, Minnesota, for the construction of the **2016 Street and Utility Improvement Project**, in the amount of \$1,394,889.27 for the Base Bid and Alternate No. 2 and No. 3, according to the plans and specifications therefore approved by the city council and on file in the office of the city administrator.
2. The city administrator is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

Upon vote being taken:

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

Council Members voting in the negative: Schnoor.

Adopted by the City Council of the City of Elysian this 11th day of April, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Cavett presented proposals from Braun Intertec in the amount of \$42,290 and American Engineering Testing (AET) in the amount of \$28,619, for random testing of soils, aggregate, concrete and bituminous related to the 2016 Street and Utility Improvement Project.

Cavett stated SEH is recommending City Council authorize the City Administrator and Mayor enter into agreement for Construction and Material Testing with American Engineering Testing (AET).

On motion by Stoen, seconded by Opsahl, all voting in favor, to authorize the City Administrator and Mayor to enter into agreement for Construction and Material Testing with American Engineering Testing (AET) in the amount of \$28,619.00.

Cavett presented a Cost Participation Agreement between LeSueur County and the City of Elysian for reconstruction of CSAH 50 (TH 60 to Main Street West). This agreement outlines the way the City will receive reimbursement from the County.

On motion by Stoen, seconded by Opsahl, all voting in favor, to approve the Cost Participation with LeSueur County.

The Council considered two options for Environmental Mosquito Management with Clark Environmental Mosquito Management, Inc. Option #1 includes nine treatments at \$258 per treatment for a total cost of \$2,322. Option #2 includes fifteen treatments at \$238 per treatment for a total cost of \$3,570. It was noted there is \$2,300 in the City budget for this service.

On motion by Stoen, seconded by McBroom, all voting in favor, that based on budget constraints, to approve Option #1, nine treatments at \$258 per treatment for Mosquito Management by Clarke Environmental Mosquito Management, Inc.

On motion by Stoen, seconded by McBroom, all voting in favor, a special council meeting will be held on Tuesday, April 26, 2016 at 6:00 pm.

Kopischke reported that the Economic Development Authority requested the Council compose a letter in support of allowing golf carts on the Sakatah State Trail and send it to legislators. There was council consensus to draft such letter to be signed by Mayor Stoen.

Thank you to Elysian Horizons Group for the donation of the garbage cans – ashtrays on Main Street. The three cans are located by the Elysian Area Clubhouse, The Thirsty Beaver, and between the American Legion and Fischers Corner Bar. Residents of the Nu Horizons of Southern Minnesota will be maintaining the cans.

Minnesota Severe Weather Awareness Week is April 11-15. Tornado drills are scheduled for Thursday, April 14 at 1:45 pm and 6:55 pm.

The LeSueur County Officials Association Meeting will be held Wednesday, April 27, 2016 at the LeCenter American Legion Club 6:30 pm social and food, 7:00 pm meeting.

John Roessler, Emergency Management Director, has requested a new computer as the desktop computer that was donated has stopped working. On motion by Opsahl, seconded by McBroom, all voting in favor, to approve the purchase of a laptop for Civil Defense in an amount not to exceed \$800.

Nicole Lamont, Park Committee, presented an updated layout of the new playground equipment. The Park Committee is recommending approval of purchase of twelve-inch woodfiber mulch, border, mats, and wheelchair ramp in the amount of \$13,063.48. The cost of the playground equipment with swings is \$30,715.75 resulting in a total playground cost of \$43,779.23. To date, \$39,500.00 has been raised. We still need \$4,279.23. Funding requests are still pending and the Sakatah Trail Sno-Cruisers Snowmobile Club is hosting a chili feed and silent auction fundraiser for the Lake Francis Beach Park on April 23, 2016 from 5 to 7 pm at the Elysian American Legion. Lamont noted the old equipment is also for sale. Sealed bids are being accepted until April 21, 2016.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the purchase of playground woodfiber, timbers, rubber mats, and ramp in the amount of \$13,063.48 from Northland Recreation, LLC.

On motion by McBroom, seconded by Schnoor, all voting in favor, bills, payroll and transfers were approved in the amount of \$177,390.86.

Public Comment:

David Bell, 304 Sixth Street NW, I don't know the address right across from me but it is vacated property and I just wonder if this has ever been brought up before but it looks really kind of distracting. It has like seven cars just sitting there, a trailer and a boat. There is nobody living there and I think the city is mowing it now. I don't know if anything has even been brought up about it. I was just wondering the possibility of removing the cars or placing them back so it doesn't look like a junk yard.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 7:32 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
SPECIAL MEETING  
APRIL 26, 2016**

The Elysian City Council met in special session on Tuesday, April 26, 2016 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. Absent: None.

Greenwald presented an estimate from Volkman Electric to install 225 amp service on Second Street NE between Main Street and TH 60 in the amount of \$6,640. This is in response to the need for more power for vendors during the July 4<sup>th</sup> celebration. This service would supply power for four vendors and ten additional outlets. A panel would also be required for an approximate cost of \$400. The panel would be located on Second Street NE on the boulevard near the Elysian Agency by the second power pole. The outlets would be on the back of the panel and there would be space for advertising or some other use on the front (street) side of the panel.

Houlihan asked how the vendors received power last year. Greenwald explained a power cord was laid across the street. The proposed panel would service four vendors with no cords in the street. It was noted that the food vendors are a large part of the revenue for the July 4<sup>th</sup> celebration.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the installation of the 225 amp service panel by Volkman Electric in the amount of \$6,640 with an additional amount up to \$400 for the panel with \$1,000 being drawn from funds allocated for the July 4<sup>th</sup> celebration, and the remainder split between cable and general savings accounts.

On motion by Schnoor, seconded by Houlihan, to approve the hire of Dallas McBroom for temporary summer help for 2016 season. Voting in favor: Houlihan, Opsahl, Schnoor, Stoen. Abstain: McBroom. Motion carried.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the job description for a Public Works Worker – Part time as presented.

Greenwald reported that the City received a Notice of Violation on December 16, 2015 from the Department of Natural Resources (DNR) in regard to the sand beach blanket at the Elysian City park and beach on Lake Francis. Per DNR requirements, the City applied for a Public Water Works Permit on December 30, 2015 and staff has since been working with the DNR on resolution of this matter. The DNR would like the sand blanket at the beach cut in half and would permit 100 feet of beach. They would like the rest of the beach, the area in front of the volleyball courts, placed into native plantings with stabilization of the berm to prevent further deterioration. The City Engineer has also been consulted and he is recommending a two tier stabilization which would be planted with perennial vegetation. DNR would like this completed by June and the estimated cost is \$10,000 to \$12,000.

City Attorney Moran stated he would like to review the violation letter and the statutes. Staff was directed to poll other cities in the area to determine the length of their city beaches.

There was council direction to install a silt fence on the beach and have the City Attorney research the matter and attend the next meeting with the DNR.



Council considered the requests for 2016 Street and Utility Project assessment adjustments for Steve and Joyce Ritchison, 101 Fourth Street NW, and David Bell, 304 Sixth Street NW. City Attorney will draft deferred assessment agreements that can be considered at the May Council Meeting.

Mayor Stoen reported that LakeView Manor Townhome Association (LMTA) has voted down the Development Proposal submitted by Wilcon and Wilcon has subsequently withdrawn the purchase agreement with the City of Elysian. This is \$90,000 lost in revenue, \$45 million lost in new development, a loss of new property taxes and business revenue.

The Council expressed their frustration and questioned the City's legal options. City Attorney Moran stated the City could commence litigation. He would suggest that the City attempt one more discussion with the LMTA Board and see if Wilcon can be brought back to the table. Moran will reach out to the new LMTA Board President to facilitate a meeting.

The Council then addressed the issue of private drives in the City. There are several including Northshore Drive, Lakeshore Drive, Scenic Hideaway Drive (Ray's Lake Estates), Kaplan's Cedar Pointe, Roots Beach Road, and Willow Point Drive. Willow Point Drive is currently requesting that the City sealcoat their blacktopped drive. There has also been discussions over the years of the City accepting Willow Point Drive as a City street. It was noted that the blacktop is not built as a City street – it is not wide enough and does not have the same foundation. The City has been providing snowplow service and light general maintenance to Willow Point Drive.

Several Willow Point Drive residents were present at the meeting. The Council asked that residents of Willow Point Drive present their comments and requests to City Hall in writing prior to the May 6 Council Meeting.

City Attorney Moran left the meeting at 7:20 pm.

Galaxy tablets were distributed to the Council and they were instructed in their operation.

On motion by McBroom, seconded by Houlihan, all voting in favor, meeting adjourned at 7:42 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
EMERGENCY MEETING  
MAY 3, 2016**

The Elysian City Council met in emergency session on Tuesday, May 3, 2016 at City Hall at 5:30 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan and Dennis Schnoor, City Administrator Lorri Kopischke, and Public Works Director Ron Greenwald.

Absent: Councilmembers Tom McBroom and Mary Opsahl.

Greenwald reported that Friday, April 29, Pump #1 at Lift Station A on County Road 11, the main lift station that pushes all the waste water to the sewer ponds, failed. The pump is 20 years old. The annual testing was performed last year and no problems were detected. Nothing out of the ordinary has shown up on the daily notes.

Minnesota Pump Works pulled the pump and took the pump apart. The company that makes the failed pump "Barnes" says our pump is obsolete. They are also stating that many of the parts needed to fix the failed pump are unavailable. So some of the parts are available and some could be manufactured. But the old pump – if it could be brought back to life – would be thrown together with a mish mash of parts, would cost \$2,500, and would not have a warranty.

The plumbing in Lift Station A is odd in that the piping runs all the way to the bottom. This requires a specific type of pump. Minnesota Pump Works has stated they can re-plumb the lift station and it would cost approximately \$10,000.

Greenwald reported he had contacted several vendors and the only pump available that will work in this lift station is a Barnes pump. A quote has been received from Minnesota Pump Works in the amount of \$13,812.50. This includes installation. Minnesota Pump Works did install a loaner pump today and the cost is \$200 per week with a one month minimum. The new pump has a lead time of 4 to 6 weeks.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to purchase the Barnes Pump from Minnesota Pump Works in the amount of \$13,812.50 and to repair the failed pump in an amount not to exceed \$3,000 for use as a backup pump.

Council consensus was to look at re-plumbing the lift station as a budgeting item.

On motion by Stoen, seconded by Houlihan, all voting in favor, meeting adjourned at 5:48 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
MAY 9, 2016**

The Elysian City Council met in regular session on Monday, May 9, 2016 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. Absent: None.

On motion by McBroom, seconded by Houlihan, all voting in favor, the minutes of the April 11, 2016 Regular Meeting, April 26, 2016 Special Meeting, and May 3, 2016 Emergency Meeting were approved with the following change:

April 11, 2016 Regular Meeting, page 10, paragraph 10, second sentence should read: "On motion by Opsahl, seconded by McBroom, to approve the purchase of a laptop for Civil Defense in an amount not to exceed \$800. Voting in favor: McBroom, Opsahl, Stoen. Nay: None. Abstain: Schnoor. Motion Carried."

On motion by Stoen, seconded by McBroom, all voting in favor, the agenda of the May 9, 2016 meeting was approved as presented.

Chief Deputy Mason was present to update the Council. He reported the water patrol is now out on the lake and the aquatic invasive species training has started. The speed trailer is available for use in the city. Mason also reported that he and the sheriff are considering the possibility of LeSueur County joining a Drug Task Force as drug abuse remains an issue in this county.

Public Comment: None.

The Council acknowledged the ten letters received from Willow Point residents regarding issues with their private drive. Residents of Willow Drive in attendance at the meeting included John Sandquist, David and Sandra Running, Joe and Nadine Strong, and Leo Brown.

The Willow Point Drive residents expressed that they were not getting anything for the large amount of taxes they paid, there was an agreement signed with the City when the area was originally annexed into the City that the City would maintain their road, and that the City was saving a lot of money now that the road was blacktopped and the gravel no longer had to be maintained. They are requesting that the frost boil be repaired and Willow Point Drive be sealcoated.

Houlihan commented that he lives on Cedar Point Drive which is also a private drive. They have formed an association and their association paid to blacktop the entire private drive. Every property owner paid into the association and continues to do so each year. They did not expect the city to sealcoat their road because it is a private drive and they prefer to keep it that way because they do not want the traffic on that road.

Schnoor asked if the cost of the gravel that was used to maintain Willow Point Drive prior to it being blacktopped, and, what the city has saved over the years due to it being blacktopped, could be determined. Staff will research.

McBroom stated that the city is not mandated to do any maintenance on that road because it is a private drive and not a city street. The city does provide snowplow services.

Stoen indicated the city does not have the funds in the budget to sealcoat Willow Point Drive. The road is not deeded to the city and is substandard and asked how this would be treated with the special

assessment policy.

Schnoor stated he had walked the entire length of Willow Point Drive and the road is in good condition except for a frost boil and one spot where electricity was run under the ground which should be the responsibility of Minnesota Valley Electric. Houlihan agreed with that assessment of the road and added that there are one or two manhole covers that need to be lifted.

It was noted that the city paid to blacktop the area of the road where the frost boil is located.

Houlihan acknowledged that there is an agreement that the city will provide general maintenance. He felt that raising the manholes would constitute maintenance and also fixing the frost boil that is right near the city lift station. Greenwald estimated the frost boil could be repaired for approximately \$1,000.

An excerpt from the agreement signed when Willow Point was annexed into the city reads: "We (City of Elysian) have agreed that the city will provide maintenance to the private roads in Roots Beach and Willow Point. Normally, the city does not provide maintenance on private roads, however, since we will have utilities in the area and within the roadway, we believe it appropriate for us to agree to maintain the private roads. The amount of maintenance would not be that of a full city street but we make efforts to make them passable and usable".

McBroom stated that general maintenance would constitute general maintenance items such as manhole covers, frost boils, etc. General maintenance does not include sealcoating.

Schnoor reiterated that the frost boil is located on the portion of the road that the city paid to blacktop and for that reason, he would like to see that frost boil repaired.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to authorize Greenwald to obtain estimates to fix the frost boil that has developed in the portion of blacktop that the city paid to pave near the lift station and an estimate to fix the manholes that need repair on Willow Point Drive.

There was Council consensus to hold a workshop with the City Attorney and the City Engineer to further discuss the issue of maintenance of private drives in the city. The Council thanked the residents of Willow Point Drive for their input.

The Council received a request from Robert J and Jaclyn J Frechette, 300 Main Street West, to vacate the alley located in Block 18 between the properties of PID #R16.410.0690 and R16.410.0610. Both properties are owned by the Frechettes. It was noted that vacation of this alleyway was requested by Louis Roessler, Gloria Meyers, and Carl and Sue Morsching in 1993. The Council held a public hearing and the request was approved but it appears it was never recorded with the County. On motion by Schnoor, seconded by Opsahl, all voting in favor, to hold a public hearing on June 13, 2016 at 6:00 pm to consider the request of Robert J and Jaclyn J Frechette to vacate the alley located in Block 18 as described above.

The Council received a request from Heather Doehling, 207 Fourth Street NW, to allow chickens to be kept in the city limits. On motion by McBroom, seconded by Opsahl, all voting in favor, to refer the request to keep chickens in the city limits to the Planning and Zoning Commission for study and to bring a recommendation to the Council for consideration.

Kopischke reported that the four pieces of playground equipment that will no longer be used were advertised for sale via sealed bid with a reserve sale price. The jungle gym sold for \$181.88 and the straight slide sold for \$251. The swing frame did receive a bid of \$25 but the bidders have since removed their bid. The spiral slide is still available and the advertised reserve price was \$300. On motion by Stoen, seconded by McBroom, all voting in favor, to offer the spiral slide for sale to the first offer in the amount of \$200.

City Attorney Moran presented deferred assessment agreements for David Bell, 304 Sixth Street NW, PID # R16.410.0990 and Steven and Joyce Ritchison, 101 Fourth Street NW, PID # R16.410.0590 with regard to their properties that are considered double lots. The agreements state that the assessments pertaining to the “double – lot” portion will be waived if the property owners agree not to subdivide the lots for a period of 20 years. On motion by Opsahl, seconded by Schnoor, all voting in favor, to approve the deferred assessment agreements for David Bell and Steven and Joyce Ritchison.

Greenwald asked the Council to reconsider language in Ordinance 73/12 – Boulevard Ordinance. The Ordinance currently reads:

***“Responsibility for Trees.***

*The City will be responsible for all park trees. Boulevard trees are the responsibility of the property owner whose land abuts the boulevard.*

**And**

***Maintenance of hazard trees which are the responsibility of the private property owner.***

*The costs of removing diseased or infected trees from the boulevard in front of any private property; trees which are causing the surface of a public street, curb, or sidewalk to be up-heaved or otherwise disturbed; trees which threaten to harm a city owned utility, building, or structure; or trees which are otherwise constituting a danger to the public health, safety, or well-being; shall be chargeable to the owner of the property abutting the boulevard on which the tree is located. When such hazards are identified, the city shall serve written notice of requested action to the property owner. If the property owner does not remedy the hazard within 60 days from the date of notice, the city will remove the hazard and the cost of such removal will be billed to the abutting property owner. Such cost may become a special assessment against the property abutting the property on which the tree was located.”*

Greenwald stated there are a handful of trees in the city that are a public hazard and are located in the public right-of-way. He asked that the Council consider the cost to remove these trees be the responsibility of the city.

On motion by Opsahl, seconded by McBroom, all voting in favor, to authorize the City Attorney to rewrite that portion of Ordinance 73/12 that refers to maintenance of hazard trees which are the responsibility of the private property owner and to set a public hearing for the June 13, 2016 Council meeting at 6:10 pm.

Greenwald reported a meeting was held on May 6, 2016, with Dan Girolamo and Todd Peipho of the DNR. Kopischke and City Attorney Moran were also in attendance. An alternate remedy to the shoreline violation at Lake Francis Park was discussed. The alternative would be to move the volleyball courts back, slope the shoreline to a 3:1 grade, and do some native plantings in the area below the volleyball courts. This would be more cost effective, less labor intensive and more aesthetically pleasing. The DNR has stated they may be able to permit up to 250 feet of sand blanket with this option. There is a high electric line that will run right above the volleyball courts that will have to be moved. Xcel Energy is putting together a cost on moving that line either by burying it or by simply moving the pole. For this summer, the volleyball teams may have to make adjustments to their game rules to deal with the wire until it can be moved.

Greenwald presented quotes for a hydrant meter and back flow preventer. This is needed to monitor water that is being sold and it will be used extensively during the 2016 Street and Utility Project this summer. On motion by Opsahl, seconded by McBroom, all voting in favor, to approve the quote for a hydrant meter and back flow preventer from Minnesota Pipe and Equipment in a total amount of \$1,378.02.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 512/16  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
CRYSTAL VALLEY**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$100.00 from Crystal Valley for the Lake Francis Park Project;

**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 \$100.00 from Crystal Valley for the Lake Francis Park Project.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 9<sup>th</sup> day of May, 2016.

Approved:

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

Attested:

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Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 513/16  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
CASEY'S GENERAL STORE**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$1,000.00 from Casey's General Store for the Lake Francis Park Project;

**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 \$1,000.00 from Casey's General Store for the Lake Francis Park Project.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 9<sup>th</sup> day of May, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 514/16  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN AUTO SERVICE, LLC**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$50.00 from Elysian Auto Service, LLC for the Lake Francis Park Project;

**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 Elysian Auto Service, LLC for the Lake Francis Park Project.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 9<sup>th</sup> day of May, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 515/16  
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, 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 \$1,600.00 – July 4<sup>th</sup> Celebration Fireworks.

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 9<sup>th</sup> day of May, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 516/16  
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 – July 4<sup>th</sup> Celebration Parade.

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 9<sup>th</sup> day of May, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by Opsahl, seconded by Houlihan, all voting in favor, to hold a special Council meeting on May 23, 2016, at 5:30 pm to consider resolution approving issuance of General Obligation Bonds.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve Randy Tuma for the 2016 Watercraft Inspector.

Residential Citywide Clean-Up is scheduled for May 14, 2016 from 8:30 to 11:00 am at the Lake Francis Park parking area.

Mosquito Treatment will be May 16, 31, June 6, 13, 27, July 11, 25, and August 8 and 22.

The 2016 Street and Utility Project is scheduled to start the week of May 16, 2016.

The LeSueur County Officials Meeting will be held Thursday, May 26, 2016 at the Elysian American Legion Club – 6:30 pm social and food, 7:00 pm meeting.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 517/16  
RESOLUTION GRANTING APPROVAL FOR ONE-DAY OFF SITE  
LAWFUL GAMBLING LICENSE**

**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.

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 9<sup>th</sup> day of May, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Motion by Houlihan, seconded by Opsahl, all voting in favor, to provide police protection and porta-pots for the 2016 Fourth of July Celebration in an amount up to \$2,000.

Motion by Houlihan, seconded by Opsahl, all voting in favor, to approve the Elysian Area Chamber of Commerce to hold a Fourth of July Celebration Raffle.

Motion by Houlihan, seconded by Opsahl, all voting in favor, to approve a temporary four-day Liquor License for Elysian Area Chamber of Commerce for July 1<sup>st</sup> to July 4<sup>th</sup>.

Motion by Houlihan, seconded by Opsahl, all voting in favor, to approve closing of the following streets during the Fourth of July Celebration and Elysian Rookie's Triathlon:

June 29<sup>th</sup> – July 5<sup>th</sup>

Second Street from Main Street to the alley between Main and Park Avenue NE – Location of tent

Saturday, July 2<sup>ND</sup>

Second Street from Alley to Main Street – Noon – 1:00 a.m.

Sunday, July 3<sup>rd</sup>

Main Street from County Road #11 to Fire Hall from 8:00 pm to end of Firefighters Dance.

Second Street SW in front of Bank from alley to Main Street – from 5:00 am until after Firefighters Dance – 1:00 am Monday, July 4<sup>th</sup>.

Main Street West – From County Road #11 to Third Street West – 5:30 am to 2:00 pm. All intersections will be open for traffic.

Monday, July 4<sup>th</sup>

From Third Street NE and Main Street to State Hwy #60 West until after the parade – From County Road #11 West to HWY #60 will be open at approximately 4:00 p.m.

After parade – Main Street from County Road #11 to past Fire Hall. (County Road #11 must be kept open at all times.) Signs off Highway #60 to Main Street and from First Street North at the intersection of First Street North and Park Avenue to Main Street warning traffic of people crossing on Main Street.

Second Street SW – in front of Bank from alley to Main Street – from 6:00 am until 1:00 am July 5<sup>th</sup>.

Triathlon – July 9<sup>th</sup>

Partial side of street – bike route Main Street from County Road #11 to Fifth Street NW.

Request to Continue Policy for 2015 Celebration

Due to activities being sponsored by the Elysian Area Chamber of Commerce in conjunction with the City of Elysian during all July 4<sup>th</sup> celebration activities, the following has been approved; local Main Street businesses may not allow a vendor, other than their business, or a non-profit organization, to set up on their property; independent vendors will not be allowed to set up and do business during the celebration on any street in Elysian or in front of any business with the exception of Flea market, unless prior approval of the 4<sup>th</sup> of July Committee. A fee of \$250.00 is charged for each vendor.

On motion by McBroom, seconded by Schnoor, all voting in favor, bills, payroll and transfers were approved in the amount of \$156,768.90.

Public Comment: None.

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

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
SPECIAL MEETING  
MAY 23, 2016**

The Elysian City Council met in special session on Monday, May 23, 2016 at City Hall at 5:30 pm.

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

George Eilertson, Senior Vice President, Northland Securities, Inc. provided a recap of the Bond Rating Process. He congratulated the City of Elysian on receiving a Bond Rating of AA-/Stable from Standard and Poors Global Ratings. This strong rating allowed the City to obtain a very good interest rating in the bond sales.

Eilertson explained the Bond Sale Results in the amount of \$2,645,000 General Obligation Bonds, Series 2016A. The Bonds will fund \$1,930,000 for the 2016 Street and Utility Project and \$715,000 for Refunding Bonds. The interest rate is 2.09% for a 15 year term. The Refunding Portion of the Bonds will result in a savings of \$72,319.64.

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

**RESOLUTION NO. 518/16**

**RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$2,645,000 GENERAL OBLIGATION BONDS, SERIES 2016A, PLEDGING FOR THE SECURITY THEREOF NET REVENUES AND SPECIAL ASSESSMENTS AND LEVYING A TAX FOR THE PAYMENT THEREOF**

A. WHEREAS, the City Council of the City of Elysian, Minnesota (the "City"), hereby determines and declares that it is necessary and expedient to provide moneys for:

1. a current refunding of the City's \$470,000 original principal amount of General Obligation Improvement Bonds, Series 2005A, dated November 1, 2005 (the "Prior Improvement Bonds"); and
2. a current refunding of the City's \$500,000 original principal amount of General Obligation Capital Improvement Plan Refunding Bonds, Series 2006B, dated December 1, 2006 (the "Prior CIP Bonds"); and
3. a crossover advance refunding of the City's \$545,000 original principal amount of General Obligation Sewer and Water Revenue Refunding Bonds, Series 2009B, dated April 1, 2009 (the "Prior Revenue Bonds"); and
4. the construction of various public improvements in the City (the "2016 Improvements") pursuant to Minnesota Statutes, Chapter 429 and 475; and

B. WHEREAS, \$290,000 of the principal amount of the Prior Improvement Bonds which mature, or are subject to mandatory redemption, on and after February 1, 2017 are callable on June 28, 2016 (the "Call Date") and on any date thereafter, at a price of par plus accrued interest, as provided in the Resolution adopted by the City Council on October 17, 2005 (the "Prior Improvement Bonds Resolution"), authorizing the issuance of the Prior Improvement Bonds; and

C. WHEREAS, \$125,000 of the principal amount of the Prior CIP Bonds which mature, or are subject to mandatory redemption, on and after May 1, 2017 are callable on the Call Date and on any date thereafter, at a price of par plus accrued interest, as provided in the Resolution adopted by the City Council on November 21, 2006 (the "Prior CIP Bonds Resolution"), authorizing the issuance of the Prior CIP Bonds; and

D. WHEREAS, \$280,000 of the principal amount of the Prior Revenue Bonds which mature, or are subject to mandatory redemption, on and after January 1, 2018, are callable on January 1, 2017 (the "Crossover Date"), at a price of par plus accrued interest, as provided in the Resolution adopted by the City Council on April 13, 2009, authorizing the issuance of the Prior Revenue Bonds (the "Prior Revenue Bonds Resolution" and together with the Prior Improvement Bonds Resolution and the Prior CIP Bonds Resolution, the "Prior Resolutions"); and

E. WHEREAS, the current refunding of the Prior Improvement Bonds (the "Refunded Improvement Bonds"); the current refunding of the Prior CIP Bonds (the "Refunded CIP Bonds"); and the crossover refunding of the Prior Revenue Bonds (the "Refunded Revenue Bonds" and, together with the Refunded Improvement Bonds and the Refunded CIP Bonds, the "Refunded Bonds"), is consistent with covenants made with the holders thereof, and is necessary and desirable for the reduction of debt service cost to the City; and

F. WHEREAS, the City owns and operates a municipal water system (the "Water System") and a municipal sanitary sewer system (the "Sewer System", and together with the Water System, the "System"), each is operated as separate revenue producing public utilities; and

G. WHEREAS, the net revenues of the Water System are pledged to the payment of the City's outstanding \$478,520 original principal amount of General Obligation Water Revenue Note of 2003, dated October 3, 2003 (the "Outstanding Water Note"); and

H. WHEREAS, the net revenues of the Sewer System are pledged to the payment of the City's outstanding (i) \$1,163,536 original principal amount of General Obligation Sewer Revenue Note of 1997, Series A, dated August 1, 1997; and (ii) \$638,904 original principal amount of General Obligation Sewer Revenue Note of 1997, Series B, dated August 1, 1997 (together, the "Outstanding Sewer Notes"); and

I. WHEREAS; other than the Prior Revenue Bonds, there are no bonds outstanding payable from the net revenues of the System; and

J. WHEREAS, the City Council hereby determines and declares that it is necessary and expedient to issue \$2,645,000 General Obligation Bonds, Series 2016A (the "Bonds" or individually, a "Bond"), pursuant to Minnesota Statutes, Chapter 475, to provide moneys for a current refunding of the Refunded Improvement Bonds; a current refunding of the Refunded

CIP Bonds; a crossover advance refunding of the Refunded Revenue Bonds; and finance the 2016 Improvements in the City; and

K. WHEREAS, the City has retained Blue Rose Capital Advisors, Inc., in Minneapolis, Minnesota, as its independent financial advisor for the sale of the Bonds, and was therefore authorized to sell the Bonds by private negotiation in accordance with Minnesota Statutes, Section 473.60, Subdivision 2(9); and

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

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

1. Acceptance of Offer. The offer of Northland Securities, Inc. (the "Purchaser"), to purchase the Bonds in accordance with the terms and at the rates of interest hereinafter set forth, and to pay therefor the sum of \$2,614,352.80, plus interest accrued to settlement, is hereby accepted.

2. Bond Terms.

(a) Original Issue Date; Denominations; Maturities. The Bonds shall be dated June 15, 2016, as the date of original issue, shall be issued forthwith on or after such date in fully registered form, shall be numbered from R-1 upward in the denomination of \$5,000 each or in any integral multiple thereof of a single maturity (the "Authorized Denominations") and shall mature on February 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2017	\$60,000	2025	\$220,000
2018	145,000	2026	225,000
2019	145,000	2027	195,000
2020	140,000	2028	170,000
2021	140,000	2029	175,000
2022	140,000	2030	180,000
2023	145,000	2031	180,000
2024	200,000	2032	185,000

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

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

(i) The Bonds shall be initially issued and, so long as they remain in book entry form only (the "Book Entry Only Period"), shall at all times be in the form of a separate single fully registered Bond for each maturity of the Bonds; and for purposes of complying with this requirement under paragraphs 6 and 11 Authorized Denominations for any Bond shall be deemed to be limited during the Book Entry Only Period to the outstanding principal amount of that Bond.

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

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

(iv) The City and the Bond Registrar may treat as and deem the Depository to be the absolute owner of the Bonds for the purpose of payment of the principal of and premium, if any, and interest on the Bonds, for the purpose of giving notices of redemption and other matters with respect to the Bonds, for the purpose of obtaining any consent or other action to be taken by Holders for the purpose of registering transfers with respect to such Bonds, and for all purpose whatsoever. The Bond Registrar, as

paying agent hereunder, shall pay all principal of and premium, if any, and interest on the Bonds only to the Holder or the Holders of the Bonds as shown on the bond register, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid.

(v) Upon delivery by the Depository to the Bond Registrar of written notice to the effect that the Depository has determined to substitute a new Nominee in place of the existing Nominee, and subject to the transfer provisions in paragraph 11, references to the Nominee hereunder shall refer to such new Nominee.

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

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

(viii) In connection with any notice or other communication to be provided to the Holders pursuant to this Resolution by the City or Bond Registrar with respect to any consent or other action to be taken by Holders, the Depository shall consider the date of receipt of notice requesting such consent or other action as the record date for such consent or other action; provided, that the City or the Bond Registrar may establish a special record date for such consent or other action. The City or the Bond Registrar shall, to the extent possible, give the Depository notice of such special record date not less than 15 calendar days in advance of such special record date to the extent possible.

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

(x) In the case of a partial prepayment of a Bond, the Holder may, in lieu of surrendering the Bonds for a Bond of a lesser denomination as provided in paragraph 6 hereof, make a notation of the reduction in principal amount on the panel provided on the Bond stating the amount so redeemed.



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

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

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

(iii) Nothing in this subparagraph (c) shall limit or restrict the provisions of paragraph 11.

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

3. Allocation. The aggregate principal amount of \$300,000 maturing in each of the years and amounts hereinafter set forth are issued to refund the Refunded Improvement Bonds (the "Prior Improvement Refunding Portion"). The aggregate principal amount of \$130,000 maturing in each of the years and amounts hereinafter set forth are issued to refund the Refunded CIP Bonds (the "Prior CIP Refunding Portion"). The aggregate principal amount of \$285,000 maturing in each of the years and amounts hereinafter set forth are issued to refund the Refunded Revenue Bonds (the "Prior Revenue Refunding Portion"). The aggregate principal amount of \$1,930,000 maturing in each of the years and amounts hereinafter set forth are issued to finance the 2016 Improvements (the "2016 Improvements Portion").

	Prior Improvement Refunding Portion	Prior CIP Refunding Portion	Prior Revenue Refunding Portion	2016 Improvements Portion	Total Amount
<u>Year</u>	<u>Portion</u>	<u>Portion</u>	<u>Portion</u>	<u>Portion</u>	<u>Amount</u>

2017	\$30,000	\$30,000	-	-	\$60,000
2018	30,000	25,000	30,000	60,000	145,000
2019	30,000	25,000	30,000	60,000	145,000
2020	30,000	25,000	25,000	60,000	140,000
2021	30,000	25,000	25,000	60,000	140,000
2022	30,000	-	25,000	85,000	140,000
2023	30,000	-	30,000	85,000	145,000
2024	30,000	-	30,000	140,000	200,000
2025	30,000	-	30,000	160,000	220,000
2026	30,000	-	30,000	165,000	225,000
2027	-	-	30,000	165,000	195,000
2028	-	-	-	170,000	170,000
2029	-	-	-	175,000	175,000
2030	-	-	-	180,000	180,000
2031	-	-	-	180,000	180,000
2032	-	-	-	185,000	185,000

If Bonds are prepaid, the prepayments shall be allocated to the portions of debt service (and hence allocated to the payment of Bonds treated as relating to a particular portion of debt service) as provided in this paragraph. If the source of prepayment is the general fund of the City, or other generally available source, the prepayment may be allocated to any of the portions of debt service in such amounts as the City shall determine. If the source of a prepayment is special assessments pledged or taxes levied to the Prior Improvement Bonds, the prepayment shall be allocated to the Prior Improvement Refunding Portion debt service. If the source of a prepayment is taxes levied to the Prior CIP Bonds, the prepayment shall be allocated to the Prior CIP Refunding Portion debt service. If the source of a prepayment is excess net revenues of the System to the Prior Revenue Bonds, the prepayment shall be allocated to the Prior Revenue Refunding Portion debt service. If the source of a prepayment is special assessments pledged to or taxes levied to the 2016 Improvements, the prepayment shall be allocated to the 2016 Improvements Portion debt service.

4. Purpose; Refunding Findings. The Prior Improvement Refunding Portion of the Bonds shall provide funds for a current refunding of the Refunded Improvement Bonds; the Prior CIP Refunding Portion of the Bonds shall provide funds for a current refunding of the Refunded CIP Bonds (together, the "Current Refunding"); the Prior Revenue Refunding Portion of the Bonds shall provide funds for a crossover refunding of the Refunded Revenue Bonds (the "Crossover Refunding" and, together with the Current Refunding, the "Refundings"); the 2016 Improvements Portion of the Bonds shall provide funds to finance the 2016 Improvements (the "Project"). It is hereby found, determined and declared that the Refundings are pursuant to Minnesota Statutes, Section 475.67. With respect to the Refunded Revenue Bonds, as of the Crossover Date there shall result a reduction in the present value of the dollar amount of the debt service to the City from a total dollar amount of \$339,441.14 for the Prior Revenue Bonds to a total dollar amount of \$310,585.73 for the Prior Revenue Refunding Portion of the Bonds computed in accordance with the provisions of Minnesota Statutes, Section 475.67, Subdivision 12. The dollar amount of such present value of the debt service for the Prior Revenue Refunding Portion of the Bonds is lower by at least three percent than the dollar amount of such present value of the debt service for the Prior Revenue Bonds as required by Minnesota Statutes, Section 475.67, Subdivision 12. The total cost of the Project, which shall include all costs enumerated in Minnesota Statutes, Section 475.65, is estimated to be at least equal to the amount of the 2016 Improvements Portion of the Bonds. The City covenants that it shall do all things and perform all acts required of it to assure that work on the Project proceeds with due diligence to completion and that any and all permits and studies required under law for the Project are obtained.

5. Interest. The Bonds shall bear interest payable semiannually on February 1 and August 1 of each year (each, an "Interest Payment Date"), commencing February 1, 2017, calculated on the basis of a 360-day year of twelve 30-day months, at the respective rates per annum set forth opposite the maturity years as follows:

<u>Maturity Year</u>	<u>Interest Rate</u>	<u>Maturity Year</u>	<u>Interest Rate</u>
2017	0.85 %	2025	2.00 %
2018	0.85	2026	2.00
2019	1.10	2027	2.00
2020	1.10	2028	2.00
2021	1.30	2029	2.30
2022	1.30	2030	2.30
2023	2.00	2031	2.50
2024	2.00	2032	2.50

6. Optional Redemption. All Bonds maturing on February 1, 2025, and thereafter, shall be subject to redemption and prepayment at the option of the City on February 1, 2024, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, and the selection of the amounts and maturities of the Bonds to be prepaid shall be at the discretion of the City. If only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected registered holder of the Bonds at least thirty (30) days prior to the date fixed for redemption.

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

7. Bond Registrar. Northland Trust Services, Inc., in Minneapolis, Minnesota, is appointed to act as bond registrar and transfer agent with respect to the Bonds (the "Bond Registrar"), and shall do so unless and until a successor Bond Registrar is duly appointed, all pursuant to any contract the City and Bond Registrar shall execute which is consistent herewith. The Bond Registrar shall also serve as paying agent unless and until a successor paying agent is duly appointed. Principal and interest on the Bonds shall be paid to the registered holders (or record holders) of the Bonds in the manner set forth in the form of Bond and paragraph 13.

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

UNITED STATES OF AMERICA  
STATE OF MINNESOTA

LE SUEUR AND WASECA COUNTIES  
CITY OF ELYSIAN

R-\_\_\_\_\_

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GENERAL OBLIGATION BOND, SERIES 2016A

Interest Rate

Maturity Date

Date of Original Issue

CUSIP

February 1,

June 15, 2016

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

The CITY OF ELYSIAN, Le Sueur and Waseca Counties, Minnesota (the "Issuer"), certifies that it is indebted and for value received promises to pay to the registered owner specified above, or registered assigns, in the manner hereinafter set forth, the principal amount specified above, on the maturity date specified above, unless called for prepayment, and to pay interest thereon semiannually on February 1 and August 1 of each year (each, an "Interest Payment Date"), commencing February 1, 2017, at the rate per annum specified above (calculated on the basis of a 360-day year of twelve 30-day months) until the principal sum is paid or has been provided for. This Bond will bear interest from the most recent Interest Payment Date to which interest has been paid or, if no interest has been paid, from the date of original issue hereof. The principal of and premium, if any, on this Bond are payable upon presentation and surrender hereof at the principal office of Northland Trust Services, Inc., in Minneapolis, Minnesota (the "Bond Registrar"), acting as paying agent, or any successor paying agent duly appointed by the Issuer. Interest on this Bond will be paid on each Interest Payment Date by check or draft mailed to the person in whose name this Bond is registered (the "Holder" or "Bondholder") on the registration books of the Issuer maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any interest not so timely paid shall cease to be payable to the person who is the Holder hereof as of the Regular Record Date, and shall be payable to the person who is the Holder hereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given to Bondholders not less than ten days prior to the Special Record Date. The principal of and premium, if any, and interest on this Bond are payable in lawful money of the United States of America. So long as this Bond is registered in the name of the Depository or its Nominee as provided in the Resolution hereinafter described, and as those terms are defined therein, payment of principal of, premium, if any, and interest on this Bond and notice with respect thereto shall be made as provided in the Letter of Representations, as defined in the Resolution, and surrender of this Bond shall not be required for payment of the redemption price upon a partial redemption of this Bond. Until termination of the book-entry only District pursuant to the Resolution, Bonds may only be registered in the name of the Depository or its Nominee.

Optional Redemption. The Bonds of this issue (the "Bonds") maturing on February 1, 2025, and thereafter, are subject to redemption and prepayment at the option of the Issuer on February 1, 2024, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the maturities and the principal amounts within each maturity to be redeemed shall be determined by the Issuer; and if only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected Holder of the Bonds prior to the date fixed for redemption.

Prior to the date on which any Bond or Bonds are directed by the Issuer to be redeemed in advance of maturity, the Issuer will cause notice of the call thereof for redemption identifying the Bonds to be redeemed to be mailed to the Bond Registrar and all Bondholders, at the addresses shown on the Bond Register. All Bonds so called for redemption will cease to bear interest on the specified redemption date, provided funds for their redemption have been duly deposited.

Issuance; Purpose; General Obligation. This Bond is one of an issue in the total principal amount of \$2,645,000 (the "Bonds"), all of like date of original issue and tenor, except as to number, maturity, interest rate, denomination and redemption privilege, issued pursuant to and in full conformity with the Constitution and laws of the State of Minnesota and pursuant to a resolution adopted by the City Council on May 23, 2016 (the "Resolution"), for the purpose of providing funds sufficient for current and crossover advance refundings of certain outstanding general obligation bonds of the Issuer and to provide funds for various public improvements, all within the jurisdiction of the Issuer. This Bond is payable out of the Escrow Account and the Debt Service Account of the Issuer's General Obligation Bonds, Series 2016A Fund. This Bond constitutes a general obligation of the Issuer, and to provide moneys for the prompt and full payment of its principal, premium, if any, and interest when the same become due, the full faith and credit and taxing powers of the Issuer have been and are hereby irrevocably pledged.

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

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

Denomination or Denominations, in aggregate principal amount equal to the principal amount of this Bond, of the same maturity and bearing interest at the same rate.

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

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

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

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

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to happen and to be performed, precedent to and in the issuance of this Bond, have been done, have happened and have been performed, in regular and due form, time and manner as required by law, that the Issuer has covenanted and agreed with the Holders of the Bonds that it will impose and collect charges for the service, use and availability of and connection to its municipal water system and its municipal sanitary sewer system (together, the "System") at the times and in amounts necessary to produce net revenues adequate, together with all other sources to pay all principal and interest when due on the Bonds; and that the Issuer will levy a direct, annual, irrevocable ad valorem tax upon all of the taxable property of the Issuer, without limitation as to rate or amount, for the years and in amounts sufficient to pay the principal and interest on the Bonds as they respectively become due, if the net revenues from the System, and any other sums irrevocably appropriated to the Debt Service Account are insufficient therefor and that this Bond, together with all other debts of the Issuer outstanding on the date of original issue hereof and the date of its issuance and delivery to the original purchaser, does not exceed any charter, constitutional or statutory limitation of indebtedness.

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

Date of Registration:

\_\_\_\_\_

BOND REGISTRAR'S

CERTIFICATE OF

AUTHENTICATION

This Bond is one of the Bonds

described in the Resolution

mentioned within.

NORTHLAND TRUST SERVICES,  
INC.

Minneapolis, Minnesota

Bond Registrar

By \_\_\_\_\_

Authorized Signature

Registrable by: NORTHLAND TRUST  
SERVICES, INC.

Payable at: NORTHLAND TRUST  
SERVICES, INC.

CITY OF ELYSIAN,

LE SUEUR AND WASECA COUNTIES, MINNESOTA

/s/ Facsimile \_\_\_\_\_

Mayor

/s/ Facsimile \_\_\_\_\_

Administrator/Clerk/Treasurer



## ABBREVIATIONS

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

TEN COM - as tenants in common

TEN ENT - as tenants by the entireties

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

UTMA - \_\_\_\_\_ as custodian for \_\_\_\_\_  
(Cust) (Minor)

under the \_\_\_\_\_ Uniform Transfers to Minors Act  
(State)

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

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## ASSIGNMENT

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

Dated: \_\_\_\_\_

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

\_\_\_\_\_

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

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

Name and Address: \_\_\_\_\_

\_\_\_\_\_

## PREPAYMENT SCHEDULE

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

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

9. Execution. The Bonds shall be in typewritten form, shall be executed on behalf of the City by the signatures of its Mayor and Administrator/Clerk/Treasurer and be sealed with the seal of the City; provided, as permitted by law, both signatures may be photocopied facsimiles and the corporate seal has been omitted. In the event of disability or resignation or other absence of either officer, the Bonds may be signed by the manual or facsimile signature of the officer who may act on behalf of the absent or disabled officer. In case either officer whose signature or facsimile of whose signature shall appear on the Bonds shall cease to be such officer before the delivery of the Bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery.

10. Authentication. No Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this resolution unless a Certificate of Authentication on such Bond, substantially in the form hereinabove set forth, shall have been duly executed by an authorized representative of the Bond Registrar. Certificates of Authentication on different Bonds need not be signed by the same person. The Bond Registrar shall authenticate the signatures of officers of the City on each Bond by execution of the Certificate of Authentication on the Bond and by inserting as the date of registration in the space provided the date on which the Bond is authenticated, except that for purposes of delivering the original Bonds to the Purchaser, the Bond Registrar shall insert as a date of registration the date of original issue of June 15, 2016. The Certificate of Authentication so executed on each Bond shall be conclusive evidence that it has been authenticated and delivered under this resolution.

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

Upon surrender for transfer of any Bond at the principal office of the Bond Registrar, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration (as provided in paragraph 10) of, and deliver, in the name of the designated transferee or transferees, one or more new Bonds of any Authorized Denomination or Denominations of a like aggregate principal amount, having the same stated maturity and interest rate, as requested by the transferor; provided, however, that no Bond may be registered in blank or in the name of "bearer" or similar designation.

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

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

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

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

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

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

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

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

14. Treatment of Registered Owner. The City and Bond Registrar may treat the person in whose name any Bond is registered as the owner of such Bond for the purpose of receiving payment of principal of and premium, if any, and interest (subject to the payment provisions in paragraph 13) on, such Bond and for all other purposes whatsoever whether or not such Bond shall be overdue, and neither the City nor the Bond Registrar shall be affected by notice to the contrary.

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

16. Funds and Accounts.

(a) There is hereby created a special fund to be designated the "General Obligation Bonds, Series 2016A Fund" (the "Fund") to be administered and maintained by the Administrator/Clerk/Treasurer as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The Fund shall be maintained in the manner herein specified until all of the Bonds and the interest thereon have been fully paid. There shall be maintained in the Fund the following accounts:

(i) Payment Account. Proceeds of the sale of the Prior Improvement Refunding Portion, less a pro rata share of any accrued interest, in the amount of \$295,344.06 shall be deposited in the Payment Account. On or prior to the Call Date, the Administrator/Clerk/Treasurer shall transfer \$295,344.06 of the Prior Improvement Refunding Portion from the Payment Account to the paying agent for the Prior Improvement Bonds, which sum is sufficient, together with other funds on deposit in the debt service account for the Refunded Improvement Bonds, to pay the principal and any accrued interest due on the Refunded Improvement Bonds on the Call Date. Any monies remaining in the Payment Account after payment of the Refunded Improvement Bonds shall be transferred to the Debt Service Account. Proceeds of the sale of the Prior CIP Refunding Portion, less a pro rata share of any accrued interest, in the amount of \$125,823.33 shall be deposited in the Payment Account. On or prior to the Call Date, the Administrator/Clerk/Treasurer shall transfer \$125,823.33 of the Prior CIP Refunding Portion from the Payment Account to the paying agent for the Prior CIP Bonds, which sum is sufficient, together with other funds on deposit in the debt service account for the Refunded CIP Bonds, to pay the principal and any accrued interest due on the Refunded CIP Bonds on the Call Date. Any monies remaining in the Payment Account after payment of the Refunded CIP Bonds shall be transferred to the Debt Service Account.

(ii) Escrow Account. The Escrow Account is established for the Refunded Revenue Bonds and the Prior Revenue Refunding Portion of the Bonds and shall be maintained as an escrow account with Northland Trust Services, Inc. (the "Escrow Agent"), in Minneapolis, Minnesota, which is a suitable financial institution within or without the State. \$280,000.00 in proceeds of the sale of the Prior Revenue Refunding Portion of the Bonds including a pro rata share of accrued interest shall be used to fund the Escrow Account and \$24,200.00 proceeds of the sale of the Bonds shall be received by the Escrow Agent and applied to pay costs of issuing the Bonds. Proceeds of the Prior Revenue Refunding Portion of the Bonds less proceeds used to pay costs of issuance or any portion of the Prior Revenue Refunding Portion of Bond proceeds returned to the City are hereby irrevocably pledged and appropriated to the Escrow Account, together with all investment earnings thereon. The Escrow Account shall be funded in an amount sufficient (A) to pay when due the interest to accrue on the Prior Revenue Refunding Portion of the Bonds to and including the Crossover Date and (B) to pay when called for redemption on the Crossover Date, the principal amount of the Refunded Revenue Bonds. The Escrow Account shall be irrevocably appropriated to the payment of (A) all interest on the Prior Revenue Refunding Portion of the Bonds to and including the Crossover Date and (B) the principal of the Refunded Revenue Bonds due by reason of their call for redemption on the Crossover Date. The moneys in the Escrow Account shall be used solely for the purposes herein set forth and for no other purpose, except that any surplus in the Escrow Account may be remitted to the City, all in accordance with the Escrow

Agreement, by and between the City and Escrow Agent (the "Escrow Agreement"), a form of which is on file in the office of the Administrator/Clerk/Treasurer. Any moneys remitted to the City pursuant to the Escrow Agreement shall be deposited in the Refunded Revenue Debt Service Subaccount.

(iii) Construction Account. To the Construction Account there shall be credited the proceeds of the sale of the 2016 Improvements Portion of the Bonds, less capitalized interest and less a pro rata share of all accrued interest received upon delivery of the Bonds. From the Construction Account there shall be paid all costs and expenses of the Project, including the cost of any construction contracts heretofore let and all other costs incurred and to be incurred of the kind authorized in Minnesota Statutes, Section 475.65. Moneys in the Construction Account shall be used for no other purpose except as otherwise provided by law; provided that the proceeds of the Bonds may also be used to the extent necessary to pay interest on the Bonds due prior to the anticipated date of commencement of the collection of taxes or special assessments herein levied or covenanted to be levied; and provided further that if upon completion of the Project there shall remain any unexpended balance in the Construction Account, the balance (other than special assessments) shall be transferred to the 2016 Improvements Debt Service Subaccount, as applicable, or the fund of any other improvement instituted pursuant to Minnesota Statutes, Chapter 429, and provided further that any special assessments credited to the Construction Account shall only be applied towards payment of the costs of the Project upon adoption of a resolution by the City Council determining that the application of the special assessments for such purpose will not cause the City to no longer be in compliance with Minnesota Statutes, Section 475.61, Subdivision 1.

(iv) Debt Service Account. There shall be maintained the following separate subaccounts in the Debt Service Account to be designated the "Refunded Improvement Debt Service Subaccount", the "Refunded CIP Debt Service Subaccount", the "Refunded Revenue Debt Service Subaccount", and the "2016 Improvements Debt Service Subaccount". There are hereby irrevocably appropriated and pledged to, and there shall be credited to the separate subaccounts of the Debt Service Account:

(a) Refunded Improvement Debt Service Subaccount. To the Refunded Improvement Debt Service Subaccount are hereby irrevocably appropriated, pledged to and there shall be credited to: (1) a pro rata share of all accrued interest received on the Bonds; (2) any uncollected special assessments which were heretofore pledged for the payment of the Street Improvements of the Refunded Improvement Bonds and are herein pledged to the payment of the Prior Improvement Refunding Portion of the Bonds; (3) any taxes herein or hereafter levied for the payment of the Sewer Improvements of the Prior Improvement Refunding Portion of the Bonds; (4) any balance remaining after the Call Date in the Prior Improvement Bonds Debt Service Account created by the Prior Improvement Bonds Resolution; (5) all investment earnings on funds in the Refunded Improvement Debt Service Subaccount; and (6) any and all other moneys which are properly available and are appropriated by the governing body of the City to the Refunded Improvement Debt Service Subaccount. The moneys in the Refunded Improvement Debt Service Subaccount shall be used solely to pay the principal of and interest on the Prior Improvement Refunding Portion of the Bonds or any other bonds

hereafter issued and made payable from the Fund. The amount of any surplus remaining in the Refunded Improvement Debt Service Subaccount when the Prior Improvement Refunding Portion and interest thereon are paid shall be used consistent with Minnesota Statutes, Section 475.61, Subdivision 4.

(b) Refunded CIP Debt Service Subaccount. To the Refunded CIP Debt Service Subaccount are hereby irrevocably appropriated, pledged to and there shall be credited to: (1) a pro rata share of all accrued interest received on the Bonds; (2) any taxes herein or hereafter levied for the payment of the Prior CIP Refunding Portion of the Bonds; (3) any balance remaining after the Call Date in the Prior CIP Bonds Debt Service Account created by the Prior CIP Bonds Resolution; (4) all investment earnings on funds in the Refunded CIP Debt Service Subaccount; and (5) any and all other moneys which are properly available and are appropriated by the governing body of the City to the Refunded CIP Debt Service Subaccount. The moneys in the Refunded CIP Debt Service Subaccount shall be used solely to pay the principal of and interest on the Prior CIP Refunding Portion of the Bonds or any other bonds hereafter issued and made payable from the Fund. The amount of any surplus remaining in the Refunded CIP Debt Service Subaccount when the Prior CIP Refunding Portion and interest thereon are paid shall be used consistent with Minnesota Statutes, Section 475.61, Subdivision 4.

(c) Refunded Revenue Debt Service Subaccount. To the Refunded Revenue Debt Service Subaccount are hereby irrevocably appropriated, pledged to and there shall be credited to: (1) a pro rata share of all accrued interest received on the Prior Revenue Refunding Portion of the Bonds not deposited in the Escrow Account; (2) after the Crossover Date, the net revenues of the System not otherwise pledged and applied to the payment of other obligations of the City, in an amount, together with other funds which may herein or hereafter from time to time be irrevocably appropriated to the account sufficient to meet the requirements of Minnesota Statutes, Section 475.61 for the payment of the principal and interest of the Prior Revenue Refunding Portion of the Bonds; (3) any collections of all taxes which may hereafter be levied in the event the net revenues of the System and other funds herein pledged to the payment of the principal and interest on the Prior Revenue Refunding Portion of the Bonds are insufficient therefor; (4) any funds remaining after the Crossover date in the Prior Revenue Bonds Debt Service Account created by the Prior Revenue Bonds Resolution; (5) any balance remitted to the City pursuant to the Escrow Agreement; (6) all investment earnings on funds in the Refunded Revenue Bonds Debt Service Subaccount; and (7) any and all other moneys which are properly available and are appropriated by the governing body of the City to the Refunded Revenue Bonds Debt Service Subaccount. The moneys in the Refunded Revenue Debt Service Subaccount shall be used, along with funds in the Escrow Account, solely to pay the principal of and interest on the Prior Revenue Refunding Portion of the Bonds or any other bonds hereafter issued and made payable from the Fund as provided by law.

(d) 2016 Improvements Debt Service Subaccount. To the 2016 Improvements Debt Service Subaccount there shall be credited: (1) a pro rata share of all accrued interest received upon delivery of the Bonds; (2) capitalized interest in the amount of \$22,900.46 (together with interest earnings thereon and subject to such other adjustments

as are appropriate to provide sufficient funds to pay interest due on the 2016 Improvements Portion of the Bonds on or before February 1, 2017; (3) a pro rata share of all collections of special assessments herein covenanted to be levied with respect to the 2016 Improvements and either initially credited to the Construction Account and not already spent as permitted above and required to pay any principal and interest due on the 2016 Improvements Portion of the Bonds or collected subsequent to the completion of the 2016 Improvements and payment of the costs thereof; (4) any taxes herein or hereafter levied for the payment of the 2016 Improvements Portion of the Bonds and any interest thereon; (5) any funds remaining in the Construction Account after completion of the 2016 Improvements and payment of the costs thereof, not so transferred to the account of another improvement; (6) all investment earnings on funds held in the 2016 Improvements Debt Service Subaccount; and (7) any and all other moneys which are properly available and are appropriated by the governing body of the City to the 2016 Improvements Debt Service Subaccount. The 2016 Improvements Debt Service Subaccount shall be used solely to pay the principal and interest and any premium for redemption of the 2016 Improvements Portion of the Bonds and any other general obligation bonds of the City hereafter issued by the City and made payable from said subaccount as provided by law.

No portion of the proceeds of the Bonds shall be used directly or indirectly to acquire higher yielding investments or to replace funds which were used directly or indirectly to acquire higher yielding investments, except (1) for a reasonable temporary period until such proceeds are needed for the purpose for which the Bonds were issued and (2) in addition to the above in an amount not greater than the lesser of five percent of the proceeds of the Bonds or \$100,000. To this effect, any proceeds of the Bonds and any sums from time to time held in the Debt Service Account (or any other City account which will be used to pay principal or interest to become due on the Bonds), in excess of amounts which under then applicable federal arbitrage regulations may be invested without regard to yield shall not be invested at a yield in excess of the applicable yield restrictions imposed by the arbitrage regulations on such investments after taking into account any applicable "temporary periods" or "minor portion" made available under the federal arbitrage regulations. Money in the Fund shall not be invested in obligations or deposits issued by, guaranteed by or insured by the United States or any agency or instrumentality thereof if and to the extent that such investment would cause the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Internal Revenue Code of 1986, as amended (the "Code").

17. Covenants Relating to the Prior Improvement Refunding Portion of the Bonds.

(a) Special Assessments. The City has heretofore levied special assessments pursuant to the Prior Improvement Bonds Resolution, which were pledged to the payment of the principal and interest for the Street Improvements on the Prior Improvement Bonds, and the uncollected special assessments for the Prior Improvement Bonds are now pledged to the payment of principal and interest on the Prior Improvement Refunding Portion. The special assessments are such that if collected in full they, together with estimated collections of taxes herein pledged for the payment of the Prior Improvement Refunding Portion of the Bonds, will produce at least five percent in excess of the amount needed to meet when due the principal and interest payments on the Prior Improvement Refunding Portion of the Bonds. The special assessments were levied as



provided below, payable in equal, consecutive, annual installments, with general taxes for the years shown below and with interest on the declining balance of all such assessments at the rate shown opposite such years:

<u>Improvement Designations</u>	<u>Amounts</u>	<u>Levy Years</u>	<u>Collection Years</u>	<u>Rate</u>
Kaplan's Cedar Point	\$341,641	2005-2019	2006-2020	6.38%
Sakatah Trail	\$ 25,000	2005-2019	2006-2019	6.38%

(b) Tax Levy; Coverage Test; Cancellation of Certain Tax Levies. To provide moneys for payment of the principal and interest on the Prior Improvement Refunding Portion of the Bonds, which financed the Sewer Improvements on the Prior Improvement Bonds, there is hereby levied upon all of the taxable property in the City a direct annual ad valorem tax which shall be spread upon the tax rolls and collected with and as part of other general property taxes in the City for the years and in the amounts as follows:

<u>Years of Tax Levy</u>	<u>Years of Tax Collection</u>	<u>Amounts</u>
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See attached schedule

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

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

# 18. Covenants Relating to the Prior CIP Refunding Portion of the Bonds.

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

Years of Tax Levy

Years of Tax Collection

Amounts

See attached schedule

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

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

#### 19. Covenants Relating to the Prior Revenue Refunding Portion of the Bonds.

(a) Pledge of Net Revenues; Coverage Test. It is hereby found, determined and declared that the net revenues of the System are sufficient to pay when due the principal of and interest on the Prior Revenue Refunding Portion of the Bonds and a sum at least five percent in excess thereof. The net revenues of the Water System are sufficient in amount to pay when due the principal of and interest on the Outstanding Water Note and a sum at least five percent in excess thereof. The net revenues of the Sewer System are sufficient in amount to pay when due the principal of and interest on the Outstanding Sewer Notes and a sum at least five percent in excess thereof. The net revenues of the System are hereby pledged on a parity with the Outstanding Water Note and the Outstanding Sewer Notes for the payment of the Prior Revenue Refunding Portion of the Bonds and shall be applied for that purpose, but solely to the extent required to meet the principal and interest requirements of the Bonds as the same become due.

Nothing contained herein shall be deemed to preclude the City from making further pledges and appropriations of the System net revenues for the payment of other or additional obligations of the City, provided that it has first been determined by the City Council that the estimated System net revenues will be sufficient for the payment of the Prior Revenue Refunding Portion of the Bonds and such additional obligations and any such pledge and appropriation of

the System net revenues may be made superior or subordinate to, or on a parity with the pledge and appropriation herein.

(b) Covenant to Maintain Rates and Charges. In accordance with Minnesota Statutes, Section 444.075, the City hereby covenants and agrees with the Holders of the Prior Revenue Prior Revenue Refunding Portion of the Bonds that it will impose and collect charges for the service, use, availability and connection to the System at the times and in the amounts required to produce System net revenues adequate to pay the principal and interest when due on the Prior Revenue Refunding Portion of the Bonds. Minnesota Statutes, Section 444.075, Subdivision 2, provides as follows: "Real estate tax revenues should be used only, and then on a temporary basis, to pay general or special obligations when the other revenues are insufficient to meet the obligations."

(c) Excess System Net Revenues. System net revenues in excess of those required for the foregoing may be used for any proper purpose.

(d) General Obligation Pledge. For the prompt and full payment of the principal and interest on the Prior Revenue Refunding Portion of the Bonds, as the same respectively become due, the full faith, credit and taxing powers of the City shall be and are hereby irrevocably pledged. If the System net revenues pledged to the payment of the principal and interest on the Prior Revenue Refunding Portion of the Bonds, together with other funds irrevocably appropriated to the Escrow Account or the Refunded Revenue Debt Service Subaccount, shall at any time be insufficient to pay the principal and interest when due, the City covenants and agrees to levy, without limitation as to rate or amount an ad valorem tax upon all taxable property in the City sufficient to pay such principal and interest as it becomes due. If the balance in the Escrow Account or the Refunded Revenue Debt Service Subaccount is ever insufficient to pay all principal and interest then due on the Prior Revenue Refunding Portion of the Bonds payable therefrom, the deficiency shall be promptly paid out of any other accounts of the City which are available for such purpose, and such other funds may be reimbursed without interest from the Escrow Account or the Refunded Revenue Debt Service Subaccount when a sufficient balance is available therein.

20. Covenants Relating to the 2016 Improvements Portion of the Bonds.

(a) Assessments. It is hereby determined that no less than twenty percent (20%) of the cost to the City of each of the 2016 Improvements financed hereunder within the meaning of Minnesota Statutes, Section 475.58, Subdivision 1(3), shall be paid by special assessments to be levied against every assessable lot, piece and parcel of land benefitted by any of the 2016 Improvements. The City hereby covenants and agrees that it will let all construction contracts not heretofore let within one (1) year after ordering each of the 2016 Improvements financed hereunder unless the resolution ordering the 2016 Improvements specifies a different time limit for the letting of construction contracts. The City hereby further covenants and agrees that it will do and perform as soon as they may be done all acts and things necessary for the final and valid levy of such special assessments, and in the event that any such assessment be at any time held invalid with respect to any lot, piece or parcel of land due to any error, defect, or irregularity in any action or proceedings taken or to be taken by the City or the City Council or any of the City officers or employees, either in the making of the assessments or in the performance of any

condition precedent thereto, the City and the City Council will forthwith do all further acts and take all further proceedings as may be required by law to make the assessments a valid and binding lien upon such property. The special assessments have heretofore been authorized. Subject to such adjustments as are required by the conditions in existence at the time the assessments are levied, it is hereby determined that the assessments shall be payable in equal, consecutive, annual installments, with general taxes for the years shown below and with interest on the declining balance of all such assessments at the rates per annum not less than the rate per annum set forth opposite the collection years specified below:

<u>Improvement Designation</u>	<u>Amount</u>	<u>Levy Years</u>	<u>Collection Years</u>	<u>Rate</u>
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**See attached schedule**

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

(b) Tax Levy; Coverage Test. To provide moneys for payment of the principal and interest on the 2016 Improvements Portion of the Bonds there is hereby levied upon all of the taxable property in the City a direct annual ad valorem tax which shall be spread upon the tax rolls and collected with and as part of other general property taxes in the City for the years and in the amounts as follows:

<u>Year of Tax Levy</u>	<u>Year of Tax Collection</u>	<u>Amount</u>
-------------------------	-------------------------------	---------------

See attached schedule

The tax levies are such that if collected in full they, together with estimated collections of special assessments and other revenues herein pledged for the payment of the 2016 Improvements Portion of the Bonds, will produce at least five percent (5%) in excess of the amount needed to meet when due the principal and interest payments on the 2016 Improvements Portion of the Bonds. The tax levies shall be irrevocable so long as any of the 2016 Improvements Portion of the Bonds are outstanding and unpaid, provided that the City reserves the right and power to reduce the levies in the manner and to the extent permitted by Minnesota Statutes, Section 475.61, Subdivision 3.

(c) General Obligation Pledge. For the prompt and full payment of the principal and interest on the 2016 Improvements Portion of the Bonds, as the same respectively become due, the full faith, credit and taxing powers of the City shall be and are hereby irrevocably pledged. If the balance in the 2016 Improvements Debt Service Subaccount is ever insufficient to pay all principal and interest then due on the 2016 Improvements Portion of the Bonds and any other bonds payable therefrom, the deficiency shall be promptly paid out of any other funds of the City which are available for such purpose, and such other funds may be reimbursed with or without interest from the 2016 Improvements Debt Service Subaccount when a sufficient balance is available therein.

21. Prior Bonds; Security. Until retirement of the Bonds, all provisions theretofore made for the security thereof shall be observed by the City and all of its officers and agents.

22. Defeasance. When all Bonds have been discharged as provided in this paragraph, all pledges, covenants and other rights granted by this resolution to the registered holders of the Bonds shall, to the extent permitted by law, cease. The City may discharge its obligations with respect to any Bonds which are due on any date by irrevocably depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full; or if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Bond Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit. The City may also discharge its obligations with respect to any prepayable Bonds called for redemption on any date when they are prepayable according to their terms, by depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full, provided that notice of redemption thereof has been duly given. The City may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a suitable banking institution qualified by law as an escrow agent for this purpose, cash or securities described in Minnesota Statutes, Section 475.67, Subdivision 8, bearing interest payable at such times and at such rates and maturing on such dates as shall be required, without regard to sale and/or reinvestment, to pay all amounts to become due thereon to maturity or, if notice of redemption as herein required has been duly provided for, to such earlier redemption date.

23. Compliance With Reimbursement Bond Regulations. The provisions of this paragraph are intended to establish and provide for the City's compliance with United States Treasury Regulations Section 1.150-2 (the "Reimbursement Regulations") applicable to the "reimbursement proceeds" of the 2016 Improvements Portion of the Bonds, being those portions thereof which will be used by the City to reimburse itself for any expenditure which the City paid or will have paid prior to the Closing Date (a "Reimbursement Expenditure").

The City hereby certifies and/or covenants as follows:

(a) Not later than sixty days after the date of payment of a Reimbursement Expenditure, the City (or person designated to do so on behalf of the City) has made or will have made a written declaration of the City's official intent (a "Declaration") which effectively (i) states the City's reasonable expectation to reimburse itself for the payment of the Reimbursement Expenditure out of the proceeds of a subsequent borrowing; (ii) gives a general and functional description of the property, project or program to which the Declaration relates and for which the Reimbursement Expenditure is paid, or identifies a specific fund or account of the City and the general functional purpose thereof from which the Reimbursement Expenditure was to be paid (collectively the "Project"); and (iii) states the maximum principal amount of debt expected to be issued by the City for the purpose of financing the Project; provided, however, that no such Declaration shall necessarily have been made with respect to: (i) "preliminary expenditures" for the Project, defined in the Reimbursement Regulations to include engineering or architectural, surveying and soil testing expenses and similar prefatory costs, which in the aggregate do not exceed twenty percent of the "issue price" of the 2016 Improvements Portion of the Bonds, and

(ii) a *de minimis* amount of Reimbursement Expenditures not in excess of the lesser of \$100,000 or five percent of the proceeds of the 2016 Improvements Portion of the Bonds.

(b) Each Reimbursement Expenditure is a capital expenditure or a cost of issuance of the 2016 Improvements Portion of the Bonds or any of the other types of expenditures described in Section 1.150-2(d)(3) of the Reimbursement Regulations.

(c) The "reimbursement allocation" described in the Reimbursement Regulations for each Reimbursement Expenditure shall and will be made forthwith following (but not prior to) the issuance of the 2016 Improvements Portion of the Bonds and in all events within the period ending on the date which is the later of three years after payment of the Reimbursement Expenditure or one year after the date on which the Project to which the Reimbursement Expenditure relates is first placed in service.

(d) Each such reimbursement allocation will be made in a writing that evidences the City's use of 2016 Improvements Portion of the Bond proceeds to reimburse the Reimbursement Expenditure and, if made within 30 days after the 2016 Improvements Portion of the Bonds are issued, shall be treated as made on the day the 2016 Improvements Portion of the Bonds are issued.

Provided, however, that the City may take action contrary to any of the foregoing covenants in this paragraph upon receipt of an opinion of its Bond Counsel for the 2016 Improvements Portion of the Bonds stating in effect that such action will not impair the tax-exempt status of the 2016 Improvements Portion of the Bonds.

24. Securities, Escrow Agent. Securities purchased from moneys in the Escrow Account shall be limited to securities set forth in Minnesota Statutes, Section 475.67, Subdivision 8, and any amendments or supplements thereto. Securities purchased from the Escrow Account shall be purchased simultaneously with the delivery of the Prior Revenue Refunding Portion of the Bonds. The City Council has investigated the facts and hereby finds and determines that the Escrow Agent is a suitable financial institution to act as escrow agent.

25. Redemption of Refunded Bonds. The Administrator/Clerk/Treasurer is hereby authorized and directed to give mailed notices of redemption prior to the Call Date, to the paying agent for the Refunded Improvement Bonds and the Refunded CIP Bonds in substantially the forms attached hereto as Exhibits A and B, which terms and conditions are hereby approved and incorporated herein by reference. The Refunded Revenue Bonds shall be redeemed and prepaid on the Crossover Date in accordance with the terms and conditions set forth in the Notice of Call for Redemption, in substantially the form attached to the Escrow Agreement, which terms and conditions are hereby approved and incorporated herein by reference

26. Escrow Agreement. On or prior to the delivery of the Bonds the Mayor and Administrator/Clerk/Treasurer shall, and are hereby authorized and directed to, execute the Escrow Agreement on behalf of the City. The Escrow Agreement is hereby approved and adopted and made a part of this resolution, and the City covenants that it will promptly enforce all provisions thereof in the event of default thereunder by the Escrow Agent.

27. Continuing Disclosure. The City is the sole obligated person with respect to the Bonds. The City hereby agrees, in accordance with the provisions of Rule 15c2-12 (the "Rule"), promulgated by the Securities and Exchange Commission (the "Commission") pursuant to the Securities Exchange Act of 1934, as amended, and a Continuing Disclosure Undertaking (the "Undertaking") hereinafter described to:

(a) Provide or cause to be provided to the Municipal Securities Rulemaking Board (the "MSRB") by filing at [www.emma.msrb.org](http://www.emma.msrb.org) in accordance with the Rule, certain annual financial information and operating data in accordance with the Undertaking. The City reserves the right to modify from time to time the terms of the Undertaking as provided therein.

(b) Provide or cause to be provided to the MSRB notice of the occurrence of certain events with respect to the Bonds in not more than ten (10) business days after the occurrence of the event, in accordance with the Undertaking.

(c) Provide or cause to be provided to the MSRB notice of a failure by the City to provide the annual financial information with respect to the City described in the Undertaking, in not more than ten (10) business days following such occurrence.

(d) The City agrees that its covenants pursuant to the Rule set forth in this paragraph and in the Undertaking is intended to be for the benefit of the Holders of the Bonds and shall be enforceable on behalf of such Holders; provided that the right to enforce the provisions of these covenants shall be limited to a right to obtain specific enforcement of the City's obligations under the covenants.

The Mayor and Administrator/Clerk/Treasurer of the City, or any other officer of the City authorized to act in their place (the "Officers") are hereby authorized and directed to execute on behalf of the City the Undertaking in substantially the form presented to the City Council subject to such modifications thereof or additions thereto as are (i) consistent with the requirements under the Rule, (ii) required by the Purchaser of the Bonds, and (iii) acceptable to the Officers.

28. Certificate of Registration. The Administrator/Clerk/Treasurer is hereby directed to file a certified copy of this resolution with the County Auditors of Le Sueur County and Waseca County, Minnesota, together with such other information as each of the County Auditors shall require, and to obtain from each County Auditor their Certificate that the Bonds have been entered in their Bond Register and that the tax levy required by law has been made.

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

30. Negative Covenant as to Use of Proceeds and Projects. The City hereby covenants not to use the proceeds of the Bonds or to use the projects originally financed by the

Prior Bonds, or to cause or permit them to be used, or to enter into any deferred payment arrangements for the cost of the projects, in such a manner as to cause the Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

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

For purposes of qualifying for the exception to the federal arbitrage rebate requirements for governmental units issuing \$5,000,000 or less of bonds, the City hereby finds, determines and declares that:

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

Furthermore:

- (e) with respect to the Prior Improvement Refunding Portion of the Bonds and the Prior CIP Refunding Portion of the Bonds there shall not be taken into account for purposes of said \$5,000,000 limit any bond issued to refund (other than to advance refund) any bond to the extent the amount of the refunding bond does not exceed the outstanding amount of the refunded bond;
- (f) the aggregate face amount of the Bonds does not exceed \$5,000,000;
- (g) each of the Refunded Improvement Bonds, the Refunded CIP Bonds and the Refunded Revenue Bonds were issued as part of an issue which was treated as meeting the rebate requirements by reason of the exception for governmental units issuing \$5,000,000 or less of bonds;
- (h) the average maturity of the Prior Improvement Refunding Portion does not exceed the average maturity of the Prior Improvement Bonds;



(i) the average maturity of the Prior CIP Refunding Portion does not exceed the average maturity of the Prior CIP Bonds;

(j) the average maturity of the Prior Revenue Refunding Portion does not exceed the average maturity of the Prior Revenue Bonds;

(k) no part of the Prior Improvement Refunding Portion or the Prior CIP Refunding Portion has a maturity date which is later than the date which is thirty years after the date the Refunded Improvement Bonds or the Refunded CIP Bonds were issued; and

(l) no part of the Prior Revenue Refunding Portion has a maturity date which is later than the date which is thirty years after the date the Prior Revenue Bonds were issued.

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

(a) the Bonds are issued after August 7, 1986;

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

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

(d) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds, treating qualified 501(c)(3) bonds as not being private activity bonds) which will be issued by the City (and all entities treated as one issuer with the City, and all subordinate entities whose obligations are treated as issued by the City) during this calendar year 2016 will not exceed \$10,000,000;

(e) not more than \$10,000,000 of obligations issued by the City during this calendar year 2016 have been designated for purposes of Section 265(b)(3) of the Code; and

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

Furthermore, with respect to the Prior Improvement Refunding Portion and the Prior CIP Refunding Portion of the Bonds:

(g) each of the Refunded Improvement Bonds or the Refunded CIP Bonds was designated as a "qualified tax exempt obligation" for purposes of Section 265(b)(3) of the Code;

(h) the combined average maturity of the Prior Improvement Refunding Portion and Prior CIP Refunding Portion of the Bonds does not exceed the remaining combined average maturity of the Refunded Improvement Bonds or the Refunded CIP Bonds;

(i) no part of the Prior Improvement Refunding Portion and Prior CIP Refunding Portion of the Bonds has a maturity date which is later than the date which is thirty years after the date the Refunded Improvement Bonds or the Refunded CIP Bonds were issued; and

(j) the Prior Improvement Refunding Portion and Prior CIP Refunding Portion of the Bonds are issued to refund, and not to "advance refund" the Prior Improvement Bonds or the Prior CIP Bonds within the meaning of Section 149(d)(5) of the Code, and shall not be taken into account under the \$10,000,000 issuance limit to the extent the Prior Improvement Refunding Portion and the Prior CIP Refunding Portion does not exceed the outstanding amount of the Prior Improvement Bonds or the Prior CIP Bonds.

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

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

34. Supplemental Resolution. The Prior Resolutions are hereby supplemented to the extent necessary to give effect to the provisions hereof.

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

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

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

The motion for the adoption of the foregoing resolution was duly seconded by member Opsahl and, after a full discussion thereof and upon a vote being taken thereon, the following voted in favor thereof: Houlihan, Opsahl, Schnoor, Stoen

and the following voted against the same: None.

whereupon the resolution was declared duly passed and adopted.

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

I, the undersigned, being the duly qualified and acting Administrator/Clerk/Treasurer of the City of Elysian, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council, duly called and held on the date therein indicated, insofar as such minutes relate to providing for the issuance and sale of \$2,645,000 General Obligation Bonds, Series 2016A.

WITNESS my hand on May 23, 2016.

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Administrator/Clerk/Treasurer

EXHIBIT A

NOTICE OF CALL FOR REDEMPTION

GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2005A  
CITY OF ELYSIAN, LE SUEUR AND WASECA COUNTIES, MINNESOTA

NOTICE IS HEREBY GIVEN that by order of the City Council of the City of Elysian, Le Sueur and Waseca Counties, Minnesota, there have been called for redemption and prepayment on

June 28, 2016

those outstanding bonds of the City designated as General Obligation Improvement Bonds, Series 2005A, dated as of November 1, 2005, having stated maturity dates, in the years 2017 through 2026, and totaling \$290,000 in principal amount and having CUSIP numbers listed below:

<u>Year</u>	<u>CUSIP Number*</u>	<u>Amount</u>
2019	290755 ES2	\$75,000
2023	290755 ET0	115,000
2026	290755 EU7	100,000

The bonds are being called at a price of par plus accrued interest to June 28, 2016, on which date all interest on the bonds will cease to accrue. Holders of the bonds hereby called for redemption are requested to present their bonds for payment at Northland Trust Services Inc., 45 South 7th Street, Suite 2000, Minneapolis, Minnesota.

Dated: May 23, 2016

BY ORDER OF THE CITY COUNCIL

/s/ Lorri Kopischke, City

Administrator/Clerk/Treasurer

\*The City shall not be responsible for the selection of or use of the CUSIP numbers, nor is any representation made as to their correctness indicated in the notice. They are included solely for the convenience of the holders.

EXHIBIT B

NOTICE OF CALL FOR REDEMPTION

GENERAL OBLIGATION CAPITAL IMPROVEMENT PLAN REFUNDING BONDS,  
SERIES 2006B

CITY OF ELYSIAN, LE SUEUR AND WASECA COUNTIES, MINNESOTA

NOTICE IS HEREBY GIVEN that by order of the City Council of the City of Elysian, Le Sueur and Waseca Counties, Minnesota, there have been called for redemption and prepayment on

June 28, 2016

those outstanding bonds of the City designated as General Obligation Capital Improvement Plan Refunding Bonds, Series 2006B, dated as of December 1, 2006 having stated maturity dates, in the years 2017 through 2021, and totaling \$125,000 in principal amount and having CUSIP numbers listed below:

<u>Year</u>	<u>CUSIP Number*</u>	<u>Amount</u>
2018	290755 EY9	\$50,000
2019	290755 EZ6	25,000
2020	290755 FA0	25,000
2021	290755 FB8	25,000

The bonds are being called at a price of par plus accrued interest to June 28, 2016, on which date all interest on the bonds will cease to accrue. Holders of the bonds hereby called for redemption are requested to present their bonds for payment at Northland Trust Services Inc., 45 South 7th Street, Suite 2000, Minneapolis, Minnesota.

Dated: May 23, 2016

BY ORDER OF THE CITY COUNCIL

/s/ Lorri Kopischke, City  
Administrator/Clerk/Treasurer

\*The City shall not be responsible for the selection of or use of the CUSIP numbers, nor is any representation made as to their correctness indicated in the notice. They are included solely for the convenience of the holders.

## LEVY & ASSESSMENTS SCHEDULES

### 2016 Improvement Portion

105% Levy	Less: Assessment Revenues*	Less: Water Revenues	Less: Sewer Revenues	Less: Stormwater Revenues	Equals: City Net Levy	Levy Year	Collection Year
-	-	-	-	-	-	-	-
103,640.25	54,760.39	18,682.33	2,323.20	20,942.86	6,931.47	2016	2017
103,104.75	54,760.38	18,682.33	2,323.20	20,942.86	6,395.98	2017	2018
102,411.75	54,760.39	18,682.33	2,323.20	20,942.86	5,702.97	2018	2019
101,718.75	54,760.40	18,682.33	2,323.20	20,942.86	5,009.96	2019	2020
127,149.75	54,760.38	18,682.33	2,323.20	20,942.86	30,440.98	2020	2021
125,989.50	54,760.39	18,682.33	2,323.20	20,942.86	29,280.72	2021	2022
181,954.50	54,760.38	18,682.33	2,323.20	20,942.86	85,245.73	2022	2023
200,014.50	54,760.38	18,682.33	2,323.20	20,942.86	103,305.73	2023	2024
201,904.50	54,760.39	18,682.33	2,323.20	20,942.86	105,195.72	2024	2025
198,439.50	54,760.39	18,682.33	2,323.20	20,942.86	101,730.72	2025	2026
200,224.50	54,760.39	18,682.33	2,323.20	20,942.86	103,515.72	2026	2027
201,904.50	54,760.39	18,682.33	2,323.20	20,942.86	105,195.72	2027	2028
202,928.25	54,760.38	18,682.33	2,323.20	20,942.86	106,219.48	2028	2029
198,581.25	54,760.40	18,682.33	2,323.20	20,942.86	101,872.46	2029	2030
199,106.25	54,760.38	18,682.33	2,323.20	20,942.86	102,397.48	2030	2031
<b>\$2,449,072.50</b>	<b>\$821,405.81</b>	<b>\$280,234.95</b>	<b>\$34,848.00</b>	<b>\$314,142.90</b>	<b>\$998,440.84</b>		

\* Assumes assessments of \$606,902 spread in even payments for a term of 15 years at a rate of 4.00%.

### Prior Improvements Refunding Portion

105% Levy	Less: Assessment Revenues*	Equals: City Net Levy	Levy Year	Collection Year
-	-	-	-	-
34,367.37	15,714.52	18,652.85	2015	2016
35,799.75	15,714.52	20,085.23	2016	2017
35,532.00	15,714.52	19,817.48	2017	2018
35,185.50	15,714.52	19,470.98	2018	2019
34,839.00	15,714.53	19,124.47	2019	2020
34,429.50	15,714.53	18,714.97	2020	2021
34,020.00	15,714.52	18,305.48	2021	2022
33,390.00	15,714.53	17,675.47	2022	2023
32,760.00	15,714.52	17,045.48	2023	2024
32,130.00	15,714.53	16,415.47	2024	2025
<b>\$342,453.12</b>	<b>\$157,145.24</b>	<b>\$185,307.88</b>		

\*Based on the current outstanding special assessment principal balance of \$112,742, as provided by the City, for a term of 10 years at a 6.38% interest rate.

### Prior CIP Refunding Portion

105% Levy	Levy Year	Collection Year
-	-	-
32,384.93	2015	2016
27,391.88	2016	2017
27,168.75	2017	2018
26,880.00	2018	2019
26,591.25	2019	2020
<b>\$140,416.80</b>		

Chris Cavett, SEH Engineering, reported that in the 2016 Street and Utility Project bid process, RAW Construction bid the ADD / DEDUCT item for Copper Water Service Pipe incorrectly and quoted the full price rather than the ADD price. This did not affect the bid award, but may have affected the City's decision to consider copper pipe over the polyethylene (PE) pipe. The original price quoted by RAW for the copper pipe was \$20,336.10. The revised "ADD" price over the PE pipe would be \$4,630 additional to use copper service pipe vs. PE service pipe.

Cavett explained the disadvantages of the PE pipe are that a locator wire has to be installed in the PVC. The disadvantage of the copper pipe is the cost and there have been some corrosion issues.

Greenwald agreed with Cavett and noted the possibility of the tracer wire becoming disconnected or not being installed properly. There is a history and proof of the copper pipe's longevity.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the "ADD" of copper pipe for the 2016 Street and Utility Project for an additional cost over the PE pipe in the amount of \$4,630.

Greenwald reported that a by-product of the milling of the streets in the street project is recycled asphalt. This material is available to the city for use as desired. R.A.W. can haul the material to the location desired and the city can grade it out or R.A.W. can haul it to the location, blade it, roll it out and then spread an oil over it. Then with the heat from the summer sun and the traffic the material becomes compacted and a nice driving surface. The Council discussed several locations where this material could be utilized. Greenwald will bring prices to the June Council Meeting for further discussion.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve payment of invoice #680476 for Laska Marine Service in the amount of \$490.00 for parts for the pontoon steering unit.

Nicole Lamont, Park Committee, presented a quote for volleyball systems in the amount of \$1,641.96 for the Lake Francis Park. The volleyball courts are being relocated and this would be a good time to install the new systems. Lamont also presented a quote for a sponsor sign in the amount of \$369.68 (plus the cost of the posts). This sign would include the names of all the sponsors thus far in the project. There is \$2,523.65 of donation monies remaining to be applied to the Lake Francis Park. Modern Woodsmen has also pledged \$200 for a shade tree and \$400 toward sod restoration. A ribbon cutting ceremony will be held in June.

On motion by Opsahl, seconded by Houlihan, all voting in favor, to purchase the volleyball systems in the amount of \$1,641.96 and the sponsor sign in the amount of \$369.68 (plus the cost of the posts) for the Lake Francis Park.

The Council discussed Willow Point Drive and all other private drives in the City. The question of the definition of maintenance and also what needed to be done to consider a private drive to be a City street were pondered. The Council noted the private drives are snowplowed now and that the City will keep them passable and safe. Seal coating, however, would not be considered maintenance.

The Council directed the City Attorney to draft a City Policy on the maintenance of private drives within the city limits and present for consideration at the June Council Meeting.

The Council discussed the Waste Management contract for collection, transportation, and disposal of refuse and recycling. On motion by Stoen, seconded by Houlihan, all voting in favor, to send notice of intent not to extend the term of the contract (terminate) effective September 30, 2016 and authorize advertising RFP for collection, transportation, and disposal of refuse and recycling for (2) two and (5) five year terms.



Kopischke distributed the City of Elysian Communications and Social Media Communications Policy for Employees.

On motion by Stoen, seconded by Houlihan, all voting in favor, meeting adjourned at 7:42 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
JUNE 13, 2016**

The Elysian City Council met in regular session on Monday, June 13, 2016 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. Absent: Councilmember Robert Houlihan.

On motion by Stoen, seconded by Schnoor, 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 hear public comment in regard to a request to vacate the alley lying west of Third Street NW and described as follows: that alley platted and measuring approximately 170' x 19' lying north of Block 18, Lots 16, 17, 18, 19, 20, and 21 and lying directly south of Block 18 the southerly ½ of Lots 1, 2, 3, 4, 5, and 6.

Kopischke reported this vacation had been requested by the homeowners and approved by the City Council in 1993 but had not been recorded. Frechette currently owns the properties on the north and south side of this alley and would like to combine them into one lot. There are no easements in the alleyway. All affected property owners have been notified.

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

On motion by Stoen, seconded by McBroom, all voting in favor, to close the Public Hearing at 6:06 pm and open the Regular Meeting.

On motion by Stoen, seconded by McBroom, all voting in favor, the minutes of the May 9, 2016 Regular Meeting and May 23, 2016 Special Meeting were approved as presented.

On motion by Stoen, seconded by Schnoor, all voting in favor, the agenda of the June 13, 2016 meeting was approved with the following change:

1. Move #15 Public Works Director Report to follow #8 LeSueur County Sheriff.

On motion by Stoen, seconded by McBroom, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:10 pm.

The purpose of the hearing is to hear public comment in regard to amending Ordinance No. 73/12, Ordinance Establishing Responsibility for the Care and Upkeep of Trees and Vegetation on the Boulevards in Elysian.

The amendments to this ordinance include regulating "fences and other obstructions" in the boulevards and right of ways in the City of Elysian and that the City has the right to remove any such obstruction. It also allows the City of Elysian to prune and if need be, remove any trees that have become a hazard tree, at the City's expense.

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

On motion by Stoen, seconded by McBroom, all voting in favor, to close the Public Hearing at 6:12 pm and open the Regular Meeting.

LeSueur County Chief Deputy Mason presented the Council with a request to participate in the funding to allow the LeSueur County Sheriff's Department to join the Cannon River Drug and Violent

Offender Task Force. The requested amount of funding for 2017 is \$3,500. LeSueur County is one of the seventeen counties in Minnesota that is not affiliated with a multi-jurisdictional drug task force. The other seventy counties in the State are all participating in a drug task force.

This funding would allow Le Sueur County to add a full-time deputy to the Task Force team. The requested municipal funding would provide about half of what it costs to compensate a new deputy with wage, fringe, OT, etc. The county will fund the other half as well as other miscellaneous costs like portable radio, fuel, undercover squad, etc.

Deputy Mason stated the effort is to curb the drug problem in LeSueur County. The Task Force will provide a more efficient team that will come to the city and take control of narcotics investigations. This in turn will increase the arrest rate and the number of convictions.

On motion by Stoen, seconded by McBroom, all voting in favor, to support the concept of LeSueur County joining the Cannon River Drug and Violent Offender Task Force, to budget for funding in the amount of \$3,500 in 2017, and to move forward as needed.

Deputy Mason thanked the Council for their support. He reported the city has been quiet. The speed trailer will be brought back for use the end of June. The Sheriff's Department is working with the Chamber to provide support for the 4<sup>th</sup> of July celebration.

Ron Greenwald, Public Works Director, reported the concrete culvert located on the east end of Main Street has failed and there is a hole in the street. There is a lit barricade over the hole but this should be repaired prior to the July 4<sup>th</sup> celebration. This will require the installation of a new 50 foot by 12 inch metal culvert. Greenwald reported he had solicited two bids for replacement: James Brother Construction in the amount of \$3,800 and R.A.W. Construction in the amount of (less than) \$4,000.

On motion by McBroom, seconded by Opsahl, all voting in favor, to approve and accept the bid from James Brothers Construction to repair the culvert on east Main Street in the amount of \$3,800.

Greenwald reported the asphalt that is being milled off as part of the 2016 Street and Utility Project will be available for city use. There will be two more phases of milling. One place this material could be utilized is the alleyways to the north of Main Street between First Street N and Second Street NW and between First Street N and Second Street NE. The cost to put the material down, blade and roll it would be \$600 per alley or an area of 400 by 12 feet. Greenwald will continue to work with R.A.W. Construction and determine how much material will be available for use.

Greenwald reported he had received two quotes to repair the frost boil near the lift station on Willow Point Drive. The quotes are: James Brothers Construction in the amount of \$3,500 and R.A.W. Construction in the amount of \$3,100. There is a possibility that the culvert under this frost boil is failing.

McBroom suggested the project be awarded to James Brothers and that R.A.W. remain focused on the street project.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve and accept the bid from James Brothers Construction to repair the frost boil near the lift station on Willow Point Drive in the amount of \$3,500 and to replace the culvert as needed.

Greenwald reported on the traffic flow on Frank Avenue NW along the ballfields during the ballgames. There are so many cars parked along the street that there is basically no way to get up and down Frank Avenue. This is a dangerous situation. Greenwald suggested placing "no parking" signs on the north side of Frank Avenue between Second Street NW and Third Street NW and also

on one side of both Second Street NW and Third Street NW for one block south of Frank Avenue. This would reduce some congestion and would encourage parking in the parking lot going down to the park.

On motion by McBroom, seconded by Opsahl, all voting in favor, to install “no parking” signs on the north side of Frank Avenue between Second Street NW and Third Street NW and also on one side of both Second Street NW and Third Street NW for one block south of Frank Avenue (with the side of Second and Third left to the discretion of the Public Works Director).

Greenwald reported he is waiting for the volleyball nets to be delivered for the Lake Francis Park. Once they arrive, the courts will be moved and the volleyball portion completed. The shoreline project will then be completed and raked out and there will be a small amount of shoreline planting to be done. That portion of the Lake Francis Park Project will then be completed.

Greenwald reported that Volkmann Electric started on the secondary power today on Second Street NE and he expects to have it done this week. Then Xcel Energy will approve it and the meter will be installed.

Public Comment: None.

GW Holdings, LLC, formerly referred to as Rick and Cheryl Galewski, presented a revised site plan for a Car Sales, Auto Repair, and Auto Body Business located on the south 300 block of State Highway 60. The Council had approved Resolution 488/15 – a Conditional Use Permit for this property – on December 12, 2015. Derek Westby, part owner of the business, was present and explained that the proposed building on the revised site plan is 2,268 square feet versus the original building size of 1,260 square feet. The southeast corner of the building is in the exact same location. The building has been extended to the north and west. Phase 1 of the plan has been extended into the previous Phase 2. With the equipment they plan to bring in and with the future expansion, the 40 foot sidewalk was not feasible. The 54 foot sidewalk is much more workable and the size they intend to expand with. There is also the addition of a door facing east directly into the driveway to accommodate large deliveries. Westby stated that all the original conditions of the Conditional Use Permit would be followed. Nothing had changed in that aspect. There is no change to the grading or drainage plan.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve the revised site plan as approved with Resolution 488/15 dated December 12, 2015 complying with all conditions contained therein.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 519/16**

**A RESOLUTION VACATING A PORTION OF A PUBLIC ALLEY  
THE CITY COUNCIL FOR THE CITY OF ELYSIAN, MINNESOTA, DOES HEREBY RESOLVE  
AS FOLLOWS:**

**WHEREAS**, the City Council for the City of Elysian called for a public hearing by notifying its interest in vacating an alley pursuant to Minnesota Statute §412.851; and

**WHEREAS**, the alley subject to vacation is a platted alley lying west of Third Street NW and described as follows: that alley platted and measuring approximately 170' x 19'

lying north of Block 18, Lots 16, 17, 18, 19, 20, and 21 and lying directly south of Block 18 the Southerly ½ of Lots 1, 2, 3, 4, 5, and 6, as is illustrated on the attached map; and

**WHEREAS**, a public hearing was set to consider the vacation of said alley; and

**WHEREAS**, a public hearing to consider the vacation of said alley was held on June 13, 2016 before the City Council at City Hall located at 110 West Main Street, Elysian, Minnesota at approximately 6:00 P.M. Further, all property owners adjacent to said alley and all affected persons were given notice of said Public Hearing, and all were given an opportunity to be heard and voice their concerns regarding the vacation of the subject alley. Finally, said notice was published in the City's legally designated newspaper for the requisite time parameters called for in Minnesota Statutes §412.851; and

**WHEREAS**, the Council, in its discretion has determined that the vacation will benefit the public interest because the alley is not used by the City and vacation of the alley will provide an opportunity for the homeowner to further develop and enhance his property, which will further enhance the City's tax base, and it will additionally lessen the City's liability for the alley and eliminate any maintenance obligation the City may have for the same; and

**WHEREAS**, four-fifths of all members of the Elysian City Council concur in this resolution;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF ELYSIAN, LE SUEUR COUNTY, MINNESOTA**, that the alley consisting of that alley platted and measuring approximately 170' x 19' lying north of Block 18, Lots 16, 17, 18, 19, 20, and 21 and lying directly south of Block 18 the Southerly ½ of Lots 1, 2, 3, 4, 5, and 6, as is illustrated on the attached map shall be, and hereby is vacated.

**BE IT FURTHER RESOLVED**, that the Mayor and City Administrator are hereby authorized to sign all documents necessary to effectuate the intent of this Resolution.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the Council this 13<sup>th</sup> day of June, 2016.

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, to approve Ordinance 73/12A: Amended Boulevard Tree and Right of Way Ordinance – City of Elysian, as follows:

**ORDINANCE 73/12A**  
**AMENDED BOULEVARD TREE AND RIGHT OF WAY ORDINANCE**  
**City of Elysian**

**AN ORDINANCE AMENDING ORDINANCE 73/12 AND PERTAINING TO TREES AND OTHER OBSTRUCTIONS IN THE RIGHT OF WAY IN THE CITY OF ELYSIAN.**

**The City Council of the City of Elysian does ordain:**

**PURPOSE**

The purpose of this Amended Ordinance is to enhance and protect the city's landscape and to promote and protect public health, safety and general welfare. It outlines the role and responsibilities of the City of Elysian and of private landowners by providing for the regulation of the planting, maintenance and removal of trees, vegetation, fences and other obstructions on boulevards and right of ways in the City of Elysian.

**DEFINITIONS**

**City:** The City of Elysian, Minnesota

**Public Property:** Property which the City owns or has reserved for public use, including but not limited to boulevards, parks, playgrounds, parkways, streets, public rights-of-way, sidewalks, alleys, and public parking lots.

**Public Right-of-Way:** Property which the city has reserved for public use to provide traffic circulation and travel to abutting properties, including but not limited to streets, boulevards, alleys, sidewalks, provisions for public utilities, right of ways, and cut and fill slopes.

**Boulevard:** The portion of the street right-of-way between the curb line and the property line.

**Public Utility:** Any public or private facility or system for producing, transmitting, or distributing communications, electricity, gas, oil products, water, waste or storm water, which directly or indirectly serves the public or any part thereof within the corporate limits of the City.

**Tree:**

- Hazard Tree – A tree or any part thereof which:
  1. obstructs street lights, traffic signs, or the view of any street intersection;
  2. obstructs the free passage of pedestrians or vehicles;
  3. harms or threatens to harm a utility, building, structure or City infrastructure including but not limited to, streets, sidewalks, drains, or other city infrastructure;
  4. has an infectious or destructive disease, insect problem or other pestilence which endangers the growth, health, life or well-being of trees in the City, or which threatens to or is capable of causing a spread of a disease, pestilence, or insect infestations;
  5. is causing the surface of a public street, curb, or sidewalk to be up-heaved or otherwise disturbed; or
  6. constitutes a danger to the public health, safety or well-being.

## **HAZARD TREES**

The City has the right to prune, and if need be, remove, any trees that have become a hazard tree. The cost for removal shall be at the City's expense. Except in the case of an emergency, a seven day notice will be given to the property owner abutting the boulevard prior to such action. The purpose of this notice is to allow the homeowner the opportunity to abate, to the City's satisfaction, the condition that exists on the property.

## **PLANTING**

**Trees:** Planting of trees is prohibited within the boulevard.

**Shrubs:** Shrubs, hedges or flowers are prohibited within the boulevard.

**Rock, Bricks, Fences, Columns, and Other Obstructions:** The placement of rocks, bricks, fences, columns, or any other obstructions on the boulevard is not permitted.

The City has the right to remove any obstructions in the City's boulevard. Except in the case of an emergency, a seven day notice will be given to the property owner abutting the boulevard prior to such action. The purpose of this notice is to allow the homeowner the opportunity to abate, to the City's satisfaction, the condition that exists on the property.

## **GARBAGE CANS**

Garbage cans are to be removed from the boulevards by the day following garbage pickup.

## **MOWING**

Mowing on the boulevards is the responsibility of the abutting property owners.

## **BLACKTOPPING OF BOULEVARD**

Blacktopping of any part of the boulevard, except for driveways, is prohibited.

## **ENFORCEMENT**

The City Council has the power to enforce rules, regulations, and specifications within the ordinance. Day to day management is delegated to the City Public Works Department.

This Amended Ordinance shall be effective and be in force after its passage and publication.

Approval Date: June 13, 2016

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Lorri Kopischke, City Administrator

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Clinton Stoen, Mayor

At the May 9, 2016 City Council Meeting, a request was received from Heather Doehling, 207 Fourth Street NW, to allow chickens to be kept in the city limits. The Council referred that request to the Planning and Zoning Commission. The Planning and Zoning Commission discussed the request at their June 7, 2016 Meeting and are recommending approval of the draft ordinance to allow chickens to be kept in the city limits. The draft ordinance regulates the number of chickens, prohibits the keeping of male chickens, requires a permit be issued to the property owner, regulates the coops and runs and their location on the property and requires written consent/approval of the keeping of chickens on their premises by 75% of the abutting property owners.

The current draft ordinance requires that any chicken coop and chicken run shall be at least twenty-five (25) feet from any structure, setback, or property line. This can be problematic for the smaller lots in Elysian.

Don Doehling, 207 Fourth Street NW, stated he did not have a large lot. He thought the requirement should fit the size of the lot. If a guy has a large lot he can put the coop wherever he wants. The twenty-five foot setback would not work for his lot. He stated it should fit within the lot and if you have the permission of your neighbors it should work. And the City Administrator has the right to revoke the permit for any reason. Doehling stated he believed a ten to fifteen foot setback would work.

There was Council consensus to amend the draft ordinance to reduce the setback requirement to fifteen (15) feet.

On motion by Stoen, seconded by Opsahl, all voting in favor, to hold a public hearing on July 11, 2016 at 6:00 pm to consider the recommendation of the Planning and Zoning Commission to approve an ordinance to allow and regulate the keeping of chickens within the city limits.

Chris Cavett, SEH Engineering, reported that the 2016 Street and Utility Improvement Project is progressing well. The first stretch of watermain installation has been completed and service lines will now be installed. The storm sewer installation in that area will be next.

Cavett reported the block of Frank Avenue NW between 4<sup>th</sup> and 5<sup>th</sup> Streets was scheduled for watermain replacement and the blocks of Frank Avenue NW between 5<sup>th</sup> and 6<sup>th</sup> Streets, and 6<sup>th</sup> Street between Frank Avenue and Lake Avenue NW, were scheduled for possible watermain replacement. It has been determined that those areas will not require watermain replacement as a SDR26 pressure pipe was installed in these locations. There are two residents who will now not be assessed for water service and this will also save the City \$8,000.

Cavett reported there have been a few utility strikes within the project. An electric line has been hit and gas lines have been hit twice. This has not been the fault of the contractor. The lines were either not marked or incorrectly marked. This is a serious matter to the contractor and they have contacted the Utility and Pipeline Safety Board to have this investigated.

The Council thanked Cavett for the updates and good communication during the project.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 520/16  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
CANNON VALLEY COMMUNICATIONS FOUNDATION**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$5,000.00 from Cannon Valley Communications Foundation for the Lake Francis Park Project;

**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 \$5,000.00 from Cannon Valley Communications Foundation for the Lake Francis Park Project.

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 this 13<sup>th</sup> day of June, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 521/16  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
KATHLEEN ANTILA**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$50.00 from Kathleen Anttila to the Elysian Park Fund in the memory of former Councilmember Brian Ziemer;

**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 Kathleen Anttila to the Elysian Park Fund in the memory of former Councilmember Brian Ziemer.

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 this 13<sup>th</sup> day of June, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 522/16  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
MODERN WOODMEN OF AMERICA CAMP 9658**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$200.00 from Modern Woodmen of American Camp 9658 toward the purchase of a tree(s) for Lake Francis Park Project;

**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 \$200.00 from Modern Woodmen of America Camp 9658 toward the purchase of a tree(s) for Lake Francis Park Project.

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 this 13<sup>th</sup> day of June, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 523/16  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
MODERN WOODMEN OF AMERICA CAMP 2834**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$400.00 from Modern Woodmen of American Camp 2834 toward the purchase of sod for Lake Francis Park Project;

**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 \$400.00 from Modern Woodmen of America Camp 2834 toward the purchase of sod for Lake Francis Park Project.

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 this 13<sup>th</sup> day of June, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 524/16  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
DENNIS AND JOYCE FINDLEY**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$100.00 from Dennis and Joyce Findley for the Lake Francis Park Project;

**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 \$100.00 from Dennis and Joyce Findley for the Lake Francis Park Project.

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 this 13<sup>th</sup> day of June, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

The Council discussed a survey of City Council / Mayor salaries of cities of similar size in Minnesota. It was noted that the Elysian City Council / Mayor salaries had been reduced in 2012 and the pay for special meetings had been eliminated. On motion by Stoen, seconded by McBroom, all voting in favor, to hold a public hearing on July 11, 2016 at 6:15 pm to consider an increase to the City Council / Mayor pay back to the 2012 rates which includes compensation for special meetings.

On motion by Opsahl, seconded by McBroom, all voting in favor, to purchase the Ricoh MPC 2503 copier from Metro Sales, Inc., in the amount of \$5,270.

Thank you to Jerry and Cheryl Ellingsworth for tending to the planters on the east and west ends of the city. Thank you to Lake Area Women for planting the planter by the Tourism Center and thank you to John Sandquist for keeping that planter weed-free.

Thank you to Farmers Friends 4H Club for planting the planters at Lake Francis Park and thank you to Audene, Kim, Sydney, Addison, and Ron Greenwald for weeding the area by the Gazebo.

Kopischke read a thank you card received from Tim Stowe, Principal, WEM Elementary: "On behalf of the staff and students of WEM Elementary, I want to thank you and the city of Elysian for the use of the park and pavilion. The facilities and grounds were beautiful. We were able to entertain nearly 350 students on one of the last days of school to celebrate a fantastic year. Thank you for making this wonderful day possible!!"

On motion by McBroom, seconded by Schnoor, all voting in favor, bills, payroll and transfers were approved in the amount of \$197,760.50.

Public Comment: None.

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

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
JULY 11, 2016**

The Elysian City Council met in regular session on Monday, July 11, 2016 at City Hall at 6:00 pm.

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

On motion by Stoen, seconded by Schnoor, 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 hear public comment from citizens on Ordinance No. 82/16 – An Ordinance Regulating the Keeping of Chickens within the City of Elysian, Minnesota.

At the May 9, 2016 City Council Meeting, a request was received from Heather Doehling, 207 Fourth Street NW, to allow chickens to be kept in the city limits. The Council referred that request to the Planning and Zoning Commission. The Planning and Zoning Commission discussed the request at their June 7, 2016 Meeting and recommended approval of the draft ordinance to allow chickens to be kept in the city limits.

Ordinance No. 82/16 is similar to the chicken ordinance being considered in Waterville. The ordinance regulates the number of chickens, prohibits the keeping of male chickens, requires a permit be issued to the property owner, regulates the coops and runs and their location on the property, and requires written consent/approval of the keeping of chickens on their premises by 75% of the abutting property owners. At the June Council meeting the Council did consider changing the suggested setback for any chicken coop and chicken run of twenty-five (25) feet to a reduced setback of fifteen (15) feet from any structure, setback, or property line.

Houlihan suggested that properties of one (1) acre or less be allowed to keep five (5) chickens and properties of over one (1) acre be allowed to keep ten (10) chickens.

**Public Comment:**

Patricia Nusbaum, 104 Park Avenue NE, stated she felt Ordinance No. 82/16 should not be passed. She has lived in Elysian most of her life and as she grew up almost everyone raised chickens. Chickens and chicken coops were abolished in the late 1950s for these reasons: Chickens may seem to be nice, fairly quiet creatures, some may even say that they are nice pets. However, the care of chickens is not a simple task. Chickens need to be fed. Chicken food usually comes in bags. Although with the proposed ordinance the feed will have to be kept in a metal container. When chickens are fed, feed is scattered on the ground or put in pans for the chickens to eat out of. This in itself can attract rodents overnight. Chicken manure needs to be removed regularly which in itself is a hazard due to breathing in the manure. If manure is not removed regularly rats infiltrate under the manure and populate. I would think that rat poison must be purchased and be in place at all times. As I stated all chickens and chicken coops were eliminated in the 50s because rats were prevalent all over the city. Rats were running on Main Street in the evening. We do not want to go back to that situation. Also fox were attracted to the chicken coops and managed to get into many of the coops and kill the chickens.

Nusbaum stated the ordinance seems to be pretty tight. But in Section A – what is an agricultural holding district? City Attorney Moran explained that this would be if Elysian did ever have an

agricultural district where animals are allowed, they would not need to apply for a permit to keep chickens. Nusbaum asked if the Council was considering creating an agricultural district as part of the zoning ordinance. Moran stated they are not.

Nusbaum questioned in Section C what 75 of the abutting property owners meant. Moran replied it is 75% of the abutting property owners.

Nusbaum asked what the permit fee was. Moran stated that the permit fee had not yet been established. The Council will set the fee and it will be included in the City fee schedule.

Nusbaum questioned the reference to Residential Agricultural District in Section J. Moran stated that if at any point in time the city would adopt an agricultural district that allowed the keeping of animals like cattle or hogs, that if they wanted to house chickens along with those animals they would not need a special permit. Moran stated the keeping of agricultural animals is prohibited and this ordinance only pertains to chickens. It does not pertain to other agricultural animals. Nusbaum stated she felt this should be an exception to the Zoning Ordinance.

Nusbaum asked who was going to be the chicken patrol. Kopischke stated she would be tasked with those duties. Nusbaum stated someone would have to be checking if the pens were built right and so forth. She asked who determines how fast the manure is taken out. She recalled the rats. Her mother and father had chickens. Everybody had chickens and she recalled the rats that were all over. You had to have rat poison out all the time. She recalled foxes getting underneath the coop and killing four, five chickens a night. Is this the direction Elysian who wants to be progressive and move on ahead, is this the direction we need to go? I think not. Thank you.

Donald Doehling, 207 Fourth Street NW, stated he understood Pat's concerns about the 1950s, about rats running downtown, he fully understands that. He stated he just wanted to have chickens for his daughter to eat the eggs. He is not saying that she can only eat this, but it is a major part of her diet because of her stomach. That's how this whole thing got started. It's not about rats. I just want her to have something good to eat. I apologize for sounding rude but it's 2016. It's not just Elysian doing this. Waterville is also doing this. It's up to you guys but that is my opinion.

No written comments were received.

On motion by Stoen, seconded by Houlihan, all voting in favor, to close the Public Hearing at 6:20 pm and open the Regular Meeting.

On motion by Stoen, seconded by Schnoor, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:21 pm.

The purpose of the hearing is to hear public comment from citizens on Ordinance No. 83/16 – An Ordinance Establishing Salaries for the Mayor and the City Council for the City of Elysian, Minnesota.

Kopischke reported that in 2012 the Council and Mayor salaries were reduced and compensation for special meetings was eliminated. Ordinance No. 83/16 will re-establish the 2012 rate and also provide compensation of \$50 for each special, emergency, and workshop meeting attended.

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

On motion by Stoen, seconded by Schnoor, all voting in favor, to close the Public Hearing at 6:23 pm and open the Regular Meeting.

On motion by Schnoor, seconded by Houlihan, all voting in favor, the minutes of the June 13, 2016 Regular Meeting were approved as presented.

On motion by Stoen, seconded by Schnoor, all voting in favor, the agenda of the July 11, 2016 meeting was approved as presented.

City Attorney Moran presented Ordinance No. 84/16 – An Ordinance Opting-Out of the Requirements of Minnesota Statutes, Section 462.3593. On May 12, 2016, Governor Dayton signed, into law, a bill creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling. Cities that wish to opt-out of this law must pass an ordinance to do so or the law will automatically take effect in September. Moran recommended setting a public hearing for the August 8, 2016 City Council Meeting to consider Ordinance No. 84/16.

On motion by Stoen, seconded by Schnoor, all voting in favor, to schedule a public hearing to consider Ordinance No. 84/16 – An Ordinance Opting-Out of the Requirements of Minnesota Statutes, Section 462.3593 for August 8, 2016 at 6:00 pm.

City Attorney Moran presented a proposed Private Drive Policy with an email containing his legal opinion regarding any maintenance of private drives. He suggested the Council not adopt a private drive policy and instead continue to take each request on a case to case approach.

The proposed private drive policy suggests the City would provide general road grading, maintenance of manholes, and snow removal. The City would not provide other maintenance, repair, seal coating, crack filling, partial or whole replacement, construction, reconstruction, alteration, correction, or the like.

Stoen stated he would like to see some type of policy so that administration, public works and Council had a clear answer when these types of requests come up.

After a lengthy discussion, the Council agreed that this subject required more investigation and discussion. On motion by Stoen, seconded by Houlihan, all voting in favor, to table the consideration of a Private Drive Policy to the August 8, 2016 Council Meeting. However, Stoen stated that Willow Point Drive will not be seal coated in 2016. There are no monies allocated in the budget for this expense.

Staff will provide the Councilmembers with a list of all private drives in the city and a copy of the agreements with the association / residents of each drive.

Kopischke reported there had been an issue with water line and sewer force main damage during water and sewer service connection at 103 Shoreview Drive. The Council was provided with an itemization of the city costs involved. On motion by Stoen, seconded by Houlihan, all voting in favor, to authorize staff to send a request to the general contractor of the construction at 103 Shoreview Drive for reimbursement of city costs in the amount of \$921.82.

Public Comment: None.

The Council discussed Ordinance No. 82/16 – An Ordinance Regulating the Keeping of Chickens within the City of Elysian.

Stoen acknowledged a previous comment regarding having more chickens if the property was larger than one acre. He stated he understood that but thought it should be if the property was two (2) acres or larger.

Schnoor stated he was having a problem with this ordinance. He moved to the city to get away from animals.



Houlihan stated he could not imagine there was going to be a lot of people lining up for the chicken permit. Once they do apply, their neighbor's approval is required and if it becomes an issue, the Council can revoke the permit.

Mayor Stoen presented the Ordinance and was seconded by Councilmember Houlihan.

#### **ORDINANCE NO. 82/16**

### **AN ORDINANCE REGULATING THE KEEPING OF CHICKENS WITHIN THE CITY OF ELYSIAN, MINNESOTA**

**BE IT ORDAINED by the Mayor and Council of the City of Elysian,  
Le Sueur/Waseca County, Minnesota, as follows:**

#### **KEEPING OF CHICKENS**

(A) *Chickens permitted.* It is unlawful for any person to own, control, keep, maintain or harbor chickens on any premises other than in an agricultural holding district within the City unless issued a permit to do so as provided in this section. No permit shall be issued for the keeping or harboring of more than five (5) female chickens or hens on any premises **up to** two (2) acres and ten (10) female chickens or hens on any premises of **more than** two (2) acres. The keeping or harboring of male chickens or roosters is prohibited and the premises upon which the chickens are kept must be the property owner's primary residential dwelling.

(B) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**"CHICKEN"** means a female chicken or hen.

**"AT LARGE"** means a chicken out of its chicken run, off the premises or not under the custody and control of the owner.

**"CHICKEN COOP"** means a structure for housing chickens made of wood or other similar materials that provides shelter from the elements.

**"CHICKEN RUN"** means an enclosed outside yard for keeping chickens.

**"PERSON"** means the resident, property owner, custodian, or keeper of any chicken.

**"PREMISES"** means any platted lot or group of contiguous lots, parcels or tracts of land and is located within the city.

(C) *Permit.* No person shall maintain a chicken coop and/or chicken run unless granted a permit by the City Administrator-Clerk. The permit shall be subject to all the terms and conditions of this section and any additional conditions deemed necessary by the Administrator-Clerk or designated Animal Control Officer to protect the public health, safety and welfare. The necessary permit application may be obtained from the City Administrator's office. Included with the completed application must be a scaled diagram that indicates the location of any chicken coop and/or chicken run, and the approximate size and distance from adjoining structures and property lines, the number and species of chickens to be maintained at the premises, and a statement that the applicant/permittee will at all times keep the chickens in accordance with this ordinance and all the conditions prescribed by the Animal Control Officer, or modification thereof, and failure to obey such conditions will constitute a violation of the provisions of this section and grounds for cancellation of the permit. The applicant shall include written consent/approval of the keeping of chickens on their

premises from 75% of the abutting property owners, or shall provide proof of the certified mailing of a notice, and copies of said notice(s) to all abutting property owner(s) which advises the abutting property owner(s) the applicant is applying for a permit from the City of Elysian for the keeping of chickens on their premises, the abutting property owner may object to the applicant's permit application, any objection must be received by the City Administrator-Clerk within 10 days of the mailing date of said notice, and failure to provide written objections to the City Administrator-Clerk within 10 days of the mailing of said notice will authorize the City Administrator-Clerk to issue a permit for the keeping of chickens to the applicant at their premises. Upon receipt of a permit application, the Administrator-Clerk shall determine if the application is complete and contains the required consent/approval and/or proof of the certified mailing of the required notices. If the application is complete and includes written consent/approval from 75% of abutting property owners, the Administrator-Clerk shall issue a permit for the keeping of chickens to the applicant.

No permit shall be issued for an incomplete application or for the keeping of chickens on any rental premises. A permit for the keeping of chickens may be revoked or suspended by the Administrator-Clerk or designated Animal Control Officer for any violation of this section following written notice. The applicant/permittee may appeal the revocation or suspension of their permit by requesting in writing a hearing before the city council within seven (7) days of the notice of revocation or suspension. The request for hearing must be either postmarked or received in the city administrator's office within seven (7) days of the date of the notice. The city council shall hold a hearing on the applicant/permittee's request for hearing within thirty (30) days of the request for hearing. The permit fee shall be charged in accordance to the City of Elysian fee schedule and shall expire on December 31 of each year.

(D) *Confinement.* Every person who owns, controls, keeps, maintains, or harbors chickens must keep them confined at all times in a chicken coop and chicken run and may not allow the chicken to run at large. Any chicken coop and chicken run shall be at least fifteen (15) feet from any structure, setback, or property line.

(E) *Chicken Coops and Chicken Runs.*

(1) All chicken coops and chicken runs must be located within the rear yard subject to a fifteen (15) foot setback from any property line and at least fifteen (15) feet from any other structures. All chicken coops must be a minimum of four (4) square feet per chicken in size, must not exceed ten (10) square feet per chicken in size and must not exceed six (6) feet in total height. Attached fenced-in chicken runs must not exceed 20 square feet per chicken and fencing must not exceed six (6) feet in total height. Chicken runs may be enclosed with wood and/or woven wire materials, and may allow chickens contact with the ground. Chicken feed must be kept in metal predator proof containers. Chicken manure may be placed in yard compost piles.

(2) Chicken coops must either be:

(a) Elevated with a clear open space of at least twenty-four (24) inches between the ground surface and framing/floor of the coop; or,

(b) The coop floor, foundation and footings must be constructed using rodent resistant construction.

(3) Chicken coops are not allowed to be located in any part of a home and/or garage.

(4) Chickens must be secured in a chicken coop from sunset to sunrise each day and no chickens shall be allowed to run outside of the coop.

(5) All coops shall be constructed and maintained in a workmanlike manner.

(6) All coops shall be rodent proof and built in such a manner as to prevent access to the coop by rodents.

(F) *Conditions and Inspection.* No person who owns, controls, keeps, maintains, or harbors chickens shall permit the premises where the chickens are kept to be or remain in an unhealthy, unsanitary or noxious condition or to permit the premises to be in such condition that noxious odors are carried to adjacent public or private property. Any chicken coop or chicken run authorized by permit under this section may be inspected at any reasonable time by the designated Animal Control Officer, Law Enforcement Officer or other agent of the City. A person who has been issued a permit shall submit it for examination upon demand by the Animal Control Officer, Law Enforcement Officer or other agent of the City. Slaughter and breeding of chickens on any premises within the City is prohibited.

(G) *Private Restrictions and Covenants on Property.* Notwithstanding the issuance of a permit by the City, private restrictions and/or covenants on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, covenant declarations and deed restrictions. A permit issued to a person whose premises are subject to private restrictions and/or covenants that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

(H) *Refusal to Grant or Renew Permit.* The Administrator-Clerk may refuse to grant or renew a permit to keep or maintain chickens for failure to comply with the provisions of this section, submitting an inaccurate or incomplete application, if the conditions of the permit are not met, if a nuisance condition is created, or if the public health and safety would be unreasonably endangered by the granting or renewing of such permit.

(I) *Removal of chicken coop and chicken run.* Any chicken coop or chicken run constructed or maintained on any premises shall be immediately removed from said premises after the expiration of the permit or shall be removed within thirty (30) days upon ceasing to use the chicken coop and/or chicken run for the keeping of chickens.

(J) *Residential Agricultural District.* This ordinance does not apply to premises located in a residential agricultural district as that area is defined in this Code.

(K) *Slaughtering of Chickens.* The slaughtering of chickens on the property is strictly prohibited.

(L) *Violations a Misdemeanor.* Any person who owns, controls, keeps, maintains or harbors chickens in the City of Elysian without obtaining or maintaining a current permit or after a permit has been suspended or revoked by Council action shall be guilty of a misdemeanor. In addition, any person who violates any provision of this Ordinance shall be guilty of a misdemeanor which is punishable by imprisonment for up to 90 days in jail and/or the imposition of a fine of up to \$1,000, and/or a combination of both.

The Ordinance was presented by Mayor Stoen, seconded by Councilmember Houlihan with the following vote being taken:

Voting Yes: Houlihan, Schnoor, Stoen.

Voting No: None.

Passed by the City Council of Elysian on July 11, 2016 and will be in effect upon publication.

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Lorri Kopischke, City Administrator

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Clinton Stoen, Mayor

Mayor Stoen presented the Ordinance and was seconded by Councilmember Schnoor.

**ORDINANCE 83/16**  
**ESTABLISHING SALARIES FOR THE MAYOR AND**  
**CITY COUNCIL FOR THE CITY OF ELYSIAN**

**WHEREAS**, the Council of the City of Elysian, has formally moved at the regular meeting of the City Council on June 13, 2016, to adopt the salaries for the Council and Mayor back to the 2012 rates which includes compensation for special meetings; and

**WHEREAS**, by law under MN Statute 415.11 changes in salary must be approved prior to regular city elections to take effect January in the year following said elections,

**NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Elysian, Le Sueur/Waseca County, Minnesota, as follows:**

Section 1. The Mayor shall receive a salary of One Hundred and Fifty Dollars (\$150) per month for serving as Mayor and performing all duties associated with the office and Fifty Dollars (\$50) for each special, emergency, and workshop meeting attended.

Section 2. Each member of the City Council shall receive a salary of One Hundred Dollars (\$100) per month for serving on the Council and performing all duties associated with the office and Fifty Dollars (\$50) for each special, emergency, and workshop meeting attended.

Section 3. EFFECTIVE DATE. This ordinance shall be effective January 1, 2017, which is the first day of the year subsequent to the next general election.

The Ordinance was presented by Mayor Stoen, seconded by Councilmember Schnoor with the following vote being taken:

Voting Yes: Houlihan, Schnoor, Stoen.

Voting No: None.

Passed by the City Council of Elysian on July 11, 2016.

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Lorri Kopischke, City Administrator

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Clinton Stoen, Mayor

Chris Cavett, SEH Engineering, presented Change Order No. 2, 2016 Street and Utility Improvement Project in the amount of \$1,818. This cost is for sanitary sewer main repair at 5<sup>th</sup> Street and Lake

Avenue which during Xcel gas televising the pipe was found to be crushed. The crushed main serves at least three cabins on the north side of Lake Avenue. Cavett recommended approval of Change Order No. 2 and the amount has been included in the R.A.W. Application for Payment 2 which is a pay item in the bills for consideration July 11, 2016.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve Change Order No. 2 Street and Utility Improvement 2016 in the amount of \$1,818.

Cavett provided a brief update on the Street and Utility Project. Most of the utility work for this phase has been completed. There have been some setbacks due to weather but R.A.W. is doing the best they can with the conditions they have had to deal with. He thanked the residents for their patience.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 525/16  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
SAKATAH TRAIL SNO-CRUISERS**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$1,400.00 from Sakatah Trail Sno-Cruisers for the Lake Francis Park Project;

**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 \$1,400.00 from Sakatah Trail Sno-Cruisers for the Lake Francis Park Project.

Upon vote being taken:

Councilmembers voting in the affirmative: Houlihan, Schnoor, Stoen.

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 11<sup>th</sup> day of July, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

City Attorney Moran addressed the 2016 Municipal Maintenance Agreement with LeSueur County. The agreement proposes funding in the amount of \$9,420.49 which is \$1,037.16 less than last year and a continual reduction for the last four to five years. Moran asked the Council to table this issue to the August 8, 2016 meeting so that he could contact the County and request reconsideration of the funding amount.

On motion by Stoen, seconded by Houlihan, all voting in favor, to table consideration of the 2016 Municipal Maintenance Agreement with LeSueur County to the August 8, 2016 City Council Meeting.

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

**RESOLUTION 526/16**  
**RESOLUTION ESTABLISHING DATES FOR FILING AFFIDAVITS OF CANDIDACY**

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

The period for filing affidavits of candidacy of the office of Mayor and Council shall begin on August 2, 2016 and shall close on August 16, 2016. An affidavit of candidacy must be filed in the Office of the City Administrator and the \$2.00 filing fee paid prior to 5:00 p.m. on August 16, 2016.

1. The City Administrator is hereby authorized and directed to cause notice of said filing dates to be published in the official newspaper of the city, at least two (2) weeks prior to the first day to file Affidavits of Candidacy.
2. The Administrator is hereby authorized and directed to cause notice of said filing dates to be posted at the administrative office of the City of Elysian at least ten (10) days prior to the first day to file Affidavits of Candidacy.
3. The notice of said filing dates shall be in substantially the following form:

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

NOTICE IS HEREBY GIVEN THAT the City Election will be held in the City of Elysian, Counties of Le Sueur and Waseca, State of Minnesota, on Tuesday, November 8, 2016, to fill the following Offices:

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

Affidavits of candidacy for the above offices may be filed at the Office of the Administrator at City Hall, located at 110 West Main Street between the hours of 8:00 am and 4:30 pm Monday through Friday starting on Tuesday, August 2, 2016 through Tuesday, August 16, 2016 ending on August 16, 2016 at 5:00 pm.

Filing will close at 5:00 p.m. on August 16, 2016. Filing fee: \$2.00

Adopted by the City Council of the City of Elysian this 11<sup>th</sup> day of July, 2016.

Councilmembers voting in the affirmative: Houlihan, Schnoor, Stoen.

Councilmembers voting in the negative: None.

Approved:

Attested:

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Clinton Stoen, Mayor

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Lorri Kopischke, City Clerk/Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 527/16  
RESOLUTION APPROVING 2016 ELECTION JUDGES  
FOR BOTH THE STATE PRIMARY AND GENERAL ELECTIONS**

**BE IT RESOLVED**, by the Council of the City of Elysian, County of Le Sueur and Waseca Counties, State of Minnesota, that the following persons will be 2016 Election Judges for the August 9<sup>th</sup> State Primary and the November 8<sup>th</sup> General Election. Their hourly rate of pay will be \$10.00 per hour.

Judges for Elections are: Julaine Jacobson, Sarah Reindl, Marilyn Sandquist, Janice Evans, Nadine Strong, Shirley Tetzloff, Marie Tuve, Charlene Howe. Patricia Nusbaum, Lorri Kopischke, Head Judge.

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

Upon vote being taken:

Councilmembers voting in the affirmative: Houlihan, Schnoor, Stoen.

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 11<sup>th</sup> day of July, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

The Council thanked all who helped make the 2016 Fourth of July Celebration and the Triathlon a success. The celebration went well this year. Thank you to all the volunteers and city staff.

Kopischke read the following email received from Craig Beckman, Minnesota DNR Park and Trails:

"I've been receiving quite a few questions lately regarding the status of reconstruction of the Sakatah Singing Hills State Trail between Madison Lake and Waterville. As you know the trail between Waterville and Faribault was reconstructed 5 years ago and remains in very good condition. This spring, reconstruction of the trail was completed between Mankato and Madison Lake which left only the portion of trail from Madison Lake to Waterville in need of reconstruction.

When the legislative session began, Governor Dayton's initial bonding proposal suggested \$1.2 million in funding for trail reconstruction. This initial proposal made us hopeful that funding may be received. Unfortunately, and as you are probably aware, in the end the legislature failed to pass a bonding bill this session which means no money was allotted for reconstruction of the Sakatah "Trail". I remain hopeful that a special session may still be called and a bonding bill passed, but we'll just have to wait and see.

90% of our engineering for the project has been completed, so we are ready to take action if money becomes available, but if not, we'll need to patiently wait until the next session."

On motion by Stoen, seconded by Schnoor, all voting in favor, to schedule a budget workshop meeting for Wednesday, August 3 at 6:00 pm.

On motion by Stoen, seconded by Schnoor, all voting in favor, bills, payroll and transfers were approved in the amount of \$279,461.11, and to hold check #22723 for James Bros Construction, Inc. in the amount of \$3,896 until the wash-out on the culvert on Main Street East has been repaired and approved by the Public Works Director.

#### Public Comment:

Mark Sybilrud, 514 Lake Avenue NW, asked if they are moving the gas line in the street project. Cavett stated they had to lower the gas line at that crossing. He was not certain of the details but the crossings were planned to be done as they did the road. Mark stated it is four feet high. Cavett stated that is to maintain a cover over the gas main. Sybilrud complained that when you go down that with a car you bottom out. It would be nice if they could have sloped it a little more out. Anyway, too late now. He asked if the gas line was holding the project up. Cavett stated that weather has been the biggest issue. He was told today that by tomorrow and if not tomorrow then soon, they plan to have that lowered.

Sybilrud asked the deadline. Cavett stated there are different deadlines but the first phase of the project is to have pavement down by July 22. The construction did start a little later than anticipated and the clock started ticking once they ground up the road. Sybilrud asked if there was a penalty if not completed by the 22nd. Cavett explained that R.A.W. can make a request for consideration of an extension. The Council would make the decision on granting an extension. There is an interim deadline for days without pavement and there is a substantial completion penalty as well.

Sybilrud stated he had received a letter from Jason stating the date to appeal the assessments was May 11. He asked if the appeal had to be in writing or if it could be an oral objection in the city minutes. Cavett stated the notice of assessment hearing that goes out explains that objections have to be in writing and have to be submitted prior to or at the assessment hearing. Sybilrud stated there are three properties that do not abut up to the city road but are being assessed the total amount of \$8,500. The townhomes, three cabins and other properties all down the line are unique. He believes that his area is very unique also. Cavett stated this was discussed at the assessment hearing. Sybilrud stated this decision was made by Cavett and not by the Council. Cavett reiterated that this was brought up and discussed at the assessment hearing and appeals needed to be submitted in writing prior to the assessment hearing.

Patricia Nusbaum, 104 Park Avenue NE, suggested that the Council appropriate some funds in the upcoming budget to pave the alleys behind city hall and also behind the businesses on Main Street. There is a lot of time and money spent grading and bringing in gravel. It can wash out daily. It would look nicer for the city to have that blacktopped. I know this is an alley behind here and that is not an alley down there. It would take some work to get the property owners to allow it to be an official alley even though it has been driven on but it isn't an alley.



The Council could also consider budgeting funds to maintain private drives such as Willow Point if that is what they chose to do – blacktopping, extra gravel, maintenance, and sealcoating. Then the Council can't say that they don't have any money in the budget and you aren't going around in a circle again.

Nusbaum stated the Sakatah Trail is pathetic. Elysian has lost a lot of commerce by not having bikers. The businesses will tell you it is just not like it used to be. No one wants to ride their bike on the stretch between Madison Lake and Waterville – the other ends are done. Something has to be done. There is a lot of impact on the community in the summertime.

On motion by Stoen, seconded by Houlihan, all voting in favor, meeting adjourned at 7:16 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
BUDGET WORKSHOP MEETING  
AUGUST 3, 2016**

The Elysian City Council held a budget workshop meeting on Wednesday, August 3, 2016 at City Hall at 6:00 pm.

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

Kopischke submitted draft expense figures for the 2016 budget payable in 2017. Council will review and discussion will be held at a future budget workshop meeting.

Fee amounts for the chicken permit and the solicitor/peddler permit were discussed.

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

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
AUGUST 8, 2016**

The Elysian City Council met in regular session on Monday, August 8, 2016 at City Hall at 6:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan, Tom McBroom, Mary Opsahl, and Dennis Schnoor; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald; and City Attorney Jason Moran. Absent: None.

On 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 allow public input from citizens on Ordinance No. 84/16 – An Ordinance Opting-Out of the Requirements of Minnesota Statutes, Section 462.3593.

City Attorney Moran explained that on May 12, 2016, Governor Dayton signed, into law, a bill creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling. If a city does not “opt-out” of the regulation it will automatically go into effect on September 1, 2016. Many cities in the State of Minnesota are choosing to “opt-out” and the League of Minnesota Cities is recommending the “opt-out” as well.

Public Comment:

Grady Olson, 307 Sixth Street NW, asked if any cities had “opted in” to these requirements. Moran stated none that he was aware of.

No written comments were received.

On motion by Stoen, seconded by McBroom, all voting in favor, to close the Public Hearing at 6:04 pm and open the Regular Meeting.

On motion by Schnoor, seconded by Houlihan, all voting in favor, the minutes of the July 11, 2016 Regular Meeting and the August 3, 2016 Budget Meeting were approved as presented.

On motion by Stoen, seconded by Schnoor, all voting in favor, the agenda of the August 8, 2016 meeting was approved with the following changes/additions:

1. Move Item #18 “City Attorney Moran” up to follow Item #13.
2. Add: Tom Crawmer, 501 Lake Avenue NW regarding speedbumps.
3. Add: Consideration of invoice from Volkman Electric, Inc. in the amount of \$6,440.00 for installation of power panel on 2<sup>nd</sup> Street site.

Public Comment:

Grady Olson, 307 Sixth Street NW, asked if the mosquito spraying was still going on. He asked if anybody was having a problem with mosquitoes and thinks the service isn’t very good. He stated that the mosquito control has been terrible this year. He has talked to a couple neighbors and it is worse than it ever has been. He goes out in the yard and just gets bit up, even right next to the sun. The research he has done says a holding pond should not support mosquitoes but if the water sits there awhile it still can. He has four rain barrels and only one is not covered. He empties it within three to four days unless he doesn’t see any mosquitoes in there. He stated it is really bad on the west corner.

Kopischke explained that a lot of complaints were received this summer and Clarke Mosquito Control had been contacted. They attributed it to the wet weather and that there is no residual with this spray. It only kills the mosquitoes that are flying. Mr. Olson's complaint will be relayed to Clarke.

There were no further public comments.

Request for RFPs for residential and commercial garbage services had been distributed and four responses were received: West Central Sanitation, Willmar, MN; Hansen Sanitation, Kasota, MN; Waste Management, Mankato, MN; and LJP Enterprises, N Mankato, MN. LJP Enterprises appeared to be the lowest price for residential services and Waste Management the lowest for commercial. The LJP RFP was for a 5 year term and listed a COLA for each year capped at 2%. The Waste Management RFP did not address the term or the COLA. Waste Management was less expensive on the Spring/Fall Clean Up. Both companies offered services to city facilities and for the July 4<sup>th</sup> celebration at no charge.

Representatives from LJP Enterprises (LJP) and Waste Management (WM) were present to answer questions. LJP stated their trucks are designed to collect garbage and recycle at the same time so they only have to make one pass. LJP also stated they have a curbside Spring/Fall Clean Up available that is very reasonable and seems to work well with the residents rather than utilizing the roll off service. LJP stated they have been in business for 25 years and have not once missed a pickup. WM stated they had rolled their prices back to the 2012 rate on residential and commercial services. They also could do a curbside Spring/Fall Clean Up if requested. WM acknowledged there had been service issues in the past but in the last year management had been working very hard to resolve all issues and provide good service.

It was noted that currently the City of Elysian requires that the hauler for residential and commercial services be the same company. This is to reduce the potential added stress to the city streets caused by multiple hauler's trucks.

On motion by Stoen, seconded by McBroom, all voting in favor, to schedule a special meeting for consideration of the RFP for residential and commercial garbage/residential services on August 26, 2016 at 6:00 pm with a budget workshop immediately following.

The Council requested LJP and Waste Management submit a breakdown of the costs for a Spring/Fall Curbside Clean Up (2 times per year) and a clarification of the commercial rates prior to the August 26, 2016 Special Council Meeting.

Mayor Stoen presented the Ordinance and was seconded by Councilmember McBroom.

**ORDINANCE NO. 84/16**  
**CITY OF ELYSIAN, LE SUEUR COUNTY, MINNESOTA**  
**AN ORDINANCE OPTING-OUT OF THE REQUIREMENTS OF**  
**MINNESOTA STATUTES, SECTION 462.3593**

WHEREAS, on May 12, 2016, Governor Mark Dayton signed into law regulations pertaining to the creation and regulation of temporary family care dwellings, codified at Minn.Stat.§462.3593, which permit and regulate temporary family health care dwellings;

WHEREAS, subdivision 9 of Minn.Stat.§462.3953 allows cities to "opt out" of those regulations; and

THE CITY COUNCIL OF THE CITY OF ELYSIAN, LE SUEUR COUNTY, MINNESOTA, does hereby and herein ordain as follows:

That it is in the best interest of the City of Elysian that the City of Elysian opt out of Minn.Stat.§462.3593; and

Section 1: Pursuant to the authority granted by Minn.Stat.§462.3593, Subd.9, the City of Elysian herein opts out of the requirements of Minn.Stat.§462.3593, which defines and regulates Temporary Family Health Care Dwellings.

Section 2: This ordinance shall be effective immediately upon its passage and publication.

The Ordinance was presented by Mayor Stoen, seconded by Councilmember McBroom with the following vote being taken:

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

Voting in the Negative: None.

Passed by the City Council of Elysian on this 8<sup>th</sup> day of August, 2016.

By: \_\_\_\_\_  
Clinton Stoen, Mayor

Attest:

\_\_\_\_\_  
Lorri Kopischke, City Clerk/Administrator

Chief Deputy Brett Mason, LeSueur County, was present to update the Council. Mason reported the new Justice Center Project had been approved by the County Commissioners on a 3-2 vote. The new facility is needed due to there being a serious space issue with the current facility and also that the current facility is outdated. The new facility will be located off-site just south east of the Casey's General Store on Highway 99.

Mason reported that the Drug Task Force is proceeding forward. Every municipality in the county is a go except for the Cities of LeSueur and Cleveland. They have not yet committed.

Mason reported that "Lounge with Law Enforcement" will be held from 5-8 pm Thursday, August 11 at Memorial Park in New Prague. The event is to honor law enforcement officers in Scott and LeSueur Counties.

The Council and meeting attendees thanked Mason for serving and protecting.

City Attorney Moran reported that Nickie and Diane Roman, the owner of the business located at 205-1/2 Fifth Street SW, are experiencing difficulties while doing title work on their property. The alley that runs east / west across the two adjacent properties on Parcel IDs R16.410.1025 and R16.410.1020 has not been vacated. It appears that the Council did approve vacation of said alley in 1997 but it has not been recorded properly. Moran stated the process of vacation will need to be redone.

On motion by McBroom, seconded by Schnoor, all voting in favor, to authorize the process of vacation for the alley located in Block 23 on Parcel IDs R16.410.1025 and R16.410.1020.

On motion by Stoen, seconded by Schnoor, all voting in favor, to schedule a public hearing to consider the vacation of the alley located in Block 23 on Parcel IDs R16.410.1025 and R16.410.1020 for September 12, 2016 at 6:00 pm.

Kopischke reported that Mark and Peggy Hecht, 106 Third Street NE, have submitted a variance request to locate a new home within the required front yard setback and requesting a reduction of the front yard setback of eight (8) feet. The Planning and Zoning Commission is recommending approval of the variance request.

On motion by Stoen, seconded by Houlihan, all voting in favor, to schedule a public hearing to consider a variance request of eight (8) feet to the front yard setback at 106 Third Street NE for September 12, 2016 at 6:10 pm.

McBroom reported that Jayne Larsen and Tanya Vanderberg, owners of Tuckers Tavern, had requested funds from the EDA to expand and bring more services to their business. The EDA has asked that the Council consider the request and provide some input.

Tanya Vanderberg, co-owner Tuckers Tavern, reported they intend to construct a 13 x 21-foot addition to the kitchen and install a walk in freezer and pizza area. They need more room as the pizza portion of their menu has taken off and they also are considering hiring an additional employee to make pizzas. They also are considering pizza delivery.

McBroom noted that the funding request was for \$73,290. He stated the EDA would like to help Tuckers Tavern but that the EDA was more of a bridge gap type funding. He asked Vanderberg if they had been able to secure additional funding. She stated they had.

The Council expressed support of the proposal. Moran will work with the EDA to get the correct forms in place for the loan. The EDA will be in touch with Vanderberg to schedule an EDA meeting to discuss this.

Mike Scott, President, and Carl Morsching, Vice-President, of the Elysian Fire Relief Association, were present to request Council consideration of an increase to the annual benefit level of their pension. The current amount is \$1,200 and they are requesting an increase to \$1,700. This increase would help the retention and recruitment of future firefighters. It is a good and valuable tool.

Morsching reported the 2016 annual pension amounts of mutual aid cities as follows: Cleveland - \$1,800, Janesville - \$1,700, Kilkenny - \$1,250, Madison Lake - \$1,500, Morristown - \$2,000, and Waterville - \$1,700.

Council thanked Morsching and Scott and will include discussion of this request in their budget considerations.

Carl Morsching reported that the house next to the fire hall (202 Main Street East) is in foreclosure. He asked if the Council would consider purchasing the property for future expansion of the fire hall. The house could be burned for no charge. It could be bought outright or could be condemned. He will get the bank contact information to city staff.

Moran presented the LeSueur County 2016 Municipal Maintenance Agreement in the amount of \$9,420.49 for approval. He stated he had investigated the State Statute and also discussed the amount with County Administrator Pettis. The amount has been calculated correctly and there is no negotiation.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the LeSueur County 2016 Municipal Maintenance Agreement in the amount of \$9,420.49.

Tom Crawmer, 501 Lake Avenue NW, stated the new road down there is like a race track. There are five or six people in the neighborhood who would like to get road bumps. I told the guys that were down there working and before I even got it out of my mouth they told me what cars it was – we were thinking along the same lines.

The Council suggested the LeSueur County speed sign be brought over and placed in the area to see if that would help. They also encouraged Crawmer to get a license plate number and contact the sheriff.

Grady Olson, 307 Sixth Street NW, stated he would make some type of flyer and get it out to the residents in that area.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the purchase of 2016 Ford F350 Crew Cab 8 foot box VIN 1FT8W3BT6GEC73953 in the amount of \$38,403.70.

Kathy Roemhildt, President, Elysian Area Chamber of Commerce, stated the Chamber would like to hold an event at the Lake Francis Park on September 3, Labor Day Weekend. It would include a band, beer garden and food. The Chamber is also exploring other options including an all-day bean bag tournament. The band would be located in the northwest corner of the ballfield on the left field line playing toward the ballfield and would play from 8:00 pm to 12:00 midnight. In case of rain, the event could be held in the Fire Hall. The Council suggested the Chamber notify the nearby neighbors prior to the event.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve the request of the Elysian Area Chamber to hold an event at the Lake Francis Park on September 3, 2016. In the case of rain requiring the event location to be moved to the Elysian Fire Hall, to approve the closing of Main Street from 2<sup>nd</sup> Street NE to 3<sup>rd</sup> Street NE.

Greenwald gave an update on the 2016 Street and Utility Improvement Project. The contractor has finished construction of storm sewer in Phase 2 and will be installing individual water service lines in Phase 2 this week. They will be starting Phase 3 and 4<sup>th</sup> and 5<sup>th</sup> Streets will be completely closed. The alleys in back of City Hall and behind the businesses on Main Street should be completed this week.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 528/16**

**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 5, 2017.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Whereupon said resolution was declared duly passed and adopted.

Dated this 8<sup>th</sup> day of August, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 529/16  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN FIRE RELIEF ASSOCIATION**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$12,000.00 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 \$12,000.00 toward the purchase of a truck.

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 8<sup>th</sup> day of August, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:



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Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 530/16  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN AREA CHAMBER OF COMMERCE  
VOLLEYBALL TOURNAMENT PROCEEDS**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$200.00 from the proceeds of the Elysian Area Chamber of Commerce Volleyball Tournament for the Lake Francis Park Project;

**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 \$200.00 from the proceeds of the Elysian Area Chamber Volleyball Tournament for the Lake Francis Park Project.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 8<sup>th</sup> day of August, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve a temporary Liquor License for the Elysian Area Chamber of Commerce for September 3, 2016.

On motion by McBroom, seconded by Stoen, all voting in favor, to approve the amended 2016 Fee Schedule to include the chicken permit fee of \$20 per year and the solicitor/peddler permit fee of \$50 per incident.

The Council thanked all the volunteers and city staff for an enjoyable and successful National Night Out Event at the Lake Francis Park.

The next budget meeting was scheduled earlier in the meeting as follows: August 29, 2016 following the Special Meeting at 6:00 pm.

On motion by McBroom, seconded by Houlihan, all voting in favor, bills, payroll and transfers were approved in the amount of \$520,113.46 which includes the addition of the Volkman Electric, Inc. invoice #58989 in the amount of \$6,440.00 for installation of power panel on 2<sup>nd</sup> Street site.

Public Comment:

McBroom stated he would like to recognize Nicole Lamont and all the coordination that she did to get the mural painted on the pavilion at the Lake Francis Park. It looks tremendous down there. It is a great improvement and it is a reflection on her. Thank you.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 7:45 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
SPECIAL MEETING  
AUGUST 29, 2016**

The Elysian City Council met in special session on Monday, August 29, 2016 at City Hall at 6:00 pm.

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

The purpose of the special meeting is for further consideration of the RFPs for residential and commercial garbage and recycling services in the City of Elysian, Minnesota. Representatives from LJP Waste and Recycling (LJP), Waste Management (WM), and West Central Sanitation (WCS) were present to address questions. All three haulers had also submitted additional information since the August 8 meeting. There was not a representative in attendance from Hansen Sanitation but they had also submitted additional information.

The Council discussed service issues the city was experiencing with the current hauler, Waste Management, such as missed pick-ups and broken cans. WM stated they are working hard to resolve these issues.

The Council then addressed the issues of prices for commercial and residential services, schedule, terms and length of contract, available technology, and cost of city-wide cleanup of all the RFPs submitted.

After discussion it was determined that:

LJP – Prices are slightly higher, cost of the curbside clean-up is higher, 3-year contract offered.

West Central Sanitation – Prices lower, cost of curbside clean-up only disposal, 1-year contract offered.

Waste Management – Service problems. The reason the Council is even going through this RFP process is because of the service problems the city residents continue to experience.

On motion by Stoen, seconded by McBroom, all voting in favor, to proceed with West Central Sanitation for a one-year contract for commercial and residential garbage and recycle services for the City of Elysian, Minnesota based on the following:

1. Prices are slightly lower;
2. Cost of curbside clean-up will be disposal costs only; and
3. Contract will be a one-year term.

The Council thanked all the haulers for submitting their proposals.

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

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
BUDGET WORKSHOP MEETING  
AUGUST 29, 2016**

The Elysian City Council held a budget workshop meeting on Monday, August 29, 2016 at City Hall at 7:12 pm following adjournment of the Council Special Meeting to consider RFPs for residential and commercial garbage and recycle services in the City of Elysian, Minnesota.

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

Kopischke submitted draft expense and revenue figures for the 2017 proposed budget. Also submitted was a draft 2016 preliminary levy payable in 2017 illustrating how these expense and revenue figures would affect the levy amounts. Council questioned individual items and gave input. The 2017 proposed budget and the 2016 preliminary levy payable in 2017 will be presented for consideration at the September 12, 2016 Regular Council Meeting.

On motion by Stoen, seconded by Houlihan, all voting in favor, meeting adjourned at 7:45 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 12, 2016**

The Elysian City Council met in regular session on Monday, September 12, 2016 at City Hall at 6:00 pm.

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

On motion by Stoen, seconded by Opsahl, 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 hear public comment in regard to the intent to vacate the platted alley running east to west through Le Sueur County PID #R16.410.1025 and #R16.410.1020, with each property receiving that part of the vacated alley between its respective property line, reserving onto the City of Elysian an easement through said vacated alley for all utility purposes.

The current owner of the Elysian Self Storage located at 205-1/2 Fifth Street SW, Nickie and Diane Roman, are in the process of selling the property and the title company has objected to the legal description that references a vacated alley. Upon investigation, it was found that the vacation of the alley running east to west through his property and the property to the east, 205 Fifth Street SW, were approved by the Council in 1997 but were not recorded properly. Therefore, the City Attorney has advised that the legal vacation process has to be completed.

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

On motion by Stoen, seconded by McBroom, all voting in favor, to close the Public Hearing at 6:04 pm and open the Regular Meeting.

On motion by McBroom, seconded by Opsahl, all voting in favor, to approve the minutes of the August 8, 2016 Regular Meeting as presented.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the minutes of the August 29, 2016 Special Meeting and August 29, 2016 Budget Workshop as presented.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the agenda of the September 12, 2016 meeting as presented.

Public Comment: None.

The Planning and Zoning Commission has recommended that the City Council consider a handicap accessible parking space in front of City Hall. City Hall is a public building and there are often times that Main Street is so busy that there is no parking available near the entrance.

City Engineer, Chris Cavett, SEH Engineering, has been consulted and offered the following:

"It probably would have to be at the corner of Second Avenue NE and Main Street East as that is the closest pedestrian ramp and the least issues to contend with. If it were to be done right, it likely would require the removal and replacement of 40' to 50' of curb as well as the adjacent sidewalk. The pedestrian apron at the corner would have to be replaced as it does not meet current ADA standards. However, with a likely project coming up on Main Street in the next few years, it may be simply best to:

1. Not do anything with the curb and ramp at this time;
2. Sign the space near the corner;
3. Paint the curb next to the space blue; and
4. Wait for the next project to correct the ADA ramp / curb.”

LeSueur County Highway Department has been contacted as Main Street is a County road and the County agrees with the engineer and has no specific requirements. They will not participate in any cost sharing. All costs will be borne by the city.

The Council asked if there was handicap accessible parking at the Lake Francis City Park, the City shop or the library. Greenwald stated there is marked parking at the park but not at the shop or the library. He noted the signs are less expensive if multiple signs are purchased at once. The Council suggested that if we are looking to add more handicap spaces down Main Street we may want to purchase more signs to have on hand.

On motion by Stoen, seconded by McBroom, all voting in favor, to purchase (4) four handicap parking signs and proceed with marking (signing and painting the curb) a handicapped parking space on Main Street in front of City Hall and on Second Street NE next to the library building.

On motion by Stoen, seconded by McBroom, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:12 pm.

The purpose of the hearing is to hear public comment in regard to the request of Mark and Peggy Hecht, 106 Third Street NE, for a variance request of (8) eight feet to the front yard setback for placement of a new home.

Mark and Peggy Hecht, 106 Third Street NE, would like to demolish their current home and locate a modular home on the property. The preferred placement of the home on the lot would require an (8) eight-foot variance to the front yard setback on Third Street NE. The home would be located 44.5 feet from the center line of the street rather than 52.5 feet as required. This placement would result in a greater setback than what exists with the current home. All other setback requirements on the lot would be met.

The Planning and Zoning Commission considered this request at their August 2, 2016 meeting and recommended approval based on the following:

1. Reasonableness: The placement of the new home in this location is reasonable. It will actually improve the front setback on the property.
2. Uniqueness: This will improve the safety of the neighborhood as it will improve the sight lines at the intersection by locating the home further back in the setbacks.
3. Essential Character: This will not alter the essential character of the neighborhood. It is a rambler style house, same size and similar structure as others on the block.

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

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

Resolution No 532/16, Resolution Adopting the 2017 Proposed Budget, was presented for consideration. It was noted that Council had discussed the proposed budget at two meetings in August.

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

**RESOLUTION NO. 531/16**  
**RESOLUTION ADOPTING THE 2017 PROPOSED BUDGET**  
**FOR THE CITY OF ELYSIAN**  
**LESUEUR AND WASECA COUNTIES**

**WHEREAS**, the City of Elysian has considered and discussed the budget for the year 2017;  
and

**WHEREAS**, the 2017 proposed budget is attached to this Resolution.

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

1. That the attached proposed budget for 2017 marked as "Exhibit A" is hereby adopted.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Whereupon said resolution was declared duly passed and adopted.

Dated this 12<sup>th</sup> day of September, 2016.

Approved:

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

Attested:

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

Public comment will be taken on the 2017 Budget and 2016 Tax Levy, Payable 2017 at the City Council Meeting on Monday, December 12 at 6:00 pm.

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

**RESOLUTION NO. 532/16**  
**RESOLUTION ADOPTING PRELIMINARY 2016 TAX LEVY, PAYABLE 2017**  
**CITY OF ELYSIAN**  
**LE SUEUR AND WASECA COUNTIES**

**WHEREAS**, the City of Elysian has adopted the proposed budget for the year 2017; and

**WHEREAS**, the City of Elysian has determined the tax levy for taxes payable in the year 2017 to be in the amount of \$543,443.00.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY ELYSIAN, MINNESOTA;** that the following sums of money are levied for the current year, collectible in 2017, upon taxable property in the City of Elysian, for the following purposes:





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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 536/16**

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

**WHEREAS**, the City of Elysian has received a donation in the amount of \$2,404.00 from the Elysian Fire Department General Fund 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 Department General Fund in the amount of \$2,404.00 toward the purchase of a truck.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 12<sup>h</sup> day of September, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

City of Elysian employee evaluations will be completed this month. The City Administrator evaluation will be scheduled to follow the October 10, 2016 City Council Meeting.

The change of garbage haulers from Waste Management to West Central Sanitation is progressing. Jeff Bertram of West Central will be in the city tomorrow talking with commercial customers. The last

Waste Management residential pick-up will be September 27 and final commercial pick-up will be September 28. Waste Management will be picking up cans that week so residents will be asked to leave the cans by the street. West Central will be delivering cans that week and the first residential pick-up will be October 3. The first commercial pick-up will also occur on October 3. Letters explaining this process will be sent out tomorrow.

On motion by Stoen, seconded by McBroom, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:28 pm.

It was noted that the applicants were not present at the meeting.

The purpose of the hearing is to consider the request of Bradley and Jody Zimbrich, 506 East 2<sup>nd</sup> Street, Janesville, MN 56048, for an On Sale, Off Sale, Sunday Liquor and Soft Drink License for the restaurant and bar located at 101 West Main Street, Elysian, MN dba Tucker's Tavern.

Bradley and Jody Zimbrich have purchased Tucker's Tavern and have applied for the above liquor licenses necessary to run the business. All necessary paperwork has been completed and background checks and application have been approved by the LeSueur County Sheriff's Office.

McBroom stated he found it disappointing that the applicant was not present at the meeting.

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

On motion by Stoen, seconded by McBroom, all voting in favor, to close the Public Hearing at 6:30 pm and open the Regular Meeting.

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

**RESOLUTION NO. 533/16**  
**A RESOLUTION VACATING A PORTION OF A PUBLIC ALLEY**

**THE CITY COUNCIL FOR THE CITY OF ELYSIAN, MINNESOTA, DOES HEREBY RESOLVE AS FOLLOWS:**

**WHEREAS**, the City Council for the City of Elysian called for a public hearing by notifying its interest in vacating an alley pursuant to Minnesota Statute §412.851; and

**WHEREAS**, the alley subject to vacation is a platted alley running east to west through Le Sueur County Parcel Identification No. R16.410.1025 and R16.410.1020 as is documented on the attached map labeled Exhibit A; and

**WHEREAS**, this alley in question has never been used and is thus ripe for vacation;

**WHEREAS**, a public hearing was set to consider the vacation of said alley; and

**WHEREAS**, a public hearing to consider the vacation of said alley was held on September 12, 2016 before the City Council at City Hall located at 110 West Main Street, Elysian, Minnesota at approximately 6:00 pm. Further, all property owners adjacent to said alley and all affected persons were given notice of said Public Hearing, and all were given an opportunity to be heard and voice their concerns regarding the vacation of the subject alley. Finally, said notice was published in the City's legally designated newspaper for the requisite time parameters called for in Minnesota Statutes §412.851; and

**WHEREAS**, any person, corporation or public body owning or controlling easements contained upon the property to be vacated, shall reserve the right to continue maintaining the same or to enter upon such land or portion thereof vacated to maintain, repair, replace or otherwise attend thereto; and

**WHEREAS**, the Council, in its discretion has determined that the vacation will benefit the public interest because the alley is not used by the City and vacation of the alley will provide an opportunity for the homeowners to further develop and enhance their properties, which will further enhance the City's tax base, and it will additionally lessen the City's liability for the alley and eliminate any maintenance obligation the City may have for the same; and

**WHEREAS**, four-fifths of all members of the Elysian City Council concur in this resolution;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF ELYSIAN, LE SUEUR COUNTY, MINNESOTA**, that the platted alley lying running east to west through Le Sueur County Parcel Identification No. R16.410.1025 and R16.410.1020 as is documented on the attached map labeled Exhibit A; shall be, and hereby is vacated with each property receiving that part of the vacated alley between its respective property line, reserving onto the City of Elysian an easement through said vacated alley for all utility purposes.

**BE IT FURTHER RESOLVED**, that the Mayor and City Administrator are hereby authorized to sign all documents necessary to effectuate the intent of this Resolution.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Whereupon said resolution was declared duly passed and adopted.

Dated this 12<sup>th</sup> day of September, 2016.

Approved:

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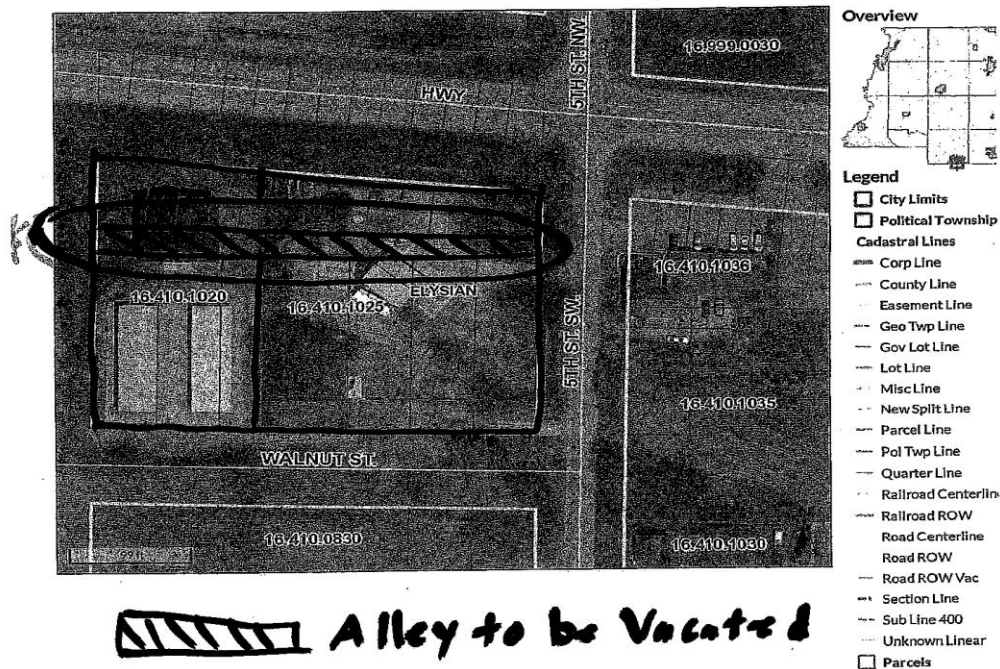
Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

EXHIBIT A



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

**RESOLUTION NO. 534/16**

**RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS FOR APPROVAL FOR VARIANCE APPLICATION OF MARK AND PEGGY HECHT AT 106 THIRD STREET NE**

**FACTS**

1. Mark and Peggy Hecht are the owners of a parcel of land located at 106 Third Street NE, Elysian, Minnesota; and,
2. The subject property is legally described as R16.440.0780, Logan Elysian Block-015 N 1/2 LOTS 9-10; and,

3. Mark and Peggy Hecht have applied to the City for a variance of (8) eight feet to the front yard setback on the property to allow them to remove their current house and bring in a new modular home.
4. The proposal would vary from City of Elysian Zoning Ordinance Section 6.0 R1 – General Residential Zone Subd. E, Front yard setback requirement minimum of (20) twenty feet in that it would result in a front yard setback of (12) twelve feet.
5. The Elysian Planning Commission has recommended approval of the variance on August 2, 2016.
6. Following a public hearing on the application, The City Council of the City of Elysian reviewed the requested variance at its Meeting of September 12, 2016.
7. There were no written or oral comments in favor or against the variance request.

#### **APPLICABLE LAW**

8. Minnesota Statute Section 462.357, subd. 6 provides:
  - a. Variances shall only be permitted (a) when they are in harmony with the general purposes and intent of the ordinance and (b) when the variances are consistent with the comprehensive plan.
  - b. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality.

#### **CONCLUSIONS OF LAW**

9. The property owner does propose to use the property in a reasonable manner because placement of the new home in this location is reasonable. It will actually improve the front setback on the property.
10. There are unique circumstances to the property not created by the landowner because the current sight lines are bad. This will improve the safety of the neighborhood as it will improve the sight lines at the intersection by locating the home further back in the setbacks.
11. The variance will maintain the essential character of the locality because it is a rambler style house, same size and similar structure as others on the block.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Elysian, Minnesota, that the application to issue a variance to allow Mark and Peggy Hecht a variance of (8) eight feet to the front yard setback on the property to allow them to remove their current house and bring in a new modular home is hereby approved.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Whereupon said resolution was declared duly passed and adopted.

Dated this 12<sup>th</sup> day of September, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by Opsahl, seconded by Houlihan, to approve the request of Bradley and Jody Zimbrich, 506 East 2<sup>nd</sup> Street, Janesville, MN 56048, for an On Sale, Off Sale, Sunday Liquor and Soft Drink License for the restaurant and bar located at 101 West Main Street, Elysian, MN dba Tucker's Tavern. Voting in favor: Houlihan, Opsahl, Stoen. Voting against: McBroom. Motion carried.

Dave and Sandy Running, 122 Willow Point Drive, were present to discuss maintenance of Willow Point Drive. Sandy Running referenced a letter she had written to the Council. She stated the first section of Willow Point Drive was seal coated and the City of Elysian paid for it. They have now been requesting that the second and third addition have the seal coating put on and that it be paid for by the City as well. If you are doing it for one part of the street, why aren't you doing it for all? And we do pay taxes.

The Council questioned if the City paid to seal coat that part of Willow Point Drive as it was in proximity of the lift station.

City Attorney Moran stated this private drive is not up to city street specifications.

Mrs. Running stated there was a letter when the Roots Beach Addition and Willow Point Addition were done that the roads would be maintained even though they are private. She has now proved that the first part was paid for by the City. Now, why not pay for the rest of the street?

Stoen noted there are other private drives in the City such as Kaplan's Cedar Point and their association takes care of their roads. The City does plow snow and take garbage on all private drives. We cannot ask the citizens of the City to pay to seal coat your private drive when the other private drives are taking care of themselves. We cannot expect citizens who don't live on the private drive to pay for seal coating of the private drive.

Mrs. Running then asked if the City would pay for some speed signs.

McBroom stated the City does maintain the private drives by plowing in the winter. He stated he is against using City funds to maintain a private road. MN Statute does not allow enforcement of speed, parking, anything on a private road. The best you can do is place a "dead end" sign so people know there is no throughway. The speed signs are not enforceable,

Mrs. Running expressed frustration that the City was just taking her money and not doing anything for her.

Ron Greenwald, Public Works Director, presented a quote from Minnesota Pump Works in the amount of \$6,496.09 for repair of a Barnes Pump for Lift Station A. This pump would be used as a backup pump. The quote includes a new volute which could be excluded as the current volute is still operational and this is a backup pump.

On motion by Houlihan, seconded by McBroom, all voting in favor, to approve repair of Barnes Pump Model 4XSE20044A, S/N T605125-1197 in the amount of \$3,740.94 which does not include replacement of the volute.

The LeSueur County Elected Officials Meeting will be held at The Village in Waterville on Wednesday, September 28 at 7:00 pm. A tour of the facility will be available at 6:00 pm and dinner will be available at 6:30 pm. Please RSVP if you plan to attend.

A ribbon cutting ceremony for the updated park equipment and mural will be held at Lake Francis City Park on Monday, September 26, 2016 at 6:00 pm. All those who sponsored the equipment and volunteers who worked on the mural will receive an invitation. The public is also invited to attend.

The Council thanked the volunteers and City Staff who helped make the First Annual Lake Francis Bash a success. The food, games and entertainment were wonderful and the weather cooperated as well.

City Attorney Moran presented for consideration a Contract for the Collection, Transportation, and Disposal of Garbage, Refuse, and Recyclable Materials for the City of Elysian, Minnesota with West Central Sanitation. The Contract shall commence on October 1, 2016 and shall remain in force and effect through September 30, 2017. The parties shall meet 90 days before the expiration of the contract to review and if either party decides not to renew the contract a written notice of 60 days prior to the expiration of the contract would be required.

Jeff Bertram, West Central Sanitation, explained the carts and 65 gallon recycle bins will be delivered on September 26. If an alternate size recycle bin is desired, residents can contact West Central and they will exchange. The first garbage pickup will be October 3 and the first recycle pickup will be October 10. An explanation letter and service calendar will be mailed to residential customers this week. Bertram will be visiting all commercial customers tomorrow to discuss their needs with them personally.

Bertram suggested we do a fall clean-up similar to the ones we have done with Waste Management and then look forward to a curbside clean up in the Spring of 2017. West Central would supply a roll off and a packer truck. The City could sell tags for specific items and would be responsible for the cost of the disposal of the remaining "trash" items. A date was set for the fall clean-up for Saturday, October 22 from 8:30 to 10:30 am at the Lake Francis City Park.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the Contract for the Collection, Transportation, and Disposal of Garbage, Refuse, and Recyclable Materials for the City of Elysian, Minnesota with West Central Sanitation as presented.

The bills, payroll and transfers were presented for consideration. Stoen asked that check #22872 to R.A.W. Construction in the amount of \$1,800.00 be pulled for discussion. This check is for the recycle that was placed in the alley behind City Hall and behind the businesses on Main Street. The Council discussed the quality of the job and Stoen was authorized to discuss this with a R.A.W. representative. On motion by Stoen, seconded by McBroom, all voting in favor, bills, payroll and transfers were approved in the amount of \$519,138.09 which includes the removal of check #22872 to R.A.W. Construction in the amount of \$1,800.00.

Public Comment:

Judy Williams, 1642 Scenic Hideaway Lane NE, stated she had been advised to come to the City Council Meeting so that her concerns would be a matter of public record. She asked that as property owners in that area, if they are supposed to be notified of a change of a residential home to



a resort business that is out there? And, what do we do to get notification of that as property owners so we can protect our little lake because there are some kind of wicked things going on that we do not like.

City Attorney Moran stated there are a lot of variables to this and it would depend on what was recorded on their individual deeds for restrictive covenants.

Williams stated that when this specific home was built it was to be a single family home with the owner living on one side and his family living on the other. And all of the sudden it shows up on the internet as a resort that is for rent. We are concerned of what is going on down there and how many people are coming and going from there all the time and the size of the boats that are on that little lake. Shouldn't the City put something out that the property is changing from a residential to a commercial business?

Kopischke stated the property is still residential and the owner does have a rental license.

Williams asked if it is a rental property or a resort? He is advertising on the internet for snowmobilers and ice fisherman for the winter. It is called North Shore One and North Shore Two. His webpage lists it as rental by day or week.

Moran suggested they consult their abstracts to determine if there are any recorded restrictions or covenants. Noise or offensive odors or behaviors should be reported to the LeSueur County Sheriff's Office.

Rita Klages, 1654 Scenic Hideaway Lane NE, stated this is a private road. She has tried to have notification when things change and nothing has happened. We would request you let us know when somebody wants to build or whatever when they are part of the city because your variances are different than what we want. There is so much erosion going on out there. The lake is being affected and we are saving our money to put money into the lake. Run-offs, we are getting more and more stuff in that lake that doesn't need to be in there. It costs us a lot of money every year. We spend money in town. That is a private road and it can't maintain the amount of traffic. Sometimes there are twenty vehicles out there. I just want to be notified. I live almost all the way back and that hill coming into the City is eroded. We are out there working at it every weekend. It's a lot of money so we would like some input when things are changing.

Dori Mutch, 1250 Scenic Hideaway Lane, I am very upset with the condition that our lake is in. And I am not proud of the fact that I have to come here yet again and be so upset over our quality of life. And I would like you really to take this seriously and look into this. I have had to yell at people to stop fishing unlawfully and report them for trespassing. They drove over our holding tank and I had to pay \$300 to repair it. I got nothing for an apology. It is deplorable and looks like Disneyland. We call it the Bates Motel. We brought in documentation and proof that he is renting this out for \$3,500 a week. We have contacted the DNR several times over the erosion. I have lost a lot of my beach because of that swell. You took a look at the information and put it back on us and him. We forewarned you that it was not going to be enough. It shoots out of there like a missile. I do not believe your City Engineer did this justice. I do not believe it was put in right. There is a group of us that care deeply for that lake. I have a half a million-dollar investment and my husband and I have lived our entire lives in this county. I apologize but I don't apologize because you have to see what affect this has on people.

There was no further public comment.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned to closed session to discuss potential litigation and attorney-client matters at 7:14 pm.

On motion by Stoen, seconded by McBroom, all voting in favor, to reopen the meeting at 7:52 pm.

Stoen stated that during the closed session the Suemnick tree issue was discussed. The Council also discussed Lake View Manor and authorized Kopischke and Stoen to attend the Lake View Manor Association Meeting on Monday, September 26 to discuss placing duplexes on the property for sale in that development and to follow through with any actions following that meeting.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 7:53 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

# CITY OF ELYSIAN

## PROPOSED BUDGET YEAR 2017 EXPENDITURES

DEPT Descr	Act Code	OBJ Descr	Proposed 1 Budget
FUND 101 GENERAL FUND			
DEPT 41100 Legislative			
Legislative	101-41100-100	Wages and Salaries (GENERA	\$9,100.00
Legislative	101-41100-122	FICA	\$697.00
Legislative	101-41100-208	Training and Instruction	\$200.00
Legislative	101-41100-331	Travel Expenses	\$500.00
Legislative	101-41100-433	Dues and Subscriptions	\$30.00
DEPT 41100 Legislative			<u>\$10,527.00</u>
DEPT 41400 City Clerk			
City Clerk	101-41400-100	Wages and Salaries (GENERA	\$37,494.08
City Clerk	101-41400-102	Full-Time Employees Overtim	\$0.00
City Clerk	101-41400-121	PERA	\$2,812.06
City Clerk	101-41400-122	FICA	\$2,868.30
City Clerk	101-41400-126	Sales / Use Tax	\$0.00
City Clerk	101-41400-131	Employer Paid Health	\$31,810.00
City Clerk	101-41400-201	Accessories office supp	\$0.00
City Clerk	101-41400-208	Training and Instruction	\$1,800.00
City Clerk	101-41400-210	Operating Supplies (GENERAL	\$2,300.00
City Clerk	101-41400-300	Professional Svcs (GENERAL)	\$5,123.00
City Clerk	101-41400-301	Auditing and Acct g Services	\$11,210.00
City Clerk	101-41400-313	NEIGHBOR HOOD WATCH PR	\$750.00
City Clerk	101-41400-316	FEES & PERMITS	\$200.00
City Clerk	101-41400-321	Telephone	\$2,500.00
City Clerk	101-41400-331	Travel Expenses	\$350.00
City Clerk	101-41400-343	TOURISM ADVERTISING	\$500.00
City Clerk	101-41400-352	General Notices and Pub Info	\$3,800.00
City Clerk	101-41400-430	Supplies	\$3,800.00
City Clerk	101-41400-433	Dues and Subscriptions	\$900.00
City Clerk	101-41400-440	PROPERTY TAXES	\$30.00
City Clerk	101-41400-490	Donations to Civic Org s	\$0.00
City Clerk	101-41400-560	Furniture and Fixtures	\$1,500.00
DEPT 41400 City Clerk			<u>\$109,747.44</u>
DEPT 41410 Elections			
Elections	101-41410-100	Wages and Salaries (GENERA	\$0.00
Elections	101-41410-122	FICA	\$0.00
Elections	101-41410-331	Travel Expenses	\$0.00
Elections	101-41410-352	General Notices and Pub Info	\$0.00
Elections	101-41410-430	Supplies	\$0.00
Elections	101-41410-560	Furniture and Fixtures	\$0.00
DEPT 41410 Elections			<u>\$0.00</u>
DEPT 41610 City Attorney			
City Attorney	101-41610-304	Legal Fees	\$9,500.00
DEPT 41610 City Attorney			<u>\$9,500.00</u>
DEPT 41910 Planning and Zoning			
Planning and Zoni	101-41910-100	Wages and Salaries (GENERA	\$10,768.80
Planning and Zoni	101-41910-102	Full-Time Employees Overtim	\$0.00
Planning and Zoni	101-41910-121	PERA	\$582.66
Planning and Zoni	101-41910-122	FICA	\$823.81
Planning and Zoni	101-41910-208	Training and Instruction	\$50.00
Planning and Zoni	101-41910-307	Management Fees	\$300.00
Planning and Zoni	101-41910-331	Travel Expenses	\$80.00

**CITY OF ELYSIAN**  
**PROPOSED BUDGET YEAR 2017 EXPENDITURES**

09/08/16 10:10 AM  
Page 2

DEPT Descr	Act Code	OBJ Descr	Proposed 1 Budget
Planning and Zoni	101-41910-430	Supplies	\$0.00
DEPT 41910 Planning and Zoning			\$12,605.27
DEPT 41940 General Govt Buildings/Plant			
General Govt Build	101-41940-126	Sales / Use Tax	\$0.00
General Govt Build	101-41940-381	Electric Utilities	\$1,800.00
General Govt Build	101-41940-383	Gas Utilities	\$1,100.00
General Govt Build	101-41940-386	Other Utilities	\$600.00
General Govt Build	101-41940-401	Repairs/Maint Building	\$0.00
General Govt Build	101-41940-430	Supplies	\$300.00
General Govt Build	101-41940-447	Repair/Maint City Hall	\$1,500.00
General Govt Build	101-41940-500	Capital Outlay (GENERAL)	\$0.00
General Govt Build	101-41940-504	Capital Outlay - Tourism Build	\$0.00
General Govt Build	101-41940-740	Maintenance of Tourism Cent	\$360.00
DEPT 41940 General Govt Buildings/Plant			\$5,660.00
DEPT 42110 Police Administration			
Police Administrati	101-42110-311	CONTRACT	\$16,100.00
DEPT 42110 Police Administration			\$16,100.00
DEPT 42200 FIRE			
FIRE	101-42200-307	Management Fees	\$45,000.00
FIRE	101-42200-419	FIRE RELIEF	\$11,561.00
FIRE	101-42200-443	STATE FIRE AID 2%	\$5,000.00
DEPT 42200 FIRE			\$61,561.00
DEPT 42400 Building Inspection (GENERAL)			
Building Inspection	101-42400-315	BDLG. INSPECTOR FEES	\$9,000.00
Building Inspection	101-42400-328	Rental Inspections	\$200.00
DEPT 42400 Building Inspection (GENERAL)			\$9,200.00
DEPT 42500 Civil Defense			
Civil Defense	101-42500-100	Wages and Salaries (GENERA	\$1,500.00
Civil Defense	101-42500-121	PERA	\$0.00
Civil Defense	101-42500-122	FICA	\$115.00
Civil Defense	101-42500-140	Unemployment Comp (GENER	\$0.00
Civil Defense	101-42500-208	Training and Instruction	\$300.00
Civil Defense	101-42500-212	Motor Fuels	\$0.00
Civil Defense	101-42500-326	EMERGENCY EXP. STORMS E	\$0.00
Civil Defense	101-42500-329	COMMUNICATIONS	\$0.00
Civil Defense	101-42500-331	Travel Expenses	\$100.00
Civil Defense	101-42500-352	General Notices and Pub Info	\$0.00
Civil Defense	101-42500-381	Electric Utilities	\$400.00
Civil Defense	101-42500-404	Repairs/Maint Machinery/Equi	\$100.00
Civil Defense	101-42500-430	Supplies	\$50.00
Civil Defense	101-42500-500	Capital Outlay (GENERAL)	\$0.00
DEPT 42500 Civil Defense			\$2,565.00
DEPT 43100 Hwys, Streets, & Roads			
Hwys, Streets, & R	101-43100-100	Wages and Salaries (GENERA	\$29,115.84
Hwys, Streets, & R	101-43100-102	Full-Time Employees Overtim	\$1,000.00
Hwys, Streets, & R	101-43100-104	Temporary Employees Regula	\$6,902.50
Hwys, Streets, & R	101-43100-121	PERA	\$2,458.38
Hwys, Streets, & R	101-43100-122	FICA	\$2,831.90
Hwys, Streets, & R	101-43100-206	MISC. GRAVEL/SALT	\$200.00
Hwys, Streets, & R	101-43100-208	Training and Instruction	\$40.00
Hwys, Streets, & R	101-43100-210	Operating Supplies (GENERAL	\$0.00



**CITY OF ELYSIAN**  
**PROPOSED BUDGET YEAR 2017 EXPENDITURES**

09/08/16 10:10 AM  
Page 3

DEPT Descr	Act Code	OBJ Descr	Proposed 1 Budget
Hwys, Streets, & R	101-43100-224	Street Repairs	\$14,000.00
Hwys, Streets, & R	101-43100-240	Small Tools and Minor Equip	\$500.00
Hwys, Streets, & R	101-43100-260	P.U. MOTOR FUEL	\$4,500.00
Hwys, Streets, & R	101-43100-261	TRACTOR MOTOR FUEL	\$200.00
Hwys, Streets, & R	101-43100-262	BIG/DUMP TRUCK FUEL	\$150.00
Hwys, Streets, & R	101-43100-263	STREET SWEEPER M.F.	\$200.00
Hwys, Streets, & R	101-43100-264	Bobcat Fuel	\$150.00
Hwys, Streets, & R	101-43100-265	ALL MINOR EQUIPMENT M.F.	\$50.00
Hwys, Streets, & R	101-43100-300	Professional Svcs (GENERAL)	\$200.00
Hwys, Streets, & R	101-43100-303	Engineering Fees	\$3,000.00
Hwys, Streets, & R	101-43100-316	FEES & PERMITS	\$100.00
Hwys, Streets, & R	101-43100-321	Telephone	\$275.00
Hwys, Streets, & R	101-43100-331	Travel Expenses	\$0.00
Hwys, Streets, & R	101-43100-381	Electric Utilities	\$1,200.00
Hwys, Streets, & R	101-43100-383	Gas Utilities	\$1,600.00
Hwys, Streets, & R	101-43100-401	Repairs/Maint Building	\$300.00
Hwys, Streets, & R	101-43100-404	Repairs/Maint Machinery/Equi	\$2,500.00
Hwys, Streets, & R	101-43100-406	MAINTENANCE OF VEHICLES	\$7,500.00
Hwys, Streets, & R	101-43100-417	Uniform Rentals	\$600.00
Hwys, Streets, & R	101-43100-430	Supplies	\$7,000.00
Hwys, Streets, & R	101-43100-500	Capital Outlay (GENERAL)	\$0.00
Hwys, Streets, & R	101-43100-502	Capital Outlay - Equipment	\$500.00
Hwys, Streets, & R	101-43100-503	Truck	\$5,000.00
Hwys, Streets, & R	101-43100-560	Furniture and Fixtures	\$0.00
DEPT 43100 Hwys, Streets, & Roads			\$92,073.62
DEPT 43125 Ice & Snow Removal			
Ice & Snow Remov	101-43125-100	Wages and Salaries (GENERA	\$12,598.56
Ice & Snow Remov	101-43125-102	Full-Time Employees Overtim	\$1,000.00
Ice & Snow Remov	101-43125-104	Temporary Employees Regula	\$5,325.00
Ice & Snow Remov	101-43125-121	PERA	\$1,419.27
Ice & Snow Remov	101-43125-122	FICA	\$1,447.65
Ice & Snow Remov	101-43125-212	Motor Fuels	\$2,800.00
Ice & Snow Remov	101-43125-261	TRACTOR MOTOR FUEL	\$1,000.00
Ice & Snow Remov	101-43125-264	Bobcat Fuel	\$300.00
Ice & Snow Remov	101-43125-321	Telephone	\$0.00
Ice & Snow Remov	101-43125-331	Travel Expenses	\$0.00
Ice & Snow Remov	101-43125-338	HAULING SNOW	\$150.00
Ice & Snow Remov	101-43125-404	Repairs/Maint Machinery/Equi	\$1,500.00
Ice & Snow Remov	101-43125-430	Supplies	\$9,000.00
Ice & Snow Remov	101-43125-502	Capital Outlay - Equipment	\$0.00
Ice & Snow Remov	101-43125-503	Truck	\$0.00
DEPT 43125 Ice & Snow Removal			\$36,540.48
DEPT 43150 Storm Sewer			
Storm Sewer	101-43150-126	Sales / Use Tax	\$0.00
Storm Sewer	101-43150-212	Motor Fuels	\$0.00
Storm Sewer	101-43150-300	Professional Svcs (GENERAL)	\$0.00
Storm Sewer	101-43150-303	Engineering Fees	\$0.00
Storm Sewer	101-43150-400	Repairs & Maint Cont (GENER	\$5,000.00
Storm Sewer	101-43150-430	Supplies	\$0.00
Storm Sewer	101-43150-502	Capital Outlay - Equipment	\$0.00
DEPT 43150 Storm Sewer			\$5,000.00
DEPT 43160 Street Lighting			

**CITY OF ELYSIAN**  
**PROPOSED BUDGET YEAR 2017 EXPENDITURES**

09/08/16 10:10 AM  
Page 4

DEPT Descr	Act Code	OBJ Descr	Proposed 1 Budget
Street Lighting	101-43160-380	Utility Services (GENERAL)	\$17,000.00
DEPT 43160 Street Lighting			\$17,000.00
DEPT 43200 Sanitation (GENERAL)			
Sanitation (GENERAL)	101-43200-388	SPRING / FALL CLEAN UP	\$150.00
DEPT 43200 Sanitation (GENERAL)			\$150.00
DEPT 45200 Parks (GENERAL)			
Parks (GENERAL)	101-45200-100	Wages and Salaries (GENERAL)	\$8,118.24
Parks (GENERAL)	101-45200-102	Full-Time Employees Overtime	\$0.00
Parks (GENERAL)	101-45200-104	Temporary Employees Regular	\$8,685.00
Parks (GENERAL)	101-45200-121	PERA	\$1,008.24
Parks (GENERAL)	101-45200-122	FICA	\$1,285.45
Parks (GENERAL)	101-45200-126	Sales / Use Tax	\$0.00
Parks (GENERAL)	101-45200-212	Motor Fuels	\$1,000.00
Parks (GENERAL)	101-45200-300	Professional Svcs (GENERAL)	\$4,590.00
Parks (GENERAL)	101-45200-316	FEES & PERMITS	\$0.00
Parks (GENERAL)	101-45200-321	Telephone	\$0.00
Parks (GENERAL)	101-45200-331	Travel Expenses	\$25.00
Parks (GENERAL)	101-45200-352	General Notices and Pub Info	\$0.00
Parks (GENERAL)	101-45200-381	Electric Utilities	\$250.00
Parks (GENERAL)	101-45200-401	Repairs/Maint Building	\$400.00
Parks (GENERAL)	101-45200-404	Repairs/Maint Machinery/Equip	\$700.00
Parks (GENERAL)	101-45200-430	Supplies	\$5,000.00
Parks (GENERAL)	101-45200-502	Capital Outlay - Equipment	\$3,000.00
Parks (GENERAL)	101-45200-503	Truck	\$0.00
Parks (GENERAL)	101-45200-534	Sixth Street Park	\$4,000.00
Parks (GENERAL)	101-45200-535	CAP. OUTLAY-PARK RECONVAT	\$0.00
Parks (GENERAL)	101-45200-536	LAKE TUSTIN PARK	\$750.00
Parks (GENERAL)	101-45200-541	CAPOUTLAY BLACKTOP	\$0.00
Parks (GENERAL)	101-45200-560	Furniture and Fixtures	\$3,000.00
Parks (GENERAL)	101-45200-741	Recreational Programs	\$0.00
Parks (GENERAL)	101-45200-744	Lake Association Reimburse	\$0.00
DEPT 45200 Parks (GENERAL)			\$41,811.93
DEPT 45500 Libraries (GENERAL)			
Libraries (GENERAL)	101-45500-439	MISC-LIBRARY	\$6,000.00
DEPT 45500 Libraries (GENERAL)			\$6,000.00
DEPT 45600 MUSEUM CONTRIBUTION			
MUSEUM CONTRI	101-45600-441	MUSEUM	\$0.00
DEPT 45600 MUSEUM CONTRIBUTION			\$0.00
DEPT 46500 Economic Development (GENERAL)			
Economic Develop	101-46500-700	Operating Transfers	\$12,003.00
DEPT 46500 Economic Development (GENERAL)			\$12,003.00
DEPT 49200 Unallocated Expenditures			
Unallocated Expen	101-49200-266	Digital Sign	\$0.00
Unallocated Expen	101-49200-303	Engineering Fees	\$0.00
Unallocated Expen	101-49200-307	Management Fees	\$0.00
Unallocated Expen	101-49200-360	Insurance (GENERAL)	\$20,141.00
Unallocated Expen	101-49200-381	Electric Utilities	\$150.00
Unallocated Expen	101-49200-440	PROPERTY TAXES	\$0.00
Unallocated Expen	101-49200-496	CONTINGENCY FUND	\$200.00
Unallocated Expen	101-49200-500	Capital Outlay (GENERAL)	\$0.00
Unallocated Expen	101-49200-743	Fourth of July Celebration	\$3,000.00

**CITY OF ELYSIAN**  
**PROPOSED BUDGET YEAR 2017 EXPENDITURES**

09/08/16 10:10 AM  
Page 5

DEPT Descr	Act Code	OBJ Descr	Proposed 1 Budget
DEPT 49200 Unallocated Expenditures			\$23,491.00
FUND 101 GENERAL FUND			\$471,535.74
FUND 220 Fire			
DEPT 42200 FIRE			
FIRE	220-42200-100	Wages and Salaries (GENERA	\$25,250.00
FIRE	220-42200-110	Other Pay (GENERAL)	\$2,600.00
FIRE	220-42200-122	FICA	\$2,132.00
FIRE	220-42200-126	Sales / Use Tax	\$0.00
FIRE	220-42200-140	Unemployment Comp (GENER	\$400.00
FIRE	220-42200-201	Accessories office supp	\$0.00
FIRE	220-42200-208	Training and Instruction	\$3,000.00
FIRE	220-42200-212	Motor Fuels	\$2,500.00
FIRE	220-42200-240	Small Tools and Minor Equip	\$200.00
FIRE	220-42200-300	Professional Svcs (GENERAL)	\$2,000.00
FIRE	220-42200-301	Auditing and Acct g Services	\$4,200.00
FIRE	220-42200-304	Legal Fees	\$100.00
FIRE	220-42200-316	FEES & PERMITS	\$3.00
FIRE	220-42200-321	Telephone	\$1,200.00
FIRE	220-42200-322	Postage	\$50.00
FIRE	220-42200-323	Radio Units	\$600.00
FIRE	220-42200-331	Travel Expenses	\$800.00
FIRE	220-42200-352	General Notices and Pub Info	\$50.00
FIRE	220-42200-360	Insurance (GENERAL)	\$11,100.00
FIRE	220-42200-381	Electric Utilities	\$2,500.00
FIRE	220-42200-383	Gas Utilities	\$2,000.00
FIRE	220-42200-386	Other Utilities	\$600.00
FIRE	220-42200-401	Repairs/Maint Building	\$1,300.00
FIRE	220-42200-404	Repairs/Maint Machinery/Equi	\$1,000.00
FIRE	220-42200-406	MAINTENANCE OF VEHICLES	\$9,000.00
FIRE	220-42200-430	Supplies	\$8,000.00
FIRE	220-42200-433	Dues and Subscriptions	\$900.00
FIRE	220-42200-440	PROPERTY TAXES	\$15.00
FIRE	220-42200-445	Uniforms	\$6,000.00
FIRE	220-42200-500	Capital Outlay (GENERAL)	\$2,000.00
FIRE	220-42200-560	Furniture and Fixtures	\$500.00
DEPT 42200 FIRE			\$90,000.00
FUND 220 Fire			\$90,000.00
FUND 230 EDA			
DEPT 46500 Economic Develop mt (GENERAL)			
Economic Develop	230-46500-100	Wages and Salaries (GENERA	\$8,059.20
Economic Develop	230-46500-121	PERA	\$388.40
Economic Develop	230-46500-122	FICA	\$616.53
Economic Develop	230-46500-140	Unemployment Comp (GENER	\$0.00
Economic Develop	230-46500-300	Professional Svcs (GENERAL)	\$1,500.00
Economic Develop	230-46500-304	Legal Fees	\$300.00
Economic Develop	230-46500-316	FEES & PERMITS	\$0.00
Economic Develop	230-46500-331	Travel Expenses	\$0.00
Economic Develop	230-46500-345	Promotion	\$2,500.00
Economic Develop	230-46500-352	General Notices and Pub Info	\$50.00
Economic Develop	230-46500-430	Supplies	\$100.00
Economic Develop	230-46500-431	BAD DEBT	\$0.00



**CITY OF ELYSIAN**  
**PROPOSED BUDGET YEAR 2017 EXPENDITURES**

09/08/16 10:10 AM  
Page 6

DEPT Descr	Act Code	OBJ Descr	Proposed 1 Budget
Economic Develop	230-46500-433	Dues and Subscriptions	\$0.00
Economic Develop	230-46500-440	PROPERTY TAXES	\$478.00
Economic Develop	230-46500-510	Land	\$0.00
Economic Develop	230-46500-700	Operating Transfers	\$0.00
Economic Develop	230-46500-720	Operating Transfers	\$0.00
DEPT 46500 Economic Develop mt (GENERAL)			\$13,992.13
FUND 230 EDA			\$13,992.13
FUND 305 Kaplan			
DEPT 47000 Debt Service (GENERAL)			
Debt Service (GEN	305-47000-601	Debt Srv Bond Principal	\$30,000.00
Debt Service (GEN	305-47000-611	Bond Interest	\$9,275.00
Debt Service (GEN	305-47000-620	Fiscal Agent s Fees	\$495.00
DEPT 47000 Debt Service (GENERAL)			\$39,770.00
FUND 305 Kaplan			\$39,770.00
FUND 306 City Hall			
DEPT 47000 Debt Service (GENERAL)			
Debt Service (GEN	306-47000-611	Bond Interest	\$2,930.00
Debt Service (GEN	306-47000-620	Fiscal Agent s Fees	\$0.00
Debt Service (GEN	306-47000-626	Debt Service Princ (City Hall)	\$30,000.00
DEPT 47000 Debt Service (GENERAL)			\$32,930.00
FUND 306 City Hall			\$32,930.00
FUND 307 2009A GO IMPROVEMENT REFUNDING			
DEPT 47000 Debt Service (GENERAL)			
Debt Service (GEN	307-47000-600	Debt Srv Principal (GENERAL)	\$0.00
Debt Service (GEN	307-47000-611	Bond Interest	\$0.00
Debt Service (GEN	307-47000-620	Fiscal Agent s Fees	\$0.00
DEPT 47000 Debt Service (GENERAL)			\$0.00
FUND 307 2009A GO IMPROVEMENT REFUNDING			\$0.00
FUND 308 2012 Improvement Project			
DEPT 47000 Debt Service (GENERAL)			
Debt Service (GEN	308-47000-316	FEES & PERMITS	\$0.00
Debt Service (GEN	308-47000-600	Debt Srv Principal (GENERAL)	\$45,000.00
Debt Service (GEN	308-47000-611	Bond Interest	\$7,975.00
Debt Service (GEN	308-47000-620	Fiscal Agent s Fees	\$495.00
DEPT 47000 Debt Service (GENERAL)			\$53,470.00
FUND 308 2012 Improvement Project			\$53,470.00
FUND 310 Fire Rescue Vehicle			
DEPT 42200 FIRE			
FIRE	310-42200-610	Interest	\$0.00
FIRE	310-42200-633	Principal	\$0.00
DEPT 42200 FIRE			\$0.00
FUND 310 Fire Rescue Vehicle			\$0.00
FUND 312 Pumper Fire Truck Debt			
DEPT 50012 Rosenbauer Pumper Truck			
Rosenbauer Pump	312-50012-610	Interest	\$9,700.37
Rosenbauer Pump	312-50012-633	Principal	\$31,290.63



**CITY OF ELYSIAN**  
**PROPOSED BUDGET YEAR 2017 EXPENDITURES**

09/08/16 10:10 AM  
Page 7

DEPT Descr	Act Code	OBJ Descr	Proposed 1 Budget
DEPT 50012 Rosenbauer Pumper Truck			\$40,991.00
FUND 312 Pumper Fire Truck Debt			\$40,991.00
FUND 313 2016A GO STREET IMPROVEMENT			
DEPT 47000 Debt Service (GENERAL)			
Debt Service (GEN 313-47000-600		Debt Srv Principal (GENERAL)	\$0.00
Debt Service (GEN 313-47000-611		Bond Interest	\$24,298.00
Debt Service (GEN 313-47000-620		Fiscal Agent s Fees	\$500.00
DEPT 47000 Debt Service (GENERAL)			\$24,798.00
FUND 313 2016A GO STREET IMPROVEMENT			\$24,798.00
FUND 405 2016 Street Improvement Projec			
DEPT 50011 2016 Street Improvement Projec			
2016 Street Impro 405-50011-212		Motor Fuels	\$0.00
2016 Street Impro 405-50011-300		Professional Srvs (GENERAL)	\$0.00
2016 Street Impro 405-50011-303		Engineering Fees	\$0.00
2016 Street Impro 405-50011-304		Legal Fees	\$0.00
2016 Street Impro 405-50011-316		FEES & PERMITS	\$0.00
2016 Street Impro 405-50011-352		General Notices and Pub Info	\$0.00
2016 Street Impro 405-50011-430		Supplies	\$0.00
2016 Street Impro 405-50011-500		Capital Outlay (GENERAL)	\$0.00
DEPT 50011 2016 Street Improvement Projec			\$0.00
FUND 405 2016 Street Improvement Projec			\$0.00
FUND 601 WATER FUND			
DEPT 47000 Debt Service (GENERAL)			
Debt Service (GEN 601-47000-600		Debt Srv Principal (GENERAL)	\$0.00
Debt Service (GEN 601-47000-602		New Well Payment	\$26,000.00
Debt Service (GEN 601-47000-612		New Well Payment Interest	\$3,800.00
Debt Service (GEN 601-47000-620		Fiscal Agent s Fees	\$495.00
Debt Service (GEN 601-47000-631		GO Water Bond Principal	\$25,000.00
Debt Service (GEN 601-47000-632		GO Water Bond Interest	\$8,979.00
DEPT 47000 Debt Service (GENERAL)			\$64,274.00
DEPT 49400 Water Utilities (GENERAL)			
Water Utilities (GE 601-49400-100		Wages and Salaries (GENERA	\$32,251.44
Water Utilities (GE 601-49400-102		Full-Time Employees Overtim	\$500.00
Water Utilities (GE 601-49400-104		Temporary Employees Regula	\$2,662.50
Water Utilities (GE 601-49400-121		PERA	\$2,656.05
Water Utilities (GE 601-49400-122		FICA	\$2,709.17
Water Utilities (GE 601-49400-126		Sales / Use Tax	\$0.00
Water Utilities (GE 601-49400-201		Accessories office supp	\$600.00
Water Utilities (GE 601-49400-208		Training and Instruction	\$500.00
Water Utilities (GE 601-49400-212		Motor Fuels	\$750.00
Water Utilities (GE 601-49400-221		Equipment Parts	\$400.00
Water Utilities (GE 601-49400-240		Small Tools and Minor Equip	\$200.00
Water Utilities (GE 601-49400-300		Professional Srvs (GENERAL)	\$1,250.00
Water Utilities (GE 601-49400-301		Auditing and Acct g Services	\$1,000.00
Water Utilities (GE 601-49400-303		Engineering Fees	\$0.00
Water Utilities (GE 601-49400-304		Legal Fees	\$50.00
Water Utilities (GE 601-49400-307		Management Fees	\$0.00
Water Utilities (GE 601-49400-316		FEES & PERMITS	\$2,000.00
Water Utilities (GE 601-49400-321		Telephone	\$300.00

**CITY OF ELYSIAN**  
**PROPOSED BUDGET YEAR 2017 EXPENDITURES**

09/08/16 10:10 AM  
Page 8

DEPT Descr	Act Code	OBJ Descr	Proposed 1 Budget
Water Utilities (GE	601-49400-322	Postage	\$1,800.00
Water Utilities (GE	601-49400-331	Travel Expenses	\$200.00
Water Utilities (GE	601-49400-352	General Notices and Pub Info	\$0.00
Water Utilities (GE	601-49400-360	Insurance (GENERAL)	\$3,696.00
Water Utilities (GE	601-49400-381	Electric Utilities	\$10,000.00
Water Utilities (GE	601-49400-402	Repairs/Maint Structures	\$0.00
Water Utilities (GE	601-49400-404	Repairs/Maint Machinery/Equi	\$10,000.00
Water Utilities (GE	601-49400-417	Uniform Rentals	\$600.00
Water Utilities (GE	601-49400-430	Supplies	\$20,000.00
Water Utilities (GE	601-49400-433	Dues and Subscriptions	\$250.00
Water Utilities (GE	601-49400-446	Refund Utility Charges	\$0.00
Water Utilities (GE	601-49400-501	Depreciation	\$0.00
Water Utilities (GE	601-49400-502	Capital Outlay - Equipment	\$1,000.00
Water Utilities (GE	601-49400-503	Truck	\$3,000.00
Water Utilities (GE	601-49400-570	Office Equip & Furnishings	\$500.00
Water Utilities (GE	601-49400-581	CAP OUTLAY EMERGENCY DI	\$5,000.00
Water Utilities (GE	601-49400-700	Operating Transfers	\$0.00
Water Utilities (GE	601-49400-912	Pension Expense	\$0.00
DEPT 49400 Water Utilities (GENERAL)			\$103,875.16
FUND 601 WATER FUND			\$168,149.16
FUND 602 SEWER FUND			
DEPT 47000 Debt Service (GENERAL)			
Debt Service (GEN	602-47000-604	ROOTS SRF BOND PRINCIPAL	\$69,140.00
Debt Service (GEN	602-47000-605	ROOTS SRF INTEREST BOND	\$2,611.00
Debt Service (GEN	602-47000-611	Bond Interest	\$0.00
DEPT 47000 Debt Service (GENERAL)			\$71,751.00
DEPT 49450 Sewer (GENERAL)			
Sewer (GENERAL)	602-49450-100	Wages and Salaries (GENERA	\$32,251.44
Sewer (GENERAL)	602-49450-102	Full-Time Employees Overtim	\$500.00
Sewer (GENERAL)	602-49450-104	Temporary Employees Regula	\$1,775.00
Sewer (GENERAL)	602-49450-121	PERA	\$2,589.48
Sewer (GENERAL)	602-49450-122	FICA	\$2,641.27
Sewer (GENERAL)	602-49450-126	Sales / Use Tax	\$0.00
Sewer (GENERAL)	602-49450-201	Accessories office supp	\$600.00
Sewer (GENERAL)	602-49450-208	Training and Instruction	\$400.00
Sewer (GENERAL)	602-49450-212	Motor Fuels	\$1,000.00
Sewer (GENERAL)	602-49450-240	Small Tools and Minor Equip	\$300.00
Sewer (GENERAL)	602-49450-300	Professional Svcs (GENERAL)	\$1,000.00
Sewer (GENERAL)	602-49450-301	Auditing and Acct g Services	\$1,000.00
Sewer (GENERAL)	602-49450-304	Legal Fees	\$0.00
Sewer (GENERAL)	602-49450-306	POND TESTING	\$4,000.00
Sewer (GENERAL)	602-49450-316	FEES & PERMITS	\$1,450.00
Sewer (GENERAL)	602-49450-321	Telephone	\$2,500.00
Sewer (GENERAL)	602-49450-322	Postage	\$1,800.00
Sewer (GENERAL)	602-49450-331	Travel Expenses	\$150.00
Sewer (GENERAL)	602-49450-360	Insurance (GENERAL)	\$3,467.10
Sewer (GENERAL)	602-49450-383	Gas Utilities	\$400.00
Sewer (GENERAL)	602-49450-391	N. LIFT STATION ELECTRIC	\$3,200.00
Sewer (GENERAL)	602-49450-392	S. LIFT STATION ELECTRIC	\$1,000.00
Sewer (GENERAL)	602-49450-393	LAKE AVE LIFT STATION ELE	\$210.00
Sewer (GENERAL)	602-49450-394	LAKEVIEW LIFT STATION	\$200.00
Sewer (GENERAL)	602-49450-395	LAKESIDE LIFT STATION	\$150.00

**CITY OF ELYSIAN**  
**PROPOSED BUDGET YEAR 2017 EXPENDITURES**

09/08/16 10:10 AM

Page 9

DEPT Descr	Act Code	OBJ Descr	Proposed 1 Budget
Sewer (GENERAL)	602-49450-397	CHESNUT LK SUBDIV MN. VA	\$550.00
Sewer (GENERAL)	602-49450-398	PARK LIFT STATION	\$1,700.00
Sewer (GENERAL)	602-49450-399	TREATMENT PLANT	\$150.00
Sewer (GENERAL)	602-49450-402	Repairs/Maint Structures	\$2,000.00
Sewer (GENERAL)	602-49450-404	Repairs/Maint Machinery/Equi	\$5,000.00
Sewer (GENERAL)	602-49450-406	MAINTENANCE OF VEHICLES	\$0.00
Sewer (GENERAL)	602-49450-415	Other Equipment Rentals	\$0.00
Sewer (GENERAL)	602-49450-417	Uniform Rentals	\$600.00
Sewer (GENERAL)	602-49450-430	Supplies	\$28,000.00
Sewer (GENERAL)	602-49450-433	Dues and Subscriptions	\$0.00
Sewer (GENERAL)	602-49450-440	PROPERTY TAXES	\$530.00
Sewer (GENERAL)	602-49450-446	Refund Utility Charges	\$0.00
Sewer (GENERAL)	602-49450-501	Depreciation	\$0.00
Sewer (GENERAL)	602-49450-502	Capital Outlay - Equipment	\$15,000.00
Sewer (GENERAL)	602-49450-503	Truck	\$3,000.00
Sewer (GENERAL)	602-49450-570	Office Equip & Furnishings	\$500.00
Sewer (GENERAL)	602-49450-581	CAP OUTLAY EMERGENCY DI	\$5,000.00
Sewer (GENERAL)	602-49450-912	Pension Expense	\$0.00
DEPT 49450 Sewer (GENERAL)			\$124,614.29
FUND 602 SEWER FUND			\$196,365.29
FUND 603 SANITATION			
DEPT 43200 Sanitation (GENERAL)			
Sanitation (GENER	603-43200-126	Sales / Use Tax	\$0.00
Sanitation (GENER	603-43200-316	FEES & PERMITS	\$0.00
Sanitation (GENER	603-43200-384	Refuse/Garbage Disposal	\$60,000.00
Sanitation (GENER	603-43200-389	GARBAGE BAGS	\$800.00
DEPT 43200 Sanitation (GENERAL)			\$60,800.00
FUND 603 SANITATION			\$60,800.00
FUND 604 Environmental Utility Fund			
DEPT 47000 Debt Service (GENERAL)			
Debt Service (GEN	604-47000-611	Bond Interest	\$0.00
DEPT 47000 Debt Service (GENERAL)			\$0.00
FUND 604 Environmental Utility Fund			\$0.00
FUND 901 GENERAL FIXED ASSETS			
DEPT 41400 City Clerk			
City Clerk	901-41400-590	Capital Outlay Books	\$0.00
DEPT 41400 City Clerk			\$0.00
DEPT 42200 FIRE			
FIRE	901-42200-590	Capital Outlay Books	\$0.00
DEPT 42200 FIRE			\$0.00
DEPT 43100 Hwys, Streets, & Roads			
Hwys, Streets, & R	901-43100-590	Capital Outlay Books	\$0.00
DEPT 43100 Hwys, Streets, & Roads			\$0.00
DEPT 45200 Parks (GENERAL)			
Parks (GENERAL)	901-45200-590	Capital Outlay Books	\$0.00
DEPT 45200 Parks (GENERAL)			\$0.00
FUND 901 GENERAL FIXED ASSETS			\$0.00



**CITY OF ELYSIAN**  
**PROPOSED BUDGET YEAR 2017 EXPENDITURES**

09/08/16 10:10 AM  
Page 10

DEPT Descr	Act Code	OBJ Descr	Proposed 1 Budget
FUND 902 GENERAL LONG-TERM DEBT GROUP			
DEPT 41400 City Clerk			
City Clerk	902-41400-100	Wages and Salaries (GENERA	\$0.00
DEPT 41400 City Clerk			\$0.00
DEPT 42200 FIRE			
FIRE	902-42200-912	Pension Expense	\$0.00
DEPT 42200 FIRE			\$0.00
DEPT 43100 Hwys, Streets, & Roads			
Hwys, Streets, & R	902-43100-100	Wages and Salaries (GENERA	\$0.00
DEPT 43100 Hwys, Streets, & Roads			\$0.00
DEPT 47000 Debt Service (GENERAL)			
Debt Service (GEN	902-47000-611	Bond Interest	\$0.00
DEPT 47000 Debt Service (GENERAL)			\$0.00
DEPT 49853 Administration			
Administration	902-49853-912	Pension Expense	\$0.00
DEPT 49853 Administration			\$0.00
FUND 902 GENERAL LONG-TERM DEBT GROUP			\$0.00
FUND 903 Deferred Revenue			
DEPT 46500 Economic Develop mt (GENERAL)			
Economic Develop	903-46500-431	BAD DEBT	\$0.00
DEPT 46500 Economic Develop mt (GENERAL)			\$0.00
FUND 903 Deferred Revenue			\$0.00
			\$1,192,801.32

# CITY OF ELYSIAN

## PROPOSED BUDGET YEAR 2017 REVENUES

DEPT Descr	Act Code	SRC Descr	Proposed 1 Budget
FUND 101 GENERAL FUND			
City Clerk	101-41400-31010	Current Ad Valorem Taxes	\$398,366.25
City Clerk	101-41400-31015	PUBLIC WORKS AD. VAL. TAX	\$0.00
City Clerk	101-41400-31016	FIRE EQUIP. AD. VAL. TAX	\$0.00
City Clerk	101-41400-31018	FIRE RELIEF AD. VAL. TAX	\$11,561.00
City Clerk	101-41400-31019	MAIN. & EQUIP. AD. VAL. TAX	\$10,000.00
City Clerk	101-41400-31021	FIRE RELIEF TAX RELIEF	\$0.00
City Clerk	101-41400-31022	Storm Sewer Ad Valorem Taxes	\$5,000.00
City Clerk	101-41400-32010	Golf Cart License / Permit	\$100.00
City Clerk	101-41400-32020	Digital Sign Advertising	\$0.00
City Clerk	101-41400-32100	Business Licenses/Permits	\$27.00
City Clerk	101-41400-32110	Alcoholic Beverages	\$5,900.00
City Clerk	101-41400-32240	Animal Licenses	\$50.00
City Clerk	101-41400-33160	Other Federal Grants	\$0.00
City Clerk	101-41400-33425	PERA	\$844.00
City Clerk	101-41400-33510	LOCAL GOVERNMENT AID	\$8,942.00
City Clerk	101-41400-33520	HACA AIDS	\$0.00
City Clerk	101-41400-33540	STATE FIRE AID 2%	\$5,000.00
City Clerk	101-41400-34103	ZONING FEES	\$0.00
City Clerk	101-41400-34110	CO. STATE AID HWY	\$9,420.49
City Clerk	101-41400-34200	Public Safety Charges for Srvs	\$0.00
City Clerk	101-41400-34950	Misc. Revenues	\$0.00
City Clerk	101-41400-35000	Fines and Forfeits	\$500.00
City Clerk	101-41400-36100	Special Assessments	\$0.00
City Clerk	101-41400-36210	Interest Earnings	\$100.00
City Clerk	101-41400-36230	Contributions and Donations	\$0.00
City Clerk	101-41400-38050	Cable TV Revenues	\$3,200.00
Planning and Zoning	101-41910-39203	Transfer from Other Fund	\$0.00
General Govt Buildings/Plant	101-41940-34950	Misc. Revenues	\$0.00
FIRE	101-42200-36230	Contributions and Donations	\$0.00
Building Inspection (GENERAL)	101-42400-32210	Building Permits	\$12,000.00
Building Inspection (GENERAL)	101-42400-32211	Rental Permits	\$525.00
Hwys, Streets, & Roads	101-43100-33405	Small City Assistance	\$0.00
Hwys, Streets, & Roads	101-43100-34950	Misc. Revenues	\$0.00
Storm Sewer	101-43150-37500	Storm Sewer Revenue	\$0.00
Parks (GENERAL)	101-45200-34950	Misc. Revenues	\$0.00
Parks (GENERAL)	101-45200-36230	Contributions and Donations	\$0.00
Debt Service (GENERAL)	101-47000-36210	Interest Earnings	\$0.00
Unallocated Expenditures	101-49200-34950	Misc. Revenues	\$0.00
FUND 101 GENERAL FUND			\$471,535.74
FUND 220 Fire			
FIRE	220-42200-33000	Intergovernmental Revenues	\$90,000.00
FIRE	220-42200-33160	Other Federal Grants	\$0.00
FIRE	220-42200-34207	FIRE CALLS/CONTRACTS	\$0.00
FIRE	220-42200-34950	Misc. Revenues	\$0.00
FIRE	220-42200-36210	Interest Earnings	\$0.00
FIRE	220-42200-36230	Contributions and Donations	\$0.00
FIRE	220-42200-39200	Interfund Operating Transfers	\$0.00
FUND 220 Fire			\$90,000.00
FUND 230 EDA			
Economic Develop mt (GENERAL)	230-46500-33000	Intergovernmental Revenues	\$12,003.00
Economic Develop mt (GENERAL)	230-46500-36200	Miscellaneous Revenues	\$0.00

**CITY OF ELYSIAN**  
**PROPOSED BUDGET YEAR 2017 REVENUES**

09/08/16 10:19 AM  
Page 2

DEPT Descr	Act Code	SRC Descr	Proposed 1 Budget
Economic Develop mt (GENERAL	230-46500-36210	Interest Earnings	\$80.00
Economic Develop mt (GENERAL	230-46500-36215	LOAN INTEREST INCOME	\$1,800.00
Economic Develop mt (GENERAL	230-46500-36221	RENTS	\$110.00
Economic Develop mt (GENERAL	230-46500-37210	Principal Received	\$0.00
Economic Develop mt (GENERAL	230-46500-39100	SALE OF PROPERTY	\$0.00
Economic Develop mt (GENERAL	230-46500-39200	Interfund Operating Transfers	\$0.00
FUND 230 EDA			\$13,993.00
FUND 301 1993 G.O. IMPROVEMENTS			
Debt Service (GENERAL)	301-47000-31010	Current Ad Valorem Taxes	\$0.00
Debt Service (GENERAL)	301-47000-36100	Special Assessments	\$0.00
FUND 301 1993 G.O. IMPROVEMENTS			\$0.00
FUND 305 Kaplan			
Debt Service (GENERAL)	305-47000-31010	Current Ad Valorem Taxes	\$15,000.00
Debt Service (GENERAL)	305-47000-36100	Special Assessments	\$17,927.00
Debt Service (GENERAL)	305-47000-36210	Interest Earnings	\$0.00
Debt Service (GENERAL)	305-47000-39200	Interfund Operating Transfers	\$0.00
FUND 305 Kaplan			\$32,927.00
FUND 306 City Hall			
Debt Service (GENERAL)	306-47000-31010	Current Ad Valorem Taxes	\$26,088.00
Debt Service (GENERAL)	306-47000-36210	Interest Earnings	\$0.00
Debt Service (GENERAL)	306-47000-39200	Interfund Operating Transfers	\$0.00
FUND 306 City Hall			\$26,088.00
FUND 307 2009A GO IMPROVEMENT REFUNDING			
Debt Service (GENERAL)	307-47000-31010	Current Ad Valorem Taxes	\$0.00
Debt Service (GENERAL)	307-47000-36100	Special Assessments	\$9,228.68
Debt Service (GENERAL)	307-47000-36210	Interest Earnings	\$0.00
Debt Service (GENERAL)	307-47000-39200	Interfund Operating Transfers	\$0.00
FUND 307 2009A GO IMPROVEMENT REFUNDING			\$9,228.68
FUND 308 2012 Improvement Project			
Debt Service (GENERAL)	308-47000-31010	Current Ad Valorem Taxes	\$50,000.00
Debt Service (GENERAL)	308-47000-36100	Special Assessments	\$3,469.84
Debt Service (GENERAL)	308-47000-36210	Interest Earnings	\$0.00
Debt Service (GENERAL)	308-47000-39200	Interfund Operating Transfers	\$0.00
FUND 308 2012 Improvement Project			\$53,469.84
FUND 310 Fire Rescue Vehicle			
FIRE	310-42200-31010	Current Ad Valorem Taxes	\$0.00
FIRE	310-42200-36240	Elysian Twnshp Share RescueVeh	\$0.00
FIRE	310-42200-36241	Iosco Twnshp Share Rescue Vehi	\$0.00
FIRE	310-42200-36242	Janesville Twn Share RescueVeh	\$0.00
FIRE	310-42200-36243	Fire Gambling Share Rescue Veh	\$0.00
FIRE	310-42200-36244	Elysian City Share Rescue Vehi	\$0.00
FIRE	310-42200-39200	Interfund Operating Transfers	\$0.00
FUND 310 Fire Rescue Vehicle			\$0.00
FUND 312 Pumper Fire Truck Debt			
Rosenbauer Pumper Truck	312-50012-31010	Current Ad Valorem Taxes	\$20,495.50
Rosenbauer Pumper Truck	312-50012-36240	Elysian Twnshp Share RescueVeh	\$15,174.87
Rosenbauer Pumper Truck	312-50012-36241	Iosco Twnshp Share Rescue Vehi	\$2,660.32
Rosenbauer Pumper Truck	312-50012-36242	Janesville Twn Share RescueVeh	\$2,660.32



**CITY OF ELYSIAN**  
**PROPOSED BUDGET YEAR 2017 REVENUES**

09/08/16 10:19 AM  
Page 3

DEPT Descr	Act Code	SRC Descr	Proposed 1 Budget
FUND 312 Pumper Fire Truck Debt			\$40,991.01
FUND 313 2016A GO STREET IMPROVEMENT			
Debt Service (GENERAL)	313-47000-31010	Current Ad Valorem Taxes	\$6,932.00
Debt Service (GENERAL)	313-47000-36100	Special Assessments	\$54,760.00
FUND 313 2016A GO STREET IMPROVEMENT			\$61,692.00
FUND 405 2016 Street Improvement Projec			
2016 Street Improvement Projec	405-50011-34110	CO. STATE AID HWY	\$0.00
2016 Street Improvement Projec	405-50011-36100	Special Assessments	\$0.00
2016 Street Improvement Projec	405-50011-39311	BOND PROCEEDS	\$0.00
FUND 405 2016 Street Improvement Projec			\$0.00
FUND 601 WATER FUND			
Water Utilities (GENERAL)	601-49400-33000	Intergovernmental Revenues	\$0.00
Water Utilities (GENERAL)	601-49400-34950	Misc. Revenues	\$1,000.00
Water Utilities (GENERAL)	601-49400-34951	Tower Lease	\$24,000.00
Water Utilities (GENERAL)	601-49400-36100	Special Assessments	\$10,000.00
Water Utilities (GENERAL)	601-49400-36210	Interest Earnings	\$0.00
Water Utilities (GENERAL)	601-49400-37100	Water Sales	\$160,000.00
Water Utilities (GENERAL)	601-49400-37150	Water Connect/Reconnect Fee	\$1,500.00
Water Utilities (GENERAL)	601-49400-37160	Water Penalty	\$1,000.00
FUND 601 WATER FUND			\$197,500.00
FUND 602 SEWER FUND			
Debt Service (GENERAL)	602-47000-39200	Interfund Operating Transfers	\$0.00
Sewer (GENERAL)	602-49450-34950	Misc. Revenues	\$300.00
Sewer (GENERAL)	602-49450-36100	Special Assessments	\$10,000.00
Sewer (GENERAL)	602-49450-36210	Interest Earnings	\$0.00
Sewer (GENERAL)	602-49450-36221	RENTS	\$1,436.00
Sewer (GENERAL)	602-49450-37200	Sewer Sales	\$190,000.00
Sewer (GENERAL)	602-49450-37250	Sewer Connect/Reconnect Fee	\$1,600.00
Sewer (GENERAL)	602-49450-37260	Swr Penalty	\$0.00
FUND 602 SEWER FUND			\$203,336.00
FUND 603 SANITATION			
Sanitation (GENERAL)	603-43200-34403	Refuse Collection Charges	\$45,000.00
Sanitation (GENERAL)	603-43200-34404	RECYCLING	\$15,000.00
Sanitation (GENERAL)	603-43200-34408	GARBAGE BAGS PURCHASED	\$800.00
Sanitation (GENERAL)	603-43200-34950	Misc. Revenues	\$0.00
Sanitation (GENERAL)	603-43200-39200	Interfund Operating Transfers	\$0.00
FUND 603 SANITATION			\$60,800.00
FUND 604 Environmental Utility Fund			
EUF Fees	604-49530-37500	Storm Sewer Revenue	\$25,000.00
FUND 604 Environmental Utility Fund			\$25,000.00
			\$1,286,561.27

**ELYSIAN CITY COUNCIL  
SPECIAL MEETING  
SEPTEMBER 30, 2016**

The Elysian City Council met in special session on Friday, September 30, 2016 at City Hall at 3:30 pm.

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

On motion by Stoen, seconded by Houlihan, all voting in favor, to close the meeting at 3:31 pm per attorney-client privilege.

On motion by Stoen, seconded by Schnoor, all voting in favor, to open the meeting at 4:20 pm.

Items discussed during closed session included sale of Lakeview Manor lots, issues with the rental ordinance, and garbage issues.

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

**CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA  
RESOLUTION NUMBER 537/16**

Whereas, the City Council for the City of Elysian met on the 30<sup>th</sup> day of September, 2016, for a special City Council meeting; and

Whereas, at the aforementioned meeting, a discussion was held regarding that real estate legally described as CIC #26 Lakeview Manor Blocks 1, 3, 4, 6, and 7, and the units contained in those respective blocks, located in the City of Elysian, Le Sueur County, Minnesota; and

Whereas, Henninger Construction LLC, a Minnesota Limited Liability Corporation, has proposed to purchase the aforementioned real estate which consists of 5 blocks for \$25,000 per block. Further, Henninger Construction has proposed to purchase two blocks and retain a right of first refusal on the remaining blocks. Henninger Construction has also proposed to build a twin home on a block within one year of purchase, and build a twin home on the second block one year after completion of twin home construction on the first block. Once Henninger Construction has completed twin home construction on the second block then Henninger Construction has proposed that it have the right of first refusal on the remaining blocks with the intent that it will purchase another block, build a twin home on that block within one year, and then continue on in said fashion purchasing blocks within one year of the completion of twin home construction on that respective block until the last block is either purchased by Henninger Construction or sold; and

Whereas, the City Council met and discussed this proposal. The City Council understands that this is a good economic opportunity for the City of Elysian. The expansion will help create construction jobs and add to the tax base of the City of Elysian and the City will receive additional sewer and water revenues from the development of the real estate. In



addition, due to the sale, the property will generate more tax revenue than it is generating now and it will make the development of adjacent real estate in the vicinity easier and more viable. Finally, sale of the real estate as proposed will relieve the City of maintenance and legal liability for the same. In total, the Council met and agreed that it is in the best interest and general welfare of the City of Elysian for this sale to occur.

NOW WHEREFORE, the City Council for the City of Elysian met this day, discussed this issue, and upon vote taken authorized that Lakeview Manor Blocks 1, 3, 4, 6, and 7 be sold and deeded via Quit Claim Deed to Henninger Construction LLC or any other entity that Henninger Construction LLC advises upon the following terms:

1. \$25,000 purchase price per block for each block to be purchased now or in the future, and
2. Two blocks being initially purchased by Henninger Construction LLC and closed upon in 30 days, and
3. Henninger Construction LLC is not to pay any closing costs, and
4. Henninger Construction LLC shall pay WAC and SAC fees for each residential unit (twin home counting as two units) to be built at the time of its application for a building permit, and
5. That Henninger Construction will be entitled to a right of first refusal on each Block remaining with the right of first refusal on a block starting one year from the date of the last build's completion and continuing for one year terms until the last block is sold.

Said motion was made, seconded, and passed unanimously. Finally, the Council herein resolves that the City Administrator and City Attorney are additionally empowered and hereby entrusted with the authority to sign any and all documents necessary to accomplish this transfer, including but not limited to signing Purchase Agreements, Quit Claim Deeds, HUD Statements, and any and all other such necessary documents to accomplish the closing and transfer of the real estate upon the terms set forth above.

Dated: September 30, 2016

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Clinton Stoen  
Mayor

ATTEST:

Dated: September 30, 2016

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Lorri Kopischke  
City Clerk/Administrator

On motion by Stoen, seconded by Houlihan, all voting in favor, meeting adjourned at 4:21 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
OCTOBER 10, 2016**

The Elysian City Council met in regular session on Monday, October 10, 2016 at City Hall at 6:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan, Tom McBroom (arrived at 6:10 pm), Mary Opsahl, and Dennis Schnoor; City Administrator Lorri Kopischke; City Attorney Jason Moran; City Utility Clerk Nicole Lamont. Absent: Public Works Director Ron Greenwald.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the minutes of the September 12, 2016 Regular Meeting and the September 30, 2016 Special Meeting as presented.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the agenda of the October 10, 2016 meeting with the following additions:

1. LeSueur County Commissioner Rohlfing
2. Advertise for Permanent Part-Time Public Works Worker

Public Comment: None.

LeSueur County Commissioner Rohlfing updated the Council. A public hearing will be held on October 18, 2016 to consider an ordinance change to perform mandatory septic inspections of properties on Francis, Rays, Sakatah and Tetonka Lakes. The inspection requirements will apply to properties within 350 feet of the lake and those systems found to be non-compliant will have five years to become compliant through their own avenues. Commissioners have met with the Lake Francis Association and will have more public meetings in the coming months.

Rohlfing stated a public hearing will be held on November 1, 2016 at 10 am to consider a possible new county-wide designated predatory offender residency restriction ordinance.

Rohlfing distributed a flyer advertising the LeSueur Countywide Collection being held October 22, 2016 and Minnesota Valley Action Council information regarding the 2016-2017 Energy Assistance Program and energy saving tips.

Rohlfing reported the construction of a new Justice Center has been approved. It will be located off campus and will provide more room on-site to house the Human Service Department. He also noted the tri-county public transit system is progressing and should be operative June or July of 2017. The Commissioners have also been in touch with the DNR regarding repair to this section of the Sakatah Trail.

Councilmember McBroom arrived at 6:10 pm.

Judy Williams, 1642 Scenic Hideaway Lane NE and Rita Klages, 1654 Scenic Hideaway Lane NE, were present to express their concerns regarding the Meixl properties at 1234 and 1238 Scenic Hideaway Lane NE. They distributed copies of the on-line advertisement for the beach house rental, Beacon property tax sheets, a picture of his "parking lot", and a copy of the abstract for their property. With regard to the area being used for parking, they stated there have been up to 19 cars parked in that area at a time. Meixl has now planted big pine trees around the area. They felt this will help with screening but will definitely increase the run-off from that area. The area is only grass and is not meant to handle all that parking. With regard to the abstracts, they noted that it is specifically stated that there can be no home or commercial businesses on these lots. They also complained about the noise and safety issues.

City Attorney Moran noted the City was not aware of the covenants on this land and will research as to how this would affect the rental license. He suggested to Williams and Klages that they communicate with Meixl directly regarding the restrictions in their covenants. McBroom suggested the Sheriff be contacted regarding the noise and safety issues.

Williams and Klages asked about maintenance of Scenic Hideaway Lane NE. The Council stated the City does not maintain private roads. Williams and Klages asked that the City re-examine the rental ordinance and also notice them when changes happen in their area.

Chief Deputy Brett Mason updated the Council. He stated the software issue with the patrol reports will be corrected. He assured the Council that the contracted hours are being provided. The no-wake zone on Lake Francis and Rays Lake is still in effect. The Drug Task Force is progressing and Deputy Scott O'Brien has been chosen as the LeSueur County officer of choice to serve on that Task Force.

Chris Cavett, SEH Engineering, updated the Council on the 2016 Street and Utility Improvement Project. This has been a challenging season with the rain intensity and the project has turned out as well or better than expected.

Schnoor stated he did not like the design of the street at the DNR Trail crossing. It is going to be difficult snowplowing in that area. Cavett stated it is designed to provide pedestrian safety. Schnoor stated he was displeased with the design in the area in front of the Elysian school building. Cavett acknowledged that the street is a bit narrower as an area was bumped out to create a loading area for the buses.

The county segment of street will be evaluated in the spring of 2017 and the final lift of blacktop will be placed the spring of 2017. Some of the seeding was done today. The contractor will be working on the basin at Fourth and Lake and then the contractor will be back to seed that area and patch and touch up the rest. As this is fall seeding, the contractor has added winter wheat to provide some erosion control and snow buffer. The seed will come up in the spring and there is a 60 day growing period at that time. The traffic control signs will be installed following the turf work.

Cavett explained that during the project there was some Class 5 that was not up to MNDOT Standard Specifications. The Engineer may allow the contractor to accept a monetary price adjustment instead of correcting the failing material. This is called a deduct or a dis-incentive. Additional testing required is also allowed to be included in the deduct. Cavett reported there will be a Deduct of \$5,430.53 applied to Application for Payment No. 6.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 538/16  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN FIRE RELIEF ASSOCIATION**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$2,000.00 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 \$2,000.00 toward the purchase of a truck.

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 10<sup>th</sup> day of October, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 539/16  
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 National Night Out.

**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 – National Night Out.

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 10<sup>th</sup> day of October, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 540/16  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN AMERICAN LEGION POST #311**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$150.00 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 \$150.00 – Spook Trail.

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 10<sup>th</sup> day of October, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Information regarding the City becoming a MnWarn member was presented. Membership in the organization would allow the city to participate in an intrastate program for mutual aid assistance to provide water, wastewater, and storm water utility services. Council was asked to research the material and the Mutual Aid Agreement and Resolution will be placed on the November agenda for consideration.

Kopischke reported City of Elysian employee evaluations have been completed this month with excellent results. The City Administrator evaluation is scheduled to follow the City Council Meeting tonight.

The new garbage hauler, West Central Sanitation, has now completed two garbage collections and one recycle collection. There have been no complaints. West Central has contacted all residents in Janesville Township to offer them garbage/recycle services. The Fall Clean-Up will be held at Lake Francis City Park on Saturday, October 22, 2016 from 8:30 am to 10:30 am.

There is a Preliminary Damage Meeting with FEMA at the LeSueur County Courthouse on Friday, October 14, 2016 at 9:00 am. Kopischke and Roessler will attend.

The draft Wellhead Protection Plan for the City of Elysian, Part 2, has been distributed to representatives of the LUGs of LeSueur County. There will be a public hearing scheduled to consider the Plan at the Council Meeting on December 12, 2016.

On motion by McBroom, seconded by Houlihan, all voting in favor, to close the City of Elysian Office on Friday, November 25, 2016. Employees are required to utilize vacation or comp hours.

On motion by Schnoor, seconded by McBroom, all voting in favor, to advertise for the position of a permanent part-time Public Works Worker for up to 25 hours per week at \$13.50 per hour.

City Attorney Moran reported an agreement with Henninger Construction for the sale of Parcels 1 and 6 of Lakeview Manor Townhome property was finalized and a closing is scheduled for Friday, October 28, 2016 at 9:00 am.

Moran suggested the Council consider amending the Rental Ordinance #76-14 to restrict the number of rental properties allowed in the City of Elysian. The current percentage of rentals in the City is 6%. Moran will present a draft at the November 14, 2016 meeting.

On motion by Stoen, seconded by Schnoor, all voting in favor, bills, payroll and transfers were approved in the amount of \$380,702.51.

Public Comment: None.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned to closed session to perform employee evaluation of City Administrator at 7:05 pm.

On motion by Stoen, seconded by McBroom, all voting in favor, to reopen the meeting at 7:24 pm.

Stoen stated that during the closed session the City Administrator Employee Evaluation was performed. Administrator met or exceeded all expectations of the position. This will be reported at the November 14, 2016 City Council Meeting.

On motion by Stoen, seconded by Houlihan, all voting in favor, to adjourn the meeting at 7:25 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
NOVEMBER 14, 2016**

The Elysian City Council met in regular session on Monday, November 14, 2016 at City Hall at 6:00 pm.

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

On motion by Schnoor, seconded by Opsahl, all voting in favor, to approve the minutes of the October 10, 2016 Regular Meeting and the November 7, 2016 Special Meeting as presented.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve the agenda of the November 14, 2016 meeting with the following changes:

1. Add: LeSueur County Chief Deputy Mason
2. Delete: #11. Chris Cavett, SEH Engineering, Inc.

LeSueur County Chief Deputy Mason updated the Council. Members of the public commented on the speed of traffic through the city on State Highway 60, and vehicles passing left-turning vehicles on the right.

Public Comment: None.

Bryan Suemnick was present to discuss the placement of trees in the right-of-way on his property located at 105 First Street South. Suemnick planted the three trees in the right-of-way on September 2 and the center of the trees are currently nine feet from the center line of the street. City staff has contacted Suemnick numerous times asking that the trees be moved. As no solution was reached, the City Attorney contacted Suemnick asking that the trees be moved prior to November 14 at 8:00 am. Suemnick then asked to be added to the November 14, 2016 Council Meeting agenda.

Suemnick stated he would move the four trees back but did not want to move them completely out of the right-of-way which is 35 feet from the center line of First Street South. He suggested the ordinance be revised to require trees to be a certain distance from the curb rather than from the center line of the street. Suemnick stated he would move the trees but he would like to place them 22 feet back from the curb which would be 2 feet in the right-of-way. This would still block the headlights from Highway 60 and County Road 11 but would not place the trees in the middle of the yard. He proposed that the evergreens currently in the right-of-way be moved to a location behind his house and that those trees then be replaced with arborvitaes that would not grow as wide and would be planted 22 feet back from the curb. Suemnick also stated he would be willing to sign an agreement that if First Street South was ever widened to the point that the trees had to be removed, he would remove the trees at no cost to the city.

Schnoor questioned how many other trees in the City are located in the road right-of-way.

Kopischke stated the only right-of-way trees that are being addressed are the trees that are a hazard or nuisance or that have been planted since the ordinance was passed in 2012. Schnoor would like to come to a compromise that would be beneficial to Suemnick, the City and Public Works.

Stoen stated he understood that Suemnick wanted to put his trees where he wanted them but there is an ordinance in place now and trees planted after approval of that ordinance need to comply. There are utilities in the right-of-way and that is why this ordinance is necessary.



Opsahl stated she would like to see the trees back far enough so that they did not have to be moved again when a street project is completed on First Street South.

On motion by Schnoor, seconded by Opsahl, to allow Suemnick to remove the evergreen trees from the right-of-way and replace with arborvitae trees located 22 feet from the back of the curb no later than December 14, 2016 and that Suemnick will agree that when a street project is initiated on First Street South that if the trees need to be removed, Suemnick will remove the trees at no cost to the city. Voting on the motion: Aye – Opsahl, Schnoor. Naye – Stoen. Motion passed on a 2-1 vote.

Judy Williams, 1642 Scenic Hideaway Lane NE and Rita Klages, 1654 Scenic Hideaway Lane NE, were present to address the use of the properties owned by Joe Meixl located at 1234 and 1238 Scenic Highway Lane NE. They reported they had located the covenants and presented them at the last Council meeting. Since that time, they have received a letter from Mr. Meixl's attorney, Farrish – Johnson, stating the covenants are no longer current because of some action taken in Minnesota. Williams stated they are back tonight to ask the city to revisit the rental license agreement or rescind Mr. Meixl's rental license. They do not believe the property should be rented as a resort. It would not bother any of the homeowners if the property was rented as a normal home – month to month or summer rental - but they are not happy with the current situation.

Stoen stated this is a neighborhood issue with covenants. The City has no jurisdiction. The Planning and Zoning Commission could look at the rental license as a whole but not on a case-to-case basis.

City Attorney Moran thanked Williams and Klages for attending the Council Meeting and encouraged them to consult an attorney.

The Council then considered the request of Larry and Sherri Knutson, the property owners of a property located at 6 Cedar Point Drive NW, Elysian, Le Sueur County, Minnesota, for a variance request of (36.6) thirty-six and one-half feet to the ordinary high watermark (OHW) of Lake Francis, a variance of (25) twenty-five feet from the road setback, and an increase to a non-conforming structure.

Larry and Sherri Knutson, have demolished the home located at 6 Cedar Point Drive and are requesting the above variances to build a larger home on the lot. The proposed structure will be located 38.6 feet from the OHW which is the same distance as the previous structure. The structure will be located 0 feet from the right-of-way line. The proposed structure also requires a variance as it is an increase of a non-conforming structure. The city zoning ordinance would allow the Knutsons to rebuild their home in the same exact footprint of the previous home but the proposed home is 78' x 51' and the previous home was 55' by 40'. There is also a wetland on the lot.

The Planning and Zoning Commission held a public hearing on this request on November 1, 2016. The original request had the new home placed 19 feet from the center of the road. At that meeting, the Commissioners asked that the home be moved to the east as to not encroach on the road right-of-way and that the wetland be delineated.

The Planning and Zoning Commission met again on November 10, 2016 to consider a revised proposal. The new (current) request has the home moved to the east so it is out of the right-of-way. This would result in a required variance to the setback of 25 feet rather than the previous 39 feet. It was also noted at that meeting that an email has been received from Michael Schultz, LeSueur County Soil & Water Conservation District as follows: "I have been working with Justin from Larson Contracting and he provided me with the site plan. If the project moves forward as per described plans I am comfortable with them moving forward. No work or material should be in the proposed wetland area."

With those changes, the Planning and Zoning Commission approved, with a 4-1 vote, to recommend approval to the City Council of the variance request based on the following:

1. The property owner does propose to use the property in a reasonable manner because it is a reasonable location of a residential home. In addition, the proposed setback from the road is the same as the previous (existing) home.
2. There are unique circumstances to the property not created by the landowner because there is a wetland located on the property which restricts the buildable area on the lot and it would create difficulties with the placement of a driveway. The shape of the lot is also unusual and makes it difficult to place a home within the required setbacks. For these reasons a Variance should be granted.
3. Finally, the Variance will maintain the essential character of the locality because the size of the proposed structure is similar to others on the lakeshore and in this area. This proposal will also add a garage to the house and the home directly to the east also has an attached garage.

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

**RESOLUTION NO. 545/16**  
**RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS**  
**FOR APPROVAL FOR VARIANCE APPLICATION OF**  
**LARRY AND SHERRI KNUTSON, 6 CEDAR POINT DRIVE NW**

**FACTS**

1. Larry and Sherri Knutson are the owners of a parcel of land located at 6 Cedar Point Drive NW, Elysian, Minnesota; and,
2. The subject property is known as Le Sueur County Parcel Identification R16.413.0060, and legally described as: Unit 6 and a 1/15<sup>th</sup> interest in the common element of, CIC #34, Kaplan's Cedar Point, Le Sueur County, Minnesota; and,
3. Larry and Sherri Knutson have applied for a variance of (36.6) thirty-six and one-half feet to the ordinary high watermark (OHW) of Lake Francis, a variance of (25) twenty-five feet from the road setback, and an increase to a non-conforming structure so that they can remove their current house (already removed) and place a new larger home on the lot.
4. The proposal would vary from the City of Elysian's Zoning Ordinance Section 13.0 Shoreland Overlay Zone – Shoreland Standards General – Residential (R1 & R2) Recreational Development Lakes – Sewered Areas, Setback from O-H-W requirement of 75 feet in that it would result in an actual setback of 38.6 feet and it would vary from the City's Setbacks from Roads & Highway of 25 feet in that it would actually result in a setback of 0 feet. It would also vary from the City of Elysian's Zoning Ordinance Section 14.0 Nonconformities – Addition/Expansion to Non-Conforming Structures (b) as the proposed structure is larger than the existing structure and would not be rebuilt within the existing footprint of the current building.
5. That following a public hearing on the Application held on November 1, 2016, and a subsequent meeting on the application on November 10, 2016, the Elysian Planning Commission has recommended Approval of the Variance at its meeting of November 10, 2016.
6. That the City Council for the City of Elysian reviewed the requested Variance at its Meeting of November 14, 2016.

**APPLICABLE LAW**

7. Minnesota Statute Section 462.357, subd. 6 provides:

- a. Variances shall only be permitted (a) when they are in harmony with the general purposes and intent of the ordinance and (b) when the Variances are consistent with the comprehensive plan.
- b. Variances may be granted when the applicant for the Variance establishes that there are practical difficulties in complying with the Zoning Ordinance. "Practical difficulties," as used in connection with the granting of a Variance, means that (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the Variance, if granted, will not alter the essential character of the locality.

### **CONCLUSIONS OF LAW**

8. The property owner does propose to use the property in a reasonable manner because it is a reasonable location of a residential home. In addition, the proposed setback from the road is the same as the previous (existing) home.
9. There are unique circumstances to the property not created by the landowner because there is a wetland located on the property which restricts the buildable area on the lot and it would create difficulties with the placement of a driveway. The shape of the lot is also unusual and makes it difficult to place a home within the required setbacks. For these reasons a Variance should be granted.
10. Finally, the Variance will maintain the essential character of the locality because the size of the proposed structure is similar to others on the lakeshore and in this area. This proposal will also add a garage to the house and the home directly to the east also has an attached garage.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council for the City of Elysian, Minnesota, that the application to issue a variance to Larry and Sherri Knutson for the property at 6 Cedar Point Drive NW, legally described as Unit 6, CIC #34, Kaplan's Cedar Pointe, Le Sueur County Minnesota, shall be, and is hereby granted a Variance of (36.6) thirty-six and one-half feet to the ordinary high watermark (OHW) of Lake Francis, a variance of (25) twenty-five feet from the road setback, and an increase to a non-conforming structure so that they can remove their current house (already removed) and place a new larger home on the lot is hereby approved.

Upon vote being taken:

Councilmembers voting in the affirmative: Opsahl, Schnoor

Councilmembers voting in the negative: Stoen

Whereupon said resolution was declared duly passed and adopted.

Dated this 14<sup>th</sup> day of November, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Ron Greenwald, Public Works Director, reported that with all the rain this summer the City has been experiencing some Inflow & Infiltration issues. With the help of SEH Engineering, the faulty manholes have been looked at and resulted in the attached quotes for repair: Hydro Klean- \$4,800, Visu-Sewer (2-day) \$7,260, and Visu-Sewer (3-day) \$9,810. Also, there are a few sewer lines in need of repair. These problems were discovered when the lines were viewed via camera last year. The quotes to repair the sewer lines are as follows: Ellingson - \$7,000, Hydro Klean - \$6,950, Visu-Sewer - \$4,950.

On motion by Stoen, seconded by Opsahl, all voting in favor, to award the bid to Hydro Klean in the amount of \$4,800 to repair the manholes and to award the bid to Hydro Klean in the amount of \$6,950 to repair the sewer lines.

Greenwald reported on the status of the repair of the Lake Francis City Park beach. Schnoor requested that the edge of the sand near the volleyball courts be cut down for winter safety reasons.

Greenwald reported that the 2016 Street and Utility Project is in the stage of checking the valves, curb stops, etc. to be sure that all is working properly. Public Works will then meet with SEH to discuss any issues.

Kopischke reported that the health benefit currently offered to the employees is no longer ACA compliant. The Council held a special meeting on November 7, 2016, to consider several options. At that meeting, the Council voted to approve a health insurance benefit that cost the city \$35,016 yearly based on the quotes and information staff had received to date. Since that time, a quote from MN PEIP has been received that is more affordable and will result in more benefit to the employees. The total cost for the first year, including administrative / start-up costs would be \$31,184 which is \$666 less than budgeted for 2017.

On motion by Schnoor, seconded by Stoen, all voting in favor, to rescind the motion regarding health coverage made at the November 7, 2016 Special Council Meeting and to provide single health coverage to each of the (4) four full-time employees through MN PEIP in the total amount of \$15,216 per year, contribute \$3,400 per year to each employee pre-tax to be deposited into a HSA account or to be applied towards family insurance coverage through an IRS approved method, and single preventative dental for each employee through MN PEIP in the total amount of \$518 per year.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 541/16  
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 3, 2016.

**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.

Councilmember Schnoor introduced the resolution and was seconded by Councilmember Opsahl, to approve one day off site lawful gambling for December 3, 2016.

Upon vote being taken:

Councilmembers voting in the affirmative: Opsahl, Schnoor, Stoen

Councilmembers voting in the negative: None

Adopted by the City Council of the City of Elysian this 14<sup>th</sup> day of November, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 542/16  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
WEST CENTRAL SANITATION, INC.**

**WHEREAS,** the City of Elysian has received a donation in the amount of \$100.00 from West Central Sanitation, Inc. for the Lake Francis Park Project;

**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 \$100.00 from West Central Sanitation, Inc. for the Lake Francis Park Project.

Upon vote being taken:

Councilmembers voting in the affirmative: Opsahl, Schnoor, Stoen

Councilmembers voting in the negative: None

Adopted by the City Council of the City of Elysian this 14<sup>th</sup> day of November, 2016.

Approved:

Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 543/16  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
ELYSIAN FIRE DEPARTMENT**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$730.00 from the Elysian Fire Department General Fund toward the purchase of an inflatable ice boat;

**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 General Fund in the amount of \$730.00 toward the purchase of an inflatable ice boat.

Upon vote being taken:

Council Members voting in the affirmative: 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 November, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 544/16**  
**RESOLUTION AUTHORIZING GOVERNMENTAL UNIT TO BE**  
**A PARTY TO MINNESOTA WATER AGENCY RESPONSE NETWORK (MnWARN)**

**WHEREAS**, Minnesota Statutes, Section 471.59 authorizes governmental units by agreement of their governing bodies to jointly or cooperatively exercise any power common to them;

**WHEREAS**, MnWARN has been established by the adoption of a Mutual Aid Agreement (the Agreement) among Governmental Units to allow their water, wastewater and storm water utilities to assist each other in case of an emergency;

**WHEREAS**, the Agreement allows other governmental units to become a party to the Agreement by the adoption of this Resolution and sending notice to the Secretary of the Statewide Committee for MnWARN; and

**WHEREAS**, the governing body of the City of Elysian considers it to be in the best interests of the City to be a party to the Agreement.

**NOW THEREFORE, BE IT RESOLVED, that the City of Elysian:**

1. Authorizes the Mayor and the City Administrator to sign this resolution evidencing the intent of The City of Elysian to be a party to MnWARN; and
2. The City Administrator is directed to send a certified copy of this resolution and a completed membership information form to the Secretary of the Statewide Committee of MnWARN; and
3. The City of Elysian agrees to comply with all terms of the Agreement.

Upon vote being taken:

Council Members voting in the affirmative: 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 November, 2016.

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, to schedule a public hearing to discuss issues and address all comments related to Elysian Wellhead Protection Part 2 Draft Plan Consistent with the Wellhead Protection Rule (4720.5330, subpart 7) and as required in the MN Wellhead Protection Rule (4720.5350, subpart 1), on Monday, December 12, 2016 at 6:00 pm.

On motion by Stoen, seconded by Schnoor, all voting in favor, to schedule the Truth in Taxation Hearing on the Final 2016 Tax Levy – Payable 2017 for Monday, December 12, 2016 at 6:15 pm.

Elysian Township will be donating a set of three polling booths that they are no longer using to the City of Elysian.

Le Sueur County received a disaster declaration for the weather event that occurred on September 21-24, 2016. There is a FEMA Meeting scheduled for November 16, 2016 at 2:00 pm.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 546-16  
A RESOLUTION CERTIFYING THE RESULTS OF THE  
TUESDAY, NOVEMBER 8, 2016 ELECTION  
(Canvass Election)**

**WHEREAS**, The City of Elysian held an election for the office of Mayor, two Councilmembers (four-year term), and one Councilmember Special (two-year term) on Tuesday, November 8, 2016, during the General Election with approximately 401 persons voting including absentee votes.

**WHEREAS**, on this 14th day of November, 2016 the City Council has met to canvass said election results;

**WHEREAS**, the votes tabulated at said election were:

<b>MAYOR</b>	<b>VOTES</b>	<b>COUNCILMEMBER 4-year term</b>	<b>VOTES</b>
<i>Clinton Stoen</i>	<i>324</i>	<i>Tom McBroom Sr</i>	<i>309</i>
<i>Write-In</i>	<i>21</i>	<i>Mary Opsahl</i>	<i>265</i>
		<i>Write-In</i>	<i>26</i>

<b>COUNCILMEMBER 2 -year term</b>	<b>VOTES</b>
<i>Bobby Houlihan</i>	<i>308</i>
<i>Write-In</i>	<i>11</i>

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN MINNESOTA**, that the official election results for the office of Mayor for the term of 2017-2018 shall be Clinton Stoen;

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF ELYSIAN MINNESOTA**, that the official election results for the offices of Council Member for the term of 2017-2020 shall be Tom McBroom Sr. and Mary Opsahl;

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF ELYSIAN MINNESOTA**, that the official election results for the office of Council Member for the term of 2017-2018 shall be Bobby Houlihan.

Upon vote being taken:

Councilmembers voting in the affirmative: Opsahl, Schnoor, Stoen

Councilmembers voting in the negative: None



Adopted by the City Council of the City of Elysian this 14<sup>th</sup> day of November, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

City Attorney Moran reported the closing on the sale of the Lake View Manor Townhome lots went very well. The City should receive payment within a week or two.

Moran stated he is on the Board of Directors for the Rice County Task Force. The Task Force has already started their work here and he is very impressed.

Stoen reported that the Council has completed the City Administrator Employee Evaluation. The Administrator has met or exceeded all expectations of the position.

On motion by Stoen, seconded by Schnoor, all voting in favor, bills, payroll and transfers were approved in the amount of \$109,149.92.

Public Comment:

Nancy Dobson, 1238 Scenic Hideaway Lane NE, stated she affirmed that the interpretations of covenants, etc. that had been presented at previous meetings was best left to the attorneys. The reason she is here today is that in reviewing some of the previous meeting notes she noted there had been complaints at the last couple of meetings but no one has expressed any complaints directly to her or to her husband so she was concerned that it was being brought up at a council meeting. They really want to be good neighbors. This is their second summer and they moved here with great expectations for this lovely community and those expectations have been met. If there are concerns, they want to hear them. She stated - we are a part of the Ray's Lake Association. We were at a meeting this summer. So, to my knowledge the concerns that are being brought up are from individuals and not the association or we would have been informed of that. Regarding the vacation rental, we have established very family-friendly rules including a noise curfew, respect for property, etc. We provide life jackets and have an expectation for use of them on our property. We have rented primarily to three-generation families for people who do not have a home to go to on a lake. We have had nothing but praise for the accommodations, the community and the lake.

Joe Meixl, 1238 Scenic Hideaway Lane NE, stated that just to clarify, the townhomes on Rays Lake are on the east side. There is a north and south unit. They live in the north unit. So, if there have been any complaints they are about his family. He stated - Nancy and I have thirteen kids and we try to corral those kids in. The rental has nothing to do with this. We cater to good families. We have a 10:30 noise curfew. I just want to make it clear that what you have been hearing is about the Meixl family and nothing to do with the rental.

Megan James, James Management, LLC, asked about the rental restrictions being proposed by the Council.

Moran responded that a restriction on the number of rental units in the city has been casually discussed but no action has been taken at this time.

On motion by Stoen, seconded by Schnoor, all voting in favor, to adjourn the meeting at 7:35 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
SPECIAL MEETING  
NOVEMBER 7, 2016**

The Elysian City Council met in special session on Monday, November 7, 2016 at City Hall at 6:00 pm.

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

Also attending the meeting: Alex Jermeland, Minnesota Valley Council of Governments.

Kopischke reported that it had recently been brought to her attention that the flex program the City has in place for health benefits will no longer be compliant with the requirements of the Internal Revenue Service / Affordable Care Act. Three options to replace this benefit were provided to the Council for discussion.

1. Discontinue the flex program and not replace it. Discontinue the benefit.
2. Offer single health insurance with a city funded Health Savings Account.
3. Offer no health insurance coverage but make changes to the employee compensation plan to ensure the city is still competitive with other employers.

The Council was also provided with a spreadsheet detailing health benefits offered in nearby cities and cities with similar population. Several benefit combinations and the costs were discussed.

On motion by Stoen, seconded by McBroom, all voting in favor, to provide single coverage health insurance as presented with a total cost for (4) four full time employees of \$1,918 per month and to provide an additional \$250 per month per employee pre-tax to be deposited into a HSA account or to be applied towards family insurance coverage through an IRS approved method.

On motion by Stoen, seconded by Houlihan, all voting in favor, to adjourn the meeting at 7:00 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
DECEMBER 12, 2016**

The Elysian City Council met in regular session on Monday, December 12, 2016 at City Hall at 6:00 pm.

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

On 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 discuss issues and address all comments related to Elysian Wellhead Protection Part 2 Draft Plan Consistent with the Wellhead Protection Rule (4720.5330, subpart 7) and as required in the MN Wellhead Protection Rule (4720.5350, subpart 1).

Robyn Hoerr, Groundwater Specialist, Minnesota Rural Water Association, displayed a map which illustrated the Wellhead Protection and Drinking Water Supply Management Area for the City of Elysian's primary well. The purpose of this area is to try to identify where the water is coming from when the well is turned on. The purpose of the Wellhead Protection (WHP) Plan is to look at issues within this area that may have the ability to impact the city's drinking water quality and quantity.

Hoerr reported there is a nice confining layer area over the aquifer that the city uses; meaning that it is very protected geologically. The issues the City has to be concerned with as far as protection are very limited. The protection area is very small, the area is already built out, it is primarily residential, and the land use is not very intense. The likelihood of there being issues that would affect the City drinking water are very low. Therefore, the focus of the WHP Plan is primarily to maintain good water quality, provide public education on how to protect the City's water supply, and provide a contingency water supply plan.

Hoerr stated that in going forward the City's responsibilities with the WHP Plan will be to implement the actions that are in the plan. This is a ten-year plan and the City will be required to amend the plan by the end of year ten.

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

Hoerr then stated that the final draft of the WHP Plan will need to be forwarded to the Minnesota Department of Health for final approval.

On motion by Stoen, seconded by McBroom, all voting in favor, to close the Public Hearing at 6:09 pm and open the Regular Meeting.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the minutes of the November 14, 2016 Regular Meeting as presented.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the agenda of the December 12, 2016 meeting with the following addition:

1. To go to closed session after the Regular Meeting to discuss employee labor negotiations.

Public Comment: None.

Public Works Director Ron Greenwald reported that the pump in Lift Station 1 was not able to keep up during the 2016 summer rain episodes. This is a 1973 pump. Minnesota Pump Works has examined the Lift Station and determined the cost to repair the pump to be \$5,427. An estimate to replace with a new pump has also been provided in the amount of \$9,568.50. If a new pump is purchased, the old pump could be kept as a spare as it is operational.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the estimate to replace the pump on Lift Station 1 from Minnesota Pump Works in the amount of \$9,568.50.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 547/16  
WELLHEAD PROTECTION POLICY  
AND  
APPROVAL OF PLAN (PART 2)**

**PREAMBLE:**

**Statement of Purpose**

The purpose of this resolution is to approve the Wellhead Protection Plan for the City's wells which has been presented to the City of Elysian.

**Background**

Groundwater is an essential source of fresh water for the public water supply system of the City of Elysian.

Virtually any activity on the surface of the ground which involves hazardous substances may contaminate the groundwater. Once polluted, groundwater is difficult, and sometimes impossible, to clean. The natural microorganisms which help break down some pollutants on the surface of the ground and in the top soil layers are not present (or not present in sufficient quantities) in groundwater. The slow rates of groundwater flow, ranging from one foot per day to one foot in fifty years, limit dilution or dispersal of contaminants. Groundwater contaminated by today's land uses and activities may remain contaminated for hundreds of years.

The State of Minnesota (Department of Health) Wellhead Protection Program is requiring all public water suppliers to develop local wellhead protection programs. A complete program submission includes the following key elements:

1. Identification of roles and responsibilities
2. Assessment of data elements
3. Delineation of Wellhead Protection Area(s)
4. Vulnerability assessment
5. Identification of potential sources of contamination
6. Establishment of management strategies for the Wellhead Protection Area
7. Evaluation program
8. Water supply contingency strategy

9. Review and comment by the public
10. Implementation of the Wellhead Protection Plan
11. Resolution of disputes
12. Enforcement

As defined by the Federal Safe Drinking Water Act, the wellhead protection area is “the surface and subsurface area surrounding a water well or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield”. In order to develop a wellhead protection plan, each of the twelve (12) above-mentioned elements must be addressed. The City has addressed all twelve elements.

**RESOLUTION:**

**WHEREAS,** the City of Elysian recognizes the importance of its groundwater supply as a natural resource used for drinking; and

**WHEREAS,** it is within the responsibility of the City of Elysian, as a public water supplier, to consider the health, safety and welfare of its customers; and

**WHEREAS,** the protection of current and potential future sources of groundwater used for drinking water is worthwhile from the standpoint of resource protection; and

**WHEREAS,** the City Council has been presented and has reviewed a plan from the City of Elysian wellhead protection team which details the locations of the potential contaminant sources within the wellhead protection area, identifies goals, objectives, and action measures to address potential risks to groundwater quality, a plan to evaluate WHP plan implementation efforts by the City of Elysian, and an Emergency/Contingency Plan in the event of a water system disruption.

**NOW THEREFORE BE IT RESOLVED** that the City of Elysian does hereby agree to take action to: protect their well or wellfield recharge area which has been determined to be in compliance with the State of Minnesota Wellhead Protection Program; and

**BE IT ALSO RESOLVED** that the City of Elysian does hereby agree that the Wellhead Protection Plan developed for the aforementioned Wellhead Protection Area, Drinking Water Supply Management Area for the City of Elysian wells and water supply aquifer is correct and accurate according to the best available information and will be submitted to the governing authority Minnesota Department of Health for review and approval; and

**BE IT FURTHER RESOLVED** that the City of Elysian does hereby agree to continue the wellhead protection planning process by implementing the plan which focuses resources on reaching the goals, objectives, and management for the contaminants of concern in addition to maintaining an effective Plan Evaluation Program and Emergency/Contingency Plan.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, 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 December, 2016.

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, to close the Regular Meeting and open the Public Hearing at 6:15 pm.

The purpose of the public hearing is to receive input on the final budget and tax levy for 2016 payable 2017.

Kopischke reported the final levy is \$543,443. This is approximately \$20,000 more than last year's levy. The increase is due to an increase in the General Fund portion of the levy, an increase in the Fire Relief, a small amount for the 2016 Street and Utility Improvement Project and added levy amount for Kaplan Cedar Point.

Kopischke reported the budget remains unchanged from the preliminary budget approved in September 2016. The budget includes a 3% increase for full-time employees, an increase in the cost of city insurance, the cost of participation in the county-wide drug task force, items for the new Sixth Street Park, upgrades to Tustin Park, and assisting in the cost of the salary of the Elysian Librarian. Kopischke stated that the City employees continue to look at ways to reduce costs of supplies and professional services while improving the quality of services provided.

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

On motion by Stoen, seconded by McBroom, all voting in favor, to close the Public Hearing at 6:17 pm and open the Regular Meeting.

Chris Cavett, SEH Engineering, presented Change Order No. 3, as a contract increase in the amount of \$2,888.75. The Change Order is necessary to pay for a boulevard drain which needed to be added to the project on 4<sup>th</sup> Street NW, at the common property line between 202 Forth Street and 304 Park Avenue. This has resulted in an update to pay application No. 6 which is being presented for payment tonight.

Cavett stated there is still a 5% retainage as there are still items that the contractor needs to address. In Spring of 2017 there will be the warranty review, punch list items, and final wear course pavings.

Mayor Stoen thanked Cavett for his communication during the project. This helped the project go a lot smoother.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 553-16**  
**DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT**  
**2016 STREET AND UTILITY IMPROVEMENT PROJECT, CHANGE ORDER NO. 3**

**WHEREAS**, the City Council of Elysian, Minnesota, has heretofore ordered made the 2016 Street and Utility Improvement Project, and has let a construction contract pursuant to Minnesota Statutes, Chapter 429, and

**WHEREAS**, the City Engineer has reported that it is now necessary and expedient that said contract be modified and, designated as Change Order No. 3, as an increase to said contract by an amount of \$2,888.75, such that the new contract amount is now and hereby established as \$1,404,226.02.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA:** the mayor and city administrator are hereby authorized to sign on behalf of the City of Elysian to signify and show that the existing contract is hereby modified through said Change Order No. 3, as a contract increase in the amount of \$2,888.75. The revised contract amount is \$1,404,226.02.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of this 12<sup>th</sup> day of December, 2016.

Approved:

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

Attested:

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

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

**CITY OF ELYSIAN**  
**ELYSIAN, MINNESOTA**  
**RESOLUTION 548/16**  
**RESOLUTION ACKNOWLEDGING A DONATION FROM**  
**RIDLEY USA, INC.**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$500.00 from Ridley USA Inc. toward the purchase of an inflatable ice boat;

**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 Ridley USA Inc. in the amount of \$500.00 toward the purchase of an inflatable ice boat.



Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, 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 December, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 549/16  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
SOUTHERN MN INITIATIVE FOUNDATION**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$300.00 from Southern MN Initiative Foundation toward the purchase of an inflatable ice boat;

**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 Southern MN Initiative Foundation in the amount of \$300.00 toward the purchase of an inflatable ice boat.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, 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 December, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 550/16  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
SOUTHERN MN INITIATIVE FOUNDATION**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$300.00 from Southern MN Initiative Foundation toward the purchase and maintenance of flags on State Highway 60;

**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 Southern MN Initiative Foundation in the amount of \$300.00 toward the purchase and maintenance of flags on State Highway 60.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Opsahl, 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 December, 2016.

Approved:

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

Attested:

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

The list of delinquent utilities was presented to Council and it was asked that they be placed on the 2017 property owners' taxes. On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the placement of delinquent utilities in the amount of \$3,994.81 on 2017 property taxes.

The list of delinquent payment of auto-read meters was presented to Council. These meters have all been installed prior to December 2015. A letter had been sent to each property owner notifying them of consideration for certification to property taxes at the December 12, 2016 Council meeting. On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the placement of delinquent meter bills on 2017 property taxes in the amount of \$2,640.

On motion by Opsahl, seconded by Houlihan, all voting in favor, to approve the 2017 licenses as follows:

Fischers Bar                      On Sale, Off Sale, Soft Drink, Sunday  
Tom's Bar Inc.

dba Thirsty Beaver Bar	On Sale, Off Sale, Soft Drink, Sunday
Tuckers Tavern	On Sale, Off Sale, Soft Drink, Sunday
American Legion 311	Club, Soft Drink, Sunday
Trostem's Shady Shores	3.2 On Sale, Soft Drink
S&K Roemhildt LLC	
dba Pit Stop #60	3.2 Off Sale, Soft Drink, Off Sale
Casey's	3.2 Off Sale, Soft Drink
Elysian Chamber	Soft Drink
Alley Scoops LLC	Soft Drink
Ellie Gails Bakery & Deli	Soft Drink
Fire Department	Soft Drink

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

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

**RESOLUTION 551/16**  
**RESOLUTION ADOPTING FINAL 2016 TAX LEVY, PAYABLE 2017**

**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 2017, upon taxable property in the City of Elysian, for the following purposes:

General Fund	\$398,366
Fire Relief	\$ 11,561
Maintenance Replacement Eq.	\$ 10,000
Storm Sewer	\$ 5,000
Kaplan	\$ 15,000
City Hall Debt	\$ 26,088
2012 Local Improvement Levy	\$ 50,000
2016 Local Improvement Levy	\$ 6,932
2016 Fire Truck Debt	\$ 20,496
<b>Total Final Levy</b>	<b>\$543,443</b>

Voting in the Affirmative: Houlihan, McBroom, Opsahl, 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 12, 2016.

Approved:

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

Attested:

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

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

**RESOLUTION NO. 552/16  
RESOLUTION ADOPTING THE 2017 FINAL BUDGET  
FOR THE CITY OF ELYSIAN  
LESUEUR AND WASECA COUNTIES**

**WHEREAS**, the City of Elysian has considered and discussed the budget for the year 2017;  
and

**WHEREAS**, the 2017 FINAL budget is attached to this Resolution.

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

1. That the attached final budget for 2017 marked as "Exhibit A" is  
hereby adopted.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Whereupon said resolution was declared duly passed and adopted.

Dated this 12<sup>th</sup> day of December, 2016.

Approved:

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

Attested:

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

On motion by Houlihan, seconded by Stoen, all voting in favor, to hold a special year end meeting on Wednesday, December 28, 2016 at 6:00 pm to address year end business.

City Attorney Moran reported the closing on the sale of the Lake View Manor Townhome lots to Henninger Construction went very well. Moran stated his fee for services was \$1,068.

Mayor Stoen presented a request from Region Nine Development Commission for applicants to fill a vacancy on their governing board. He urged any interested councilmembers to apply.

Stoen reported that currently the Public Works employees remove meters from approximately 40 seasonal homes in the fall. The meters are sanitized and stored for the winter. The meters are then reinstalled in the spring. There currently is no fee associated with providing this service. It does take employee time and it does create a liability. If this service was provided by a licensed plumber it would cost the homeowner over \$100. Stoen suggested a fee be added to the fee schedule for this service. Residents would have the choice to have the City perform the service or to hire a licensed contractor to do the work. This will be discussed at the year end meeting when the fee schedule updates are addressed.

On motion by McBroom, seconded by Houlihan, all voting in favor, bills, payroll and transfers were approved in the amount of \$173,194.03.

Public Comment: None.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned to closed session to discuss employee labor negotiations at 6:35 pm.

On motion by Stoen, seconded by McBroom, all voting in favor, to reopen the meeting at 6:52 pm.

Stoen stated that during the closed session labor negotiations with a potential part time employee were discussed.

On motion by Stoen, seconded by Houlihan, all voting in favor, to adjourn the meeting at 6:53 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 28, 2016**

The Elysian City Council met in special session on Wednesday, December 28, 2016 at City Hall at 6:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan, Tom McBroom, Dennis Schnoor; City Administrator Lorri Kopischke; and Public Works Director Ron Greenwald. Absent: Councilmember Mary Opsahl and City Utility Clerk Nicole Lamont.

On motion by Schnoor, seconded by Houlihan, all voting in favor, the agenda of the December 28, 2016 meeting was approved as presented.

Kopischke presented Resolution 554/16 – A Resolution Authorizing Deferral of the 2017 Street and Improvement Project Special Assessment for Lorraine Thurber, 205 Fourth Street NW. This deferral is allowed under the City of Elysian Special Assessment Policy. A deferment is allowed for any homestead property owned by a person for who it would be a hardship to make the payment if the owner is 65 years of age or older.

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

**CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA**

**RESOLUTION 554/16  
A RESOLUTION AUTHORIZING THE DEFERRAL OF SPECIAL ASSESSMENT**

**WHEREAS**, the City Council for the City of Elysian, Le Sueur County, Minnesota, met this 28<sup>th</sup> day of December, 2016, and;

**WHEREAS**, Lorraine Thurber, a resident of the City of Elysian, having real estate located at 205 Fourth Street NW, Elysian, Le Sueur County, Minnesota, identified as parcel identification number 16.410.0560 and legally described as set forth in the Attached Exhibit A, and;

**WHEREAS**, Thurber's real estate set forth above was a part of the City's 2016 street and utility improvement project and Thurber's assessment is \$9,800 as set forth in greater detail in the City's Assessment Roll, and;

**WHEREAS**, Thurber has requested the City defer the collection of the special assessment associated with the City's 2016 road and improvement project based upon the City's Assessment Policy which grants a deferment of assessments to those aged 65 years and older.

**NOW THEREFORE, THE CITY COUNCIL FOR THE CITY OF ELYSIAN HEREIN RESOLVES AS FOLLOWS:**

1. That the 2016 Special Assessment associated with Thurber's real estate shall be deferred until the occurrence of any one of the following triggering events:
  - a. The sale, transfer, or subdivision of any or any part of the subject property, or
  - b. The loss of homestead status of the property, or
  - c. The death of the owner.

2. Upon the occurrence of any one of the triggering events set forth at Section 1 above, then the deferred assessment shall then become immediately due and payable and assessable to the City pursuant to this Resolution and the Special Assessment Policy in effect at the time of the triggering event's occurrence.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 28<sup>th</sup> day of December, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Exhibit A

All that part of One Block in the Village of Elysian known and designated as "Walnut Square", as the same is platted in the rearranged and now plat of the Townsite of Elysian on file and of record in the Office of the Register of Deeds in and for Le Sueur County, Minnesota, described as follows: Beginning at a point One Hundred Fifty Feet North of the Southwest Corner of said "Walnut Square" and running thence West and parallel to the South line of said Block a distance of One Hundred Sixty-five (165) feet; thence to the North at right angles a distance of Fifty feet; thence to the East at right angles a distance of One Hundred Sixty-Five (165) feet; thence South Fifty Feet to the plat of beginning, now known as Lot 7 & 8, Walnut Square as shown on the Plat of Elysian/Elysium Amended Plat in Le Sueur County, Minnesota.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA**

**RESOLUTION 555/16  
RESOLUTION ACKNOWLEDGING A DONATION FROM  
MIDCO FOUNDATION**

**WHEREAS**, the City of Elysian has received a donation in the amount of \$2,000.00 from the MIDCO Foundation for the Lake Francis Park Project;

**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 MIDCO Foundation in the amount of \$2,000.00 for the Lake Francis Park Project.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 28<sup>th</sup> day of December, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

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 2017. Almich looked at the reserves, debt service and projected budget amounts for both funds. His recommendation was that no change or a small increase to the sewer rates only should be considered for the water and sewer utility rates for 2017. If no change is made to the rates and all projected amounts remain the same, an increase to the 2018 rates may be necessary.

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

**CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 556/16  
RESOLUTION SETTING WATER AND SEWER  
UTILITY RATES FOR 2017**

**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 2017 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, 2017.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the City Council of the City of Elysian this 28<sup>th</sup> day of December, 2016

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

Kopischke noted that the City of Elysian Personnel Policy needs to be updated due to the change to employee health benefits for 2017. Resolution 557/16 reflects verbiage recommended by Alex Jermeland, Program Administrator, Minnesota Valley Council of Governments to address the change.

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

**CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA**

**RESOLUTION 557/16  
A RESOLUTION APPROVING AN UPDATE TO  
THE CITY OF ELYSIAN PERSONNEL POLICY**

**WHEREAS**, it was determined that the insurance benefits being offered to the City of Elysian employees were no longer compliant with the mandates of the Federal Affordable Care Act; and

**WHEREAS**, the City Council of the City of Elysian met in a Special Meeting on November 7, 2016 to consider affordable options for that benefit; and

**WHEREAS**, the City Council of the City of Elysian did approve an insurance benefit package for its employees at its regular Council Meeting of November 14, 2016.

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Elysian, Minnesota, does approve updating the City of Elysian Personnel Policy as follows:

Current: Section IX. Benefits: Insurance – The City of Elysian provides each regular employee with a per month payment (applicable taxes will be withheld) to be determined by the City Council to be used for insurance/medical purposes.

Proposed: Section IX. Benefits: Insurance – The City of Elysian provides each regular employee with a health insurance option to be determined by the City Council.

Upon vote being taken:

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

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 28<sup>th</sup> day of December, 2016.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator

The Council then discussed updates to the fee schedule for 2017. Staff provided the following items for consideration:

**Sunday Liquor.** This is currently being charged but is not listed on the printed fee schedule.

**EUJ Charge.** This is currently being charged but is not listed on the printed fee schedule.

**Sewer Permit.** This is a requirement of the City of Elysian Sewer Ordinance but has not been enforced. Staff has developed a permit form and Public Works has issued the permits on the last two sewer hook-ups. On new development, the City does collect a SAC fee of \$1,600 which is basically an availability fee. The sewer permit takes one to two hours to complete and includes the size and schedule of the pipe, how it is connected, and mapping. Some recent existing sewer locates have taken entire eight-hour days because they were not mapped and this is a good step to eliminate that but it does take staff time. Recommend \$50 for sewer permit.

**Photocopies Color.** Black and white copies are currently being charged at 25 cents per page. We do pay more for our color copies. Staff recommends 50 cents per page for color copy.

**Garbage Rates.** This is currently on the fee schedule. Recommend to update to the current rates.

**Solicitor / Peddler.** This is currently on the fee schedule. Recommend changing from “annual” to “per occurrence”.

**Remove/Reinstall Meter.** For discussion. This was brought up at the December 12 Council Meeting.

**Utility Rates.** Not necessary as Council passed resolution to NOT increase rates for 2017.

Council discussed the sewer permit. The SAC fee was bought up and it was noted that the SAC fee is not charged on all sewer connections only new construction.

Council discussed the removal and reinstallation of meters by the Public Works Department for those who go south for the winter. Kopischke noted an email that was distributed to Councilmembers from Dave and Lynne Boeck, 123 Willow Point Drive, objecting to a proposed fee to remove, sanitize, store and reinstall the meters. Staff also reported on other city's policies (those that responded to a list serve inquiry) as follows:

**Madison Lake:** The City offers one week when they will shut off / turn on the water services for no charge. If it is requested outside of that week there is a \$30 charge. They do not remove and store meters. Residents pay base fee during these months.

**Waterville:** The City turns off / turns on the water curbside. They do not winterize and do not remove meters.

**Golden Valley:** Charge a water on / water off fee of \$25 each and shut water off at curb stop. They do not remove the meter and they do charge the minimum fee during these months.

**Fisher:** Charge \$50 to remove and \$50 to reinstall the meter. If the meter is removed, do not charge the base rates.

**Stockton:** Will turn off water at the curb stop at homeowner request for \$40 on and \$40 off. Do not remove meter. If water is turned off, only charge half of the fee.

**Chokio:** Did not comment on if they remove the meter. They do charge base rates for water and sewer year-round.

Greenwald stated the pit meters could stay in over the winter. They will not freeze. The meters in the homes that are not heated would have to be pulled and drained or they would freeze up completely. It was noted that all the equipment up to the curb stop is the property of the homeowner. Council agreed that the public works employees should not be working on the equipment that belongs to the homeowner. Councilmember Houlihan suggested a one-half base rate be charged when water is shut off at the curb stop. That would cover the cost of them having to have a plumber come and remove the meter. Stoen stated his understanding was that the base rate was for the availability of water / sewer on your property and the infrastructure in a municipality whether you are gone or not. Council agreed they did not want to set a specific time frame that water could be turned off or turned on. They did state it needs to be scheduled during business hours and there should be a charge of \$50 if the service is requested to be done after normal business hours. Another requirement should be that the homeowner or a licensed plumber is on site when the water is turned back on.

On motion by Schnoor, seconded by Houlihan, that residents who are gone and have their water shut off for six months or more pay one-half of the base rate per month. Voting on the motion: Aye: Houlihan, Schnoor. Nay: McBroom, Stoen. Motion failed.

On motion by Stoen, seconded by McBroom, to add to the fee schedule a fee of \$50 for sewer permit. This fee will be charged only when there is no SAC fee involved. Voting on the motion: Aye: Houlihan, McBroom, Stoen. Nay: Schnoor. Motion passed.

On motion by Stoen, seconded by Houlihan, to approve the remaining updates to the fee schedule as presented with the remove / reinstall meter as follows: City Public Works will, upon request, shut off / turn on the water at the curb stop. The winterizing and care of the meter will be the responsibility of the homeowner. The service will be provided during normal business hours with a \$50 fee charged for those requested outside of normal business hours. The homeowner or a

licensed plumber must be present for the water to be turned on. Voting on the motion: Aye: Houlihan, McBroom, Stoen. Nay: Schnoor. Motion passed.

End of year bills were presented for consideration. Staff also presented check #22872 payable to R.A.W. Construction in the amount of \$1,800 for the recycle laid in the alleyway behind City Hall and the alleyway behind the businesses on Main Street. This bill had been presented for consideration at the September 12, 2016 Council meeting and had been pulled for further discussions with R.A.W. due to the quality of the job. Council discussed and agreed that the quality of work was not as promised. Greenwald stated the alleyway is certainly better than it was before but the layer of material is not very thick, there were a lot of chunks in the material and the equipment used to lay it was not the best.

On motion by Stoen, seconded by McBroom, all voting in favor, to not approve the bill from R.A.W. Construction for the recycle laid in the alleyway behind City Hall and the alleyway behind the businesses on Main Street due to the quality of work not being as promised and to void check #22872 in the amount of \$1,800.

On motion by Schnoor, seconded by McBroom, all voting in favor, year-end bills were approved in the amount of \$79,744.79.

On motion by Stoen, seconded by Houlihan, all voting in favor, meeting adjourned at 6:55 pm.

Approved:

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Clinton Stoen, Mayor

Attested:

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Lorri Kopischke, City Administrator