

**ELYSIAN CITY COUNCIL
REGULAR MEETING
JANUARY 8, 2018**

The Elysian City Council met in regular session on Monday, January 8, 2018, 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; City Attorney Jason Moran. Absent: City Utility Clerk Nicole Lamont.

On motion by McBroom, seconded by Schnoor, all voting in favor, to approve the minutes of the December 11, 2017 Regular Meeting and December 26, 2017 Special Year-End Meeting as presented.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the agenda of the January 8, 2018 Regular Meeting with the following addition:

Add: Electrical Work at 301 Sixth Street NW

Public Comment:

Wilbur Preston, 213 Park Avenue NE, and Mark O'Malley, 504 Frank Avenue NW, addressed the Council regarding clean up of 301 Sixth Street NW. Preston stated that he and O'Malley, working as a team, are interested in cleaning up the property in exchange for some of the stuff inside. They are willing to do the clean up at no cost to the City and would provide the dumpster, sign waivers to release the City of all liability, and would provide proof of their own medical insurance coverage. Any hazardous waste would be removed and disposed of properly. They would like to clean while the temperature is cold, so the mold spores would be low. They could not provide a timeline as every room is full of stuff. They would also clean the outside property once the snow melts.

The Council thanked Preston and O'Malley, but stated they did not yet have a plan set for the property. The Council will be discussing the property in the near future and will consider their proposal at that time.

On motion by Stoen, seconded by McBroom, all voting in favor, the following designation was approved:

- Regular Council meeting date and time: Second Monday of each month at 6:00 pm unless otherwise designated.

On motion by Stoen, seconded by Houlihan, all voting in favor, the following designations were approved:

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

It was noted that the Emergency Management Director position is listed as “to be advertised”. The current Emergency Management Director has been given increased responsibilities with his employer and also has been appointed as First Assistant Fire Chief. He does not believe he will be available to

perform the job duties of Director, but he will be available to train and assist whomever is hired for the position.

On motion by Houlihan, seconded by Stoen, all voting in favor, the following designations were approved:

- Planning and Zoning
Member from Council – Mayor Clinton Stoen – 1 year term
Member from Public – Gary Buchschacher - 3 year term
- EDA
Member from Council – Mary Opsahl – 1 year term
Member from Council – Tom McBroom – 1 year term
Member from Public – No Open Seats
Administrator – Lorri Kopischke – 1 year term
- Park Committee
Member from Council – Bobby Houlihan - 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
- 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 – To be advertised

On motion by Schnoor, seconded by Opsahl, all voting in favor, the following Fire Department Chief appointments were approved:

- Chief – Jason James
- First Assistant Chief – Richard Droog
- Second Assistant Chief – Eric Muellerleile

Public Works Director Greenwald discussed electrical power and lighting needs for the shed located at 301 Sixth Street NW. He suggested one light by the man door that stays on at all times and another outdoor light for the garage door. Ceiling strip lights are needed inside the shed. The Council requested two quotes be provided at the February Council meeting. There was Council consensus to have the Xcel service for this property put under the City responsibility and have the electricity turned on to the shed.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION 605/18

RESOLUTION ACKNOWLEDGING A DONATION FROM
ELYSIAN FIRE RELIEF ASSOCIATION

WHEREAS, the City of Elysian has received a donation in the amount of \$7,000.00 from the Elysian Fire Relief Association toward the purchase of SCBA Air Tanks;

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 \$7,000.00 toward the purchase of SCBA Air Tanks.

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 8th day of January, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

The yearly maintenance agreement for elections with Le Sueur County, effective January 2018 through December 2021, was presented for consideration. The agreement includes an annual fee of \$600 which is based on the number of registered voters. The municipality will be responsible for any/all costs associated with an election not held on the Primary or General Election of an even numbered year. Municipalities will be responsible for the cost of the Election Judges on election day, the cost of the Election judges training, miscellaneous expenses incurred by the municipality that are associated with the election and any cost for transporting the election equipment during a Primary or General Election held in an even numbered year. The agreement designates the county as the absentee ballot board.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the yearly maintenance agreement with Le Sueur County effective through December 2021.

The Council considered the Agreement for Codification Services with the League of MN Cities and American Legal Publishing. The total cost for this service is \$8,650 plus shipping / handling which can be paid over two fiscal years. One-half of this cost is included in this year's approved budget. City Attorney Moran has reviewed the contract and recommends approval. This will be a big project but will make the City ordinances much easier to understand and enforce.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the Agreement for Codification Services with the League of MN Cities and American Legal Publishing.

The Council received a letter from the Minnesota Pollution Control Agency stating the petroleum tank release site file for Casey's General Store #2589, 111 W Hwy 60, Elysian, has been closed.

The closure of the petroleum tank release site file means the MPCA does not require any additional investigation and / or cleanup work at this time. This does not necessarily mean that all petroleum contamination has been removed from the site but MPCA has concluded that any remaining contamination, if present, does not appear to pose a threat to public health or the environment.

A Stakeholder Meeting with MnDOT re: 2020 State Hwy 60 Improvement is scheduled for Tuesday, January 16, 2018 at 6:00 pm at City Hall.

The Le Sueur County Elected Official Meeting is scheduled for Wednesday, January 24, 2018 at 6:30 pm in Waterville.

City Attorney Jason Moran presented Ordinance No. 88-18 – an ordinance amending the cable television franchise to extend the term for ninety (90) days. Moran reported the current franchise agreement with Midcontinent Communications (Midco) will expire on January 22, 2018. He is negotiating to renew the franchise agreement, but due to a turn over in personnel at Midco, the new agreement may not be completed by the January 22, 2018 date. This ordinance will extend the term of the current agreement to April 23, 2018.

On motion by Stoen, seconded by Houlihan, all voting in favor, to pass, approve and adopt Ordinance No. 88-18 as follows:

CITY OF ELYSIAN MINNESOTA
ORDINANCE NO. 88-18

AN ORDINANCE AMENDING THE CABLE TELEVISION FRANCHISE TO EXTEND THE TERM:

WHEREAS, the City of Elysian, State of Minnesota, (the Franchising Authority) duly and lawfully enacted an Ordinance (the "Franchise"), granting a non-exclusive franchise to operate and maintain a cable communications system ("cable system") within its boundaries; and

WHEREAS, Midcontinent Communications ("Midco") is the current franchisee ("Franchisee"); and

WHEREAS, the Franchise is validly existing, legally enforceable and in full force and effect and without default thereunder; and

WHEREAS, the Franchise will expire on January 22, 2018; and

WHEREAS, Midco is requesting a Ninety (90) day extension of the Franchise term, and the Franchising Authority has consented to this extension.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The Franchise is hereby amended to extend the term of the Franchise for a period of Ninety (90) days from its current expiration date of January 22, 2018. The new expiration date is April 23, 2018.

Section 2. Except as modified herein, all other terms, conditions, provisions and requirements of the Agreement shall remain in full force and effect.

Section 3. This Ordinance shall be effective upon its passage and publication in accordance with law.

Upon vote being taken:

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

Council Members voting in the negative: None.

PASSED, ADOPTED AND APPPROVED THIS 8th day of January, 2018.

CITY OF ELYSIAN, MINNESOTA

Clinton Stoen, Mayor

ATTEST:

Lorri Kopischke, City Administrator

City Attorney Moran presented Ordinance No. 89-18 – An Ordinance to Enact a New Chapter, Chapter 84-19 of the Code of Ordinances to Administer and Regulate the Public Right of Ways in the Public Interest. This ordinance will provide for regulation of the right of ways in the City and will require permits to install lines, make repairs and any other interruptions. It will regulate the placement of small scale antennas on houses, poles, etc.

On motion by Stoen, seconded by McBroom, all voting in favor, to schedule a public hearing for Tuesday, February 13, 2018 at 6:00 pm to consider Ordinance No. 89-18 – an Ordinance to Enact a New Chapter, Chapter 84-19 of the Code of Ordinances to Administer and Regulate the Public Right of Ways in the Public Interest.

On motion by McBroom, seconded by Houlihan, all voting in favor, bills, payroll, and transfers were approved in the amount of \$292,709.72.

Public Comment:

Mark O'Malley, 504 Frank Avenue NW, stated the quality of internet service in the City is poor. He would like to see Charter Communications available in Elysian.

O'Malley asked if there could be patrol at the intersection of Frank Avenue NW and Fifth Street NW. There is a 4-way stop at the intersection, but few vehicles stop, and most are going faster than the posted speed limit. This occurs mostly in the mornings and evenings when residents are coming from and going to work. There are a lot of kids playing in this area. Le Sueur County Deputy Moon was present at the meeting and he stated he would report this to the Sheriff.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 6:40 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL
SPECIAL MEETING
JANUARY 30, 2018**

The Elysian City Council met in special session on Tuesday, January 30, 2018 at City Hall at 6:00 pm.

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

The Council discussed clean up options for the property located at 301 Sixth Street NW. Two bids have been received. A third option was presented to staff earlier today, and a bid is expected to be received on that option tomorrow.

On motion by Stoen, seconded by McBroom, all voting in favor, to wait for the additional bid and place the clean up of the property located at 301 Sixth Street SW on the February 13, 2018 Council Meeting agenda for consideration.

Information regarding auction barns and various associated costs was also provided.

There were several people in the audience. One general contractor (who did not identify himself) expressed interest in submitting a bid. The Council stated they preferred to work with companies licensed to work with removal of biohazard material.

Mark O'Malley, 504 Frank Avenue NW, stated he was still interested in cleaning out this property as he and Wilbur Preston had presented at the January 8, 2018 Council Meeting. He understands the concern with the mold in the building and having someone do the work who is qualified. He has talked with his insurance agent and he is willing to obtain the same liability insurance as the licensed companies are carrying. He also stated he does have his MSHA certification and can provide that to the Council for review. The Council directed staff to consult with the City Attorney regarding this option.

Public Works Director Greenwald stated he had not yet received all the electrical quotes for the shed located at 301 Sixth Street NW. This will be placed on the February 13, 2018 Council Meeting agenda for discussion.

There was no further business to be considered.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 6:28 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL
REGULAR MEETING
FEBRUARY 13, 2018**

The Elysian City Council met in regular session on Tuesday, February 13, 2018, 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; City Attorney Jason Moran. Absent: City Utility Clerk Nicole Lamont.

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

The purpose of the public hearing is to allow public input from citizens on Ordinance No. 89-18: An Ordinance to Enact a New Chapter, Chapter 84-19 of the Code of Ordinances to Administer and Regulate the Public Rights of Way in the Public Interest, and to Provide for the Issuance and Regulation of Right of Way Permits.

City Attorney Moran presented Ordinance No. 89-18. He stated this Ordinance will allow the City to regulate small cell technology and incorporates the language required by the Minnesota State Legislature. This Ordinance also sets up a permitting and fee process. The fees will cover administration and inspection time required to regulate the placement and maintenance of facilities and equipment in the right of way. The suggested fees are \$500 per permit or \$.50 per square foot, whichever is greater. The Ordinance would regulate services such as gas, cable, electric and phone.

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

On motion by Stoen, seconded by Schnoor, all voting in favor, to close the Public Hearing at 6:04 pm and open the Regular Meeting.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the minutes of the January 8, 2018 Regular Meeting, January 16, 2018 Stakeholder Meeting with MnDOT, and January 30, 2018 Special Meeting as presented.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve the agenda of the February 13, 2018 Regular Meeting with the following correction and addition:

Correction: Agenda Item #10 should read: Clean Up of **301** Sixth Street **NW** and

Add: Reminder Le Sueur County Elected Official Meeting February 28, 2018

Le Sueur County Deputy Jeff Gilhausen addressed the Council and asked for any questions. Gilhausen reported that the Sheriff's Office continues to investigate the recent burglaries and has several leads. The Council thanked the Sheriff's Office for responding to the traffic concerns on Frank Avenue and Fifth Street NW.

Public Comment:

Mark O'Malley, 504 Frank Avenue NW, stated he was still interested in clean up of the 301 Sixth Street NW property. He had checked into the insurance and he can definitely get the insurance. He suggested that it may be easier that instead of him obtaining the liability insurance, the City put him and Wilbur on the City payroll for the minimal amount. At the end of the project, he and Wilbur

would donate the money back to the City or the Fire Department. That way the City would know they had the necessary liability insurance coverage.

There was no further public comment.

The Council then considered Ordinance No. 89-18. The Ordinance was presented by Councilmember Houlihan, seconded by Councilmember McBroom, with all voting in favor.

ORDINANCE NO. 89-18
CITY OF ELYSIAN, LE SUEUR COUNTY, MINNESOTA

AN ORDINANCE TO ENACT A NEW CHAPTER, CHAPTER 84-19 OF THE CODE OF ORDINANCES TO ADMINISTER AND REGULATE THE PUBLIC RIGHTS OF WAY IN THE PUBLIC INTEREST, AND TO PROVIDE FOR THE ISSUANCE AND REGULATION OF RIGHT OF WAY PERMITS.

THE CITY COUNCIL OF THE CITY OF ELYSIAN, LE SUEUR COUNTY, MINNESOTA ORDAINS Inconsistent Chapters of the Code of Ordinances (hereafter “this Code”) is hereby repealed in its entirety, and is replaced by the following language in this new Chapter, Chapter 84-19 (hereafter “this Chapter”), to read as follows:

Chapter 84-19
Right of Way Management

Sec. 1.01. Findings, Purpose, and Intent.

To provide for the health, safety, and welfare of its citizens, and to ensure the integrity of its streets and the appropriate use of the rights of way, the city strives to keep its rights of way in a state of good repair and free from unnecessary encumbrances.

Accordingly, the city hereby enacts this new chapter of this code relating to right of way permits and administration. This chapter imposes reasonable regulation on the placement and maintenance of facilities and equipment currently within its rights of way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies. Under this chapter, persons excavating and obstructing the rights of way will bear financial responsibility for their work. Finally, this chapter provides for recovery of out-of-pocket and projected costs from persons using the public rights of way.

This chapter shall be interpreted consistently with 1997 Session Laws, Chapter 123, substantially codified in Minn. Stat. §§ 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the “Act”) and 2017 Minn. Laws, ch. 94, art. 9, amending the Act, and the other laws governing applicable rights of the city and users of the right of way. This chapter shall also be interpreted consistent with Minn. R. 7819.0050–7819.9950 and Minn. R., ch. 7560 where possible. To the extent any provision of this chapter cannot be interpreted consistently with the Minnesota Rules, that interpretation most consistent with the Act and other applicable statutory and case law is intended. This chapter shall not be interpreted to limit the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health, safety, and welfare of the public.

Sec. 1.02. Election to Manage the Public Rights of Way

Pursuant to the authority granted to the city under state and federal statutory, administrative and common law, the city hereby elects, pursuant to Minn. Stat. 237.163 subd. 2(b), to manage rights of way within its jurisdiction.

Sec. 1.03. Definitions.

The following definitions apply in this chapter of this code. References hereafter to “sections” are, unless otherwise specified, references to sections in this chapter. Defined terms remain defined terms, whether or not capitalized.

Abandoned Facility. A facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service. A facility is not abandoned unless declared so by the right of way user.

Applicant. Any person requesting permission to excavate or obstruct a right of way.

City. The city of Elysian, Minnesota. For purposes of section 1.29, city also means the City’s elected officials, officers, employees, and agents.

Collocate or Collocation. To install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure or utility pole that is owned privately, or by the city or other governmental unit.

Commission. The State Public Utilities Commission.

Congested Right of Way. A crowded condition in the subsurface of the public right of way that occurs when the maximum lateral spacing between existing underground facilities does not allow for construction of new underground facilities without using hand digging to expose the existing lateral facilities in conformance with Minn. Stat. § 216D.04, subd. 3, over a continuous length in excess of 500 feet.

Construction Performance Bond. Any of the following forms of security provided at permittee’s option:

- Individual project bond;
- Cash deposit;
- Security of a form listed or approved under Minn. Stat. § 15.73, subd. 3;
- Letter of Credit, in a form acceptable to the city;
- Self-insurance, in a form acceptable to the city;
- A blanket bond for projects within the city, or other form of construction bond, for a time specified and in a form acceptable to the city.

Degradation. A decrease in the useful life of the right of way caused by excavation in or disturbance of the right of way, resulting in the need to reconstruct such right of way earlier than would be required if the excavation or disturbance did not occur.

Degradation Cost. Subject to Minn. R. 7819.1100, means the cost to achieve a level of restoration, as determined by the city at the time the permit is issued, not to exceed the maximum restoration shown in plates 1 to 13, set forth in Minn. R., parts 7819.9900 to 7819.9950.

Degradation Fee. The estimated fee established at the time of permitting by the city to recover costs associated with the decrease in the useful life of the right of way caused by the excavation, and which equals the degradation cost.

Department. The department of public works of the city.

Director. The director of the department of public works of the city, or her or his designee.

Delay Penalty. The penalty imposed as a result of unreasonable delays in right of way excavation,

obstruction, patching, or restoration as established by permit.

Emergency. A condition that (1) poses a danger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement of facilities in order to restore service to a customer.

Equipment. Any tangible asset used to install, repair, or maintain facilities in any right of way.

Excavate. To dig into or in any way remove or physically disturb or penetrate any part of a right of way.

Excavation permit. The permit which, pursuant to this chapter, must be obtained before a person may excavate in a right of way. An Excavation permit allows the holder to excavate that part of the right of way described in such permit.

Excavation Permit Fee. Money paid to the city by an applicant to cover the costs as provided in Section 1.13.

Facility or Facilities. Any tangible asset in the right of way required to provide Utility Service.

Five-Year Project Plan. Shows projects adopted by the city for construction within the next five years.

High Density Corridor. A designated portion of the public right of way within which telecommunications right of way users having multiple and competing facilities may be required to build and install facilities in a common conduit system or other common structure.

Hole. An excavation in the pavement, with the excavation having a length less than the width of the pavement.

Local Representative. A local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this chapter.

Management Costs. The actual costs the city incurs in managing its rights of way, including such costs, if incurred, as those associated with registering applicants; issuing, processing, and verifying right of way or small wireless facility permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during right of way work; determining the adequacy of right of way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking right of way or small wireless facility permits. Management costs do not include payment by a telecommunications right of way user for the use of the right of way, unreasonable fees of a third-party contractor used by the city including fees tied to or based on customer counts, access lines, or revenues generated by the right-of-way or for the city, the fees and cost of litigation relating to the interpretation of Minnesota Session Laws 1997, Chapter 123; Minn. Stat. §§ 237.162 or 237.163; or any ordinance enacted under those sections, or the city fees and costs related to appeals taken pursuant to Section 1.31 of this chapter.

Obstruct. To place any tangible object in a right of way so as to hinder free and open passage over that or any part of the right of way.

Obstruction Permit. The permit which, pursuant to this chapter, must be obtained before a person may obstruct a right of way, allowing the holder to hinder free and open passage over the specified portion of that right of way, for the duration specified therein.

Obstruction Permit Fee. Money paid to the city by a permittee to cover the costs as provided in

Section 1.13.

Patch or Patching. A method of pavement replacement that is temporary in nature. A patch consists of (1) the compaction of the subbase and aggregate base, and (2) the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions. A patch is considered full restoration only when the pavement is included in the city's five-year project plan.

Pavement. Any type of improved surface that is within the public right of way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

Permit. Has the meaning given "right of way permit" in Minn. Stat. § 237.162.

Permittee. Any person to whom a permit to excavate or obstruct a right of way has been granted by the city under this chapter.

Person. An individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.

Probation. The status of a person that has not complied with the conditions of this chapter.

Probationary Period. One year from the date that a person has been notified in writing that they have been put on probation.

Registrant. Any person who (1) has or seeks to have its equipment or facilities located in any right of way, or (2) in any way occupies or uses, or seeks to occupy or use, the right of way or place its facilities or equipment in the right of way.

Restore or Restoration. The process by which an excavated right of way and surrounding area, including pavement and foundation, is returned to the same condition and life expectancy that existed before excavation.

Restoration Cost. The amount of money paid to the city by a permittee to achieve the level of restoration according to plates 1 to 13 of Minnesota Public Utilities Commission rules.

Public Right of Way or Right of Way. The area on, below, or above a public roadway, highway, street, cartway, bicycle lane, or public sidewalk in which the city has an interest, including other dedicated rights of way for travel purposes and utility easements of the city. A right of way does not include the airwaves above a right of way with regard to cellular or other non-wire telecommunications or broadcast service.

Right of Way Permit. Either the excavation permit or the obstruction permit, or both, depending on the context, required by this chapter.

Right of Way User. (1) A telecommunications right of way user as defined by Minn. Stat., § 237.162, subd. 4; or (2) a person owning or controlling a facility in the right of way that is used or intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public right of way.

Service or Utility Service. Includes (1) those services provided by a public utility as defined in Minn. Stat. 216B.02, subds. 4 and 6; (2) services of a telecommunications right of way user, including transporting of voice or data information; (3) services of a cable communications systems as defined in Minn. Stat. ch. 238; (4) natural gas or electric energy or telecommunications services provided by the city; (5) services provided by a cooperative electric association organized under Minn. Stat., ch. 308A; and (6) water, and sewer, including service laterals, steam, cooling,

or heating services.

Service Lateral. An underground facility that is used to transmit, distribute or furnish gas, electricity, communications, or water from a common source to an end-use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a customer's premises.

Small Wireless Facility. A wireless facility that meets both of the following qualifications:

- (i) each antenna is located inside an enclosure of no more than six cubic feet in volume or could fit within such an enclosure; and
- (ii) all other wireless equipment associated with the small wireless facility provided such equipment is, in aggregate, no more than 28 cubic feet in volume, not including electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment.

Supplementary Application. An application made to excavate or obstruct more of the right of way than allowed in, or to extend, a permit that had already been issued.

Temporary Surface. The compaction of subbase and aggregate base and replacement, in kind, of the existing pavement only to the edges of the excavation. It is temporary in nature except when the replacement is of pavement included in the city's two-year plan, in which case it is considered full restoration.

Trench. An excavation in the pavement, with the excavation having a length equal to or greater than the width of the pavement.

Telecommunications Right of Way User. A person owning or controlling a facility in the right of way, or seeking to own or control a facility in the right of way that is used or is intended to be used for providing wireless service, or transporting telecommunication or other voice or data information. For purposes of this chapter, a cable communication system defined and regulated under Minn. Stat. ch. 238, and telecommunication activities related to providing natural gas or electric energy services, a public utility as defined in Minn. Stat. § 216B.02, a municipality, a municipal gas or power agency organized under Minn. Stat. ch. 453 and 453A, or a cooperative electric association organized under Minn. Stat. ch. 308A, are not telecommunications right of way users for purposes of this chapter except to the extent such entity is offering wireless service.

Two Year Project Plan. Shows projects adopted by the city for construction within the next two years.

Utility Pole. A pole that is used in whole or in part to facilitate telecommunications or electric service.

Wireless Facility. Equipment at a fixed location that enables the provision of wireless services between user equipment and a wireless service network, including equipment associated with wireless service, a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and a small wireless facility, but not including wireless support structures, wireline backhaul facilities, or cables between utility poles or wireless support structures, or not otherwise immediately adjacent to and directly associated with a specific antenna.

Wireless Service. Any service using licensed or unlicensed wireless spectrum, including the use of

Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including cable service.

Wireless Support Structure. A new or existing structure in a right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by the city.

Sec. 1.04 Administration.

The director is the principal city official responsible for the administration of the rights of way, right of way permits, and the ordinances related thereto. The director may delegate any or all of the duties hereunder.

Sec. 1.05. Utility Coordination Committee.

The city may create an advisory utility coordination committee. Participation on the committee is voluntary. It will be composed of any registrants that wish to assist the city in obtaining information and, by making recommendations regarding use of the right of way, and to improve the process of performing construction work therein. The city may determine the size of such committee and shall appoint members from a list of registrants that have expressed a desire to assist the city.

Sec. 1.06. Registration and Right of Way Occupancy.

Subd. 1. *Registration*. Each person who occupies or uses, or seeks to occupy or use, the right of way or place any equipment or facilities in or on the right of way, including persons with installation and maintenance responsibilities by lease, sublease, or assignment, must register with the city. Registration will consist of providing application information.

Subd. 2. *Registration Prior to Work*. No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof, in any right of way without first being registered with the city.

Subd. 3. *Exceptions*. Nothing herein shall be construed to repeal or amend the provisions of a city ordinance permitting persons to plant or maintain boulevard plantings or gardens in the area of the right of way between their property and the street curb. Persons planting or maintaining boulevard plantings or gardens shall not be deemed to use or occupy the right of way, and shall not be required to obtain any permits or satisfy any other requirements for planting or maintaining such boulevard plantings or gardens under this chapter. However, nothing herein relieves a person from complying with the provisions of the Minn. Stat. ch. 216D, Gopher One Call Law.

Sec. 1.07. Registration Information.

Subd. 1. *Information Required*. The information provided to the city at the time of registration shall include, but not be limited to:

- (a) Each registrant's name, Gopher One-Call registration certificate number, address and email address, if applicable, and telephone and facsimile numbers.
- (b) The name, address, and email address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.
- (c) A certificate of insurance or self-insurance:

- (1) Verifying that an insurance policy has been issued to the registrant by an insurance

company licensed to do business in the state of Minnesota, or a form of self-insurance acceptable to the city;

- (2) Verifying that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the (i) use and occupancy of the right of way by the registrant, its officers, agents, employees, and permittees, and (ii) placement and use of facilities and equipment in the right of way by the registrant, its officers, agents, employees, and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities, and collapse of property;
- (3) Naming the city as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages;
- (4) Requiring that the city be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term; and
- (5) Indicating comprehensive liability coverage, automobile liability coverage, workers' compensation and umbrella coverage established by the city in amounts sufficient to protect the city and the public and to carry out the purposes and policies of this chapter.
- (6) The city may require a copy of the actual insurance policies.
- (7) If the person is a corporation, a copy of the certificate is required to be filed under state law as recorded and certified to by the secretary of state.
- (8) A copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission or other authorization or approval from the applicable state or federal agency to lawfully operate, where the person is lawfully required to have such authorization or approval from said commission or other state or federal agency.

Subd. 2. *Notice of Changes.* The registrant shall keep all of the information listed above current at all times by providing to the city information as to changes within fifteen (15) days following the date on which the registrant has knowledge of any change.

Sec. 1.08. Reporting Obligations.

Subd. 1. *Operations.* Each registrant shall, at the time of registration and by December 1 of each year, file a construction and major maintenance plan for underground facilities with the city. Such plan shall be submitted using a format designated by the city and shall contain the information determined by the city to be necessary to facilitate the coordination and reduction in the frequency of excavations and obstructions of rights of way.

The plan shall include, but not be limited to, the following information:

- (a) The locations and the estimated beginning and ending dates of all projects to be commenced during the next calendar year (in this section, a "next-year project"); and
- (b) To the extent known, the tentative locations and estimated beginning and ending dates for all projects contemplated for the five years following the next calendar year (in this section, a "five-year project").

The term “project” in this section shall include both next-year projects and five-year projects.

By January 1 of each year, the city will have available for inspection in the city’s office a composite list of all projects of which the city has been informed of the annual plans. All registrants are responsible for keeping themselves informed of the current status of this list.

Thereafter, by February 1, each registrant may change any project in its list of next-year projects, and must notify the city and all other registrants of all such changes in said list. Notwithstanding the foregoing, a registrant may at any time join in a next-year project of another registrant listed by the other registrant.

Subd. 2. *Additional Next-Year Projects.* Notwithstanding the foregoing, the city will not deny an application for a right of way permit for failure to include a project in a plan submitted to the city if the registrant has used commercially reasonable efforts to anticipate and plan for the project.

Sec. 1.09. Permit Requirement.

Subd. 1. *Permit Required.* Except as otherwise provided in this code, no person may obstruct or excavate any right of way, or install or place facilities in the right of way, without first having obtained the appropriate right of way permit from the city to do so.

- (a) *Excavation Permit.* An excavation permit is required by a registrant to excavate that part of the right of way described in such permit and to hinder free and open passage over the specified portion of the right of way by placing facilities described therein, to the extent and for the duration specified therein.
- (b) *Obstruction Permit.* An obstruction permit is required by a registrant to hinder free and open passage over the specified portion of right of way by placing equipment described therein on the right of way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project.
- (c) *Small Wireless Facility Permit.* A small wireless facility permit is required by a registrant to erect or install a wireless support structure, to collocate a small wireless facility, or to otherwise install a small wireless facility in the specified portion or the right of way, to the extent specified therein, provided that such permit shall remain in effect for the length of time the facility is in use, unless lawfully revoked.

Subd. 2. *Permit Extensions.* No person may excavate or obstruct the right of way beyond the date or dates specified in the permit unless (i) such person makes a supplementary application for another right of way permit before the expiration of the initial permit, and (ii) a new permit or permit extension is granted.

Subd. 3. *Delay Penalty.* In accordance with Minn. Rule 7819.1000 subp. 3 and notwithstanding subd. 2 of this Section, the city shall establish and impose a delay penalty for unreasonable delays in right of way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by City Council resolution.

Subd. 4. *Permit Display.* Permits issued under this chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the city.

Sec. 1.10. Permit Applications.

Application for a permit is made to the city. Right of way permit applications shall contain, and will be considered complete only upon compliance with, the requirements of the following provisions:

- (a) Registration with the city pursuant to this chapter.
- (b) Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities.
- (c) Payment of money due the city for:
 - (1) permit fees, estimated restoration costs, and other management costs;
 - (2) prior obstructions or excavations;
 - (3) any undisputed loss, damage, or expense suffered by the city because of applicant's prior excavations or obstructions of the rights of way or any emergency actions taken by the city;
 - (4) franchise fees or other charges, if applicable.
- (d) Payment of disputed amounts due the city by posting security or depositing in an escrow account an amount equal to at least 110 percent of the amount owing.
- (e) Posting an additional or larger construction performance bond for additional facilities when applicant requests an excavation permit to install additional facilities and the city deems the existing construction performance bond inadequate under applicable standards.

Sec. 1.11. Issuance of Permit; Conditions.

Subd. 1. *Permit Issuance*. If the applicant has satisfied the requirements of this chapter, the city shall issue a permit.

Subd. 2. *Conditions*. The city may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety, and welfare or when necessary to protect the right of way and its current use. In addition, a permittee shall comply with all requirements of local, state, and federal laws, including but not limited to Minn. Stat. §§ 216D.01 - .09 (Gopher One Call Excavation Notice System) and Minn. R., ch. 7560.

Subd. 3. *Small Wireless Facility Conditions*. In addition to subdivision 2, the erection or installation of a wireless support structure, the collocation of a small wireless facility, or other installation of a small wireless facility in the right-of-way, shall be subject to the following conditions:

- (a) A small wireless facility shall only be collocated on the particular wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application.
- (b) No new wireless support structure installed within the right-of-way shall exceed 50 feet in height without the city's written authorization, provided that the city may impose a lower height limit in the applicable permit to protect the public health, safety and welfare or to protect the right-of-way and its current use, and further provided that a registrant may replace an existing wireless support structure exceeding 50 feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.
- (c) No wireless facility may extend more than 10 feet above its wireless support structure.

- (d) Where an applicant proposes to install a new wireless support structure in the right-of-way, the city may impose separation requirements between such structure and any existing wireless support structure or other facilities in and around the right-of-way.
- (e) Where an applicant proposes collocation on a decorative wireless support structure, sign or other structure not intended to support small wireless facilities, the city may impose reasonable requirements to accommodate the particular design, appearance or intended purpose of such structure.
- (f) Where an applicant proposes to replace a wireless support structure, the city may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure.

Subd. 4. *Small Wireless Facility Agreement.* A small wireless facility shall only be collocated on a small wireless support structure owned or controlled by the city, or any other city asset in the right-of-way, after the applicant has executed a standard small wireless facility collocation agreement with the city. The standard collocation agreement may require payment of the following:

- (a) Up to \$150 per year for rent to collocate on the city structure.
- (b) \$25 per year for maintenance associated with the collocation;
- (c) A monthly fee for electrical service as follows:
 - 1. \$73 per radio node less than or equal to 100 maximum watts;
 - 2. \$182 per radio node over 100 maximum watts; or
 - 3. The actual costs of electricity, if the actual cost exceed the foregoing.

The standard collocation agreement shall be in addition to, and not in lieu of, the required small wireless facility permit, provided, however, that the applicant shall not be additionally required to obtain a license or franchise in order to collocate. Issuance of a small wireless facility permit does not supersede, alter or affect any then-existing agreement between the city and applicant,

Sec. 1.12 Action on Small Wireless Facility Permit Applications.

Subd. 1. *Deadline for Action.* The city shall approve or deny a small wireless facility permit application within 90 days after filing of such application. The small wireless facility permit, and any associated building permit application, shall be deemed approved if the city fails to approve or deny the application within the review periods established in this section.

Subd. 2. *Consolidated Applications.* An applicant may file a consolidated small wireless facility permit application addressing the proposed collocation of up to 15 small wireless facilities, or a greater number if agreed to by a local government unit, provided that all small wireless facilities in the application:

- (a) are located within a two-mile radius;
- (b) consist of substantially similar equipment; and
- (c) are to be placed on similar types of wireless support structures.

In rendering a decision on a consolidated permit application, the city may approve some small wireless facilities and deny others, but may not use denial of one or more permits as a basis to deny all small wireless facilities in the application.

Subd. 3. *Tolling of Deadline.* The 90-day deadline for action on a small wireless facility permit

application may be tolled if:

- (a) The city receives applications from one or more applicants seeking approval of permits for more than 30 small wireless facilities within a seven-day period. In such case, the city may extend the deadline for all such applications by 30 days by informing the affected applicants in writing of such extension.
- (b) The applicant fails to submit all required documents or information and the city provides written notice of incompleteness to the applicant within 30 days of receipt the application. Upon submission of additional documents or information, the city shall have ten days to notify the applicant in writing of any still-missing information.
- (c) The city and a small wireless facility applicant agree in writing to toll the review period.

Sec. 1.13. Permit Fees.

Subd. 1. *Excavation Permit Fee.* The city shall impose an excavation permit fee in an amount sufficient to recover the following costs:

- (a) the city management costs;
- (b) degradation costs, if applicable.

Subd. 2. *Obstruction Permit Fee.* The city shall impose an obstruction permit fee in an amount sufficient to recover the city management costs.

Subd 3. *Small Wireless Facility Permit Fee.* The city shall impose a small wireless facility permit fee in an amount sufficient to recover:

- (a) management costs, and;
- (b) city engineering, make-ready, and construction costs associated with collocation of small wireless facilities.

Subd. 4. *Payment of Permit Fees.* No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees. The city may allow applicant to pay such fees within thirty (30) days of billing.

Subd. 5. *Non Refundable.* Permit fees that were paid for a permit that the city has revoked for a breach as stated in Section 1.23 are not refundable.

Subd. 6. *Application to Franchises.* Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right of way user in the franchise.

Sec. 1.14. Right of Way Patching and Restoration.

Subd. 1. *Timing.* The work to be done under the excavation permit, and the patching and restoration of the right of way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonal or unreasonable under Section 1.17.

Subd. 2. *Patch and Restoration.* Permittee shall patch its own work. The city may choose either to have the permittee restore the right of way or to restore the right of way itself.

- (a) *City Restoration.* If the city restores the right of way, permittee shall pay the costs thereof within thirty (30) days of billing. If, following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the city, within thirty (30) days

of billing, all costs associated with correcting the defective work.

- (b) *Permittee Restoration*. If the permittee restores the right of way itself, it shall at the time of application for an excavation permit post a construction performance bond in accordance with the provisions of Minn. Rule 7819.3000.
- (c) *Degradation Fee in Lieu of Restoration*. In lieu of right of way restoration, a right of way user may elect to pay a degradation fee. However, the right of way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.

Subd. 3. *Standards*. The permittee shall perform excavation, backfilling, patching, and restoration according to the standards and with the materials specified by the city and shall comply with Minn. Rule 7819.1100.

Subd. 4. *Duty to Correct Defects*. The permittee shall correct defects in patching or restoration performed by permittee or its agents. The permittee upon notification from the city, shall correct all restoration work to the extent necessary, using the method required by the city. Said work shall be completed within five (5) calendar days of the receipt of the notice from the city, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable under Section 1.17.

Subd. 5. *Failure to Restore*. If the permittee fails to restore the right of way in the manner and to the condition required by the city, or fails to satisfactorily and timely complete all restoration required by the city, the city at its option may do such work. In that event the permittee shall pay to the city, within thirty (30) days of billing, the cost of restoring the right of way. If permittee fails to pay as required, the city may exercise its rights under the construction performance bond.

Sec. 1.15. Joint Applications.

Subd. 1. *Joint application*. Registrants may jointly apply for permits to excavate or obstruct the right of way at the same place and time.

Subd. 2. *Shared fees*. Registrants who apply for permits for the same obstruction or excavation, which the city does not perform, may share in the payment of the obstruction or excavation permit fee. In order to obtain a joint permit, registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

Subd. 3. *With city projects*. Registrants who join in a scheduled obstruction or excavation performed by the city, whether or not it is a joint application by two or more registrants or a single application, are not required to pay the excavation or obstruction and degradation portions of the permit fee, but a permit would still be required.

Sec. 1.16. Supplementary Applications.

Subd. 1. *Limitation on Area*. A right of way permit is valid only for the area of the right of way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area (i) make application for a permit extension and pay any additional fees required thereby, and (ii) be granted a new permit or permit extension.

Subd. 2. *Limitation on Dates*. A right of way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must

apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

Sec. 1.17. Other Obligations.

Subd. 1. *Compliance with Other Laws.* Obtaining a right of way permit does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the city or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, state and federal laws, including but not limited to Minn. Stat. §§ 216D.01-.09 (Gopher One Call Excavation Notice System) and Minn. R., ch. 7560. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right of way pursuant to its permit, regardless of who does the work.

Subd. 2. *Prohibited Work.* Except in an emergency, and with the approval of the city, no right of way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.

Subd. 3. *Interference with Right of Way.* A permittee shall not so obstruct a right of way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with. Private vehicles of those doing work in the right of way may not be parked within or next to a permit area, unless parked in conformance with city parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.

Subd. 4. *Trenchless excavation.* As a condition of all applicable permits, permittees employing trenchless excavation methods, including but not limited to Horizontal Directional Drilling, shall follow all requirements set forth in Minn. Stat. ch. 216D and Minn. R., ch. 7560 and shall require potholing or open cutting over existing underground utilities before excavating, as determined by the director.

Sec. 1.18. Denial or Revocation of Permit.

Subd. 1. *Reasons for Denial.* The city may deny a permit for failure to meet the requirements and conditions of this chapter or if the city determines that the denial is necessary to protect the health, safety, and welfare of the public or when necessary to protect the right of way and its current use.

Subd. 2. *Procedural Requirements.* The denial or revocation of a permit must be made in writing and must document the basis for the denial. The city must notify the applicant or right-of-way user in writing within three business days of the decision to deny or revoke a permit. If an application is denied, the right-of-way user may address the reasons for denial identified by the city and resubmit its application. If the application is resubmitted within 30 days of receipt of the notice of denial, no additional application fee shall be imposed. The city must approve or deny the resubmitted application within 30 days after submission.

Sec. 1.19. Installation Requirements.

The excavation, backfilling, patching and restoration, and all other work performed in the right of way shall be done in conformance with Minn. R. 7819.1100 and 7819.5000 and other applicable local requirements, in so far as they are not inconsistent with the Minn. Stat., §§ 237.162 and 237.163. Installation of service laterals shall be performed in accordance with Minn. R., ch. 7560 and these ordinances. Service lateral installation is further subject to those requirements and conditions set forth by the city in the applicable permits and/or agreements referenced in Section 1.23 subd. 2 of this ordinance.

Sec. 1.20. Inspection.

Subd. 1. *Notice of Completion.* When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance Minn. Rule 7819.1300.

Subd. 2. *Site Inspection.* Permittee shall make the work site available to the city and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

Subd 3. *Authority of Director.*

- (a) At the time of inspection, the director may order the immediate cessation of any work which poses a serious threat to the life, health, safety, or well-being of the public.
- (b) The director may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the permittee shall present proof to the director that the violation has been corrected. If such proof has not been presented within the required time, the director may revoke the permit pursuant to Sec. 1.23.

Sec. 1.21. Work Done Without a Permit.

Subd. 1. *Emergency Situations.* Each registrant shall immediately notify the director of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Excavators' notification to Gopher State One Call regarding an emergency situation does not fulfill this requirement. Within two (2) business days after the occurrence of the emergency, the registrant shall apply for the necessary permits, pay the fees associated therewith, and fulfill the rest of the requirements necessary to bring itself into compliance with this chapter for the actions it took in response to the emergency.

If the city becomes aware of an emergency regarding a registrant's facilities, the city will attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. In any event, the city may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.

Subd. 2. *Non-Emergency Situations.* Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right of way must subsequently obtain a permit and, as a penalty, pay double the normal fee for said permit, pay double all the other fees required by the city code, deposit with the city the fees necessary to correct any damage to the right of way, and comply with all of the requirements of this chapter.

Sec. 1.22. Supplementary Notification.

If the obstruction or excavation of the right of way begins later or ends sooner than the date given on the permit, permittee shall notify the city of the accurate information as soon as this information is known.

Sec. 1.23. Revocation of Permits.

Subd. 1. *Substantial Breach.* The city reserves its right, as provided herein, to revoke any right of way permit without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following:

- (a) The violation of any material provision of the right of way permit.
- (b) An evasion or attempt to evade any material provision of the right of way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens.
- (c) Any material misrepresentation of fact in the application for a right of way permit.
- (d) The failure to complete the work in a timely manner, unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittee's control.
- (e) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to Sec. 1.20.

Subd. 2. *Written Notice of Breach.* If the city determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation, or any condition of the permit, the city shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the city, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

Subd. 3. *Response to Notice of Breach.* Within twenty-four (24) hours of receiving notification of the breach, permittee shall provide the city with a plan, acceptable to the city, that will cure the breach. Permittee's failure to so contact the city, or permittee's failure to timely submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit. Further, permittee's failure to so contact the city, or permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall automatically place the permittee on probation for one (1) full year.

Subd. 4. *Cause for Probation.* From time to time, the city may establish a list of conditions of the permit, which if breached will automatically place the permittee on probation for one full year, such as, but not limited to, working out of the allotted time period or working on right of way grossly outside of the permit authorization.

Subd. 5. *Automatic Revocation.* If a permittee, while on probation, commits a breach as outlined above, permittee's permit will automatically be revoked and permittee will not be allowed further permits for one full year, except for emergency repairs.

Subd. 6. *Reimbursement of city costs.* If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

Sec. 1.24. Mapping Data.

Subd. 1. *Information Required.* Each registrant and permittee shall provide mapping information required by the city in accordance with Minn. R. 7819.4000 and 7819.4100. Within ninety (90) days following completion of any work pursuant to a permit, the permittee shall provide the director accurate maps and drawings certifying the "as-built" location of all equipment installed, owned, and maintained by the permittee. Such maps and drawings shall include the horizontal and vertical location of all facilities and equipment and shall be provided consistent with the city's electronic mapping system, when practical or as a condition imposed by the director. Failure to provide maps and drawings pursuant to this subsection shall be grounds for revoking the permit holder's registration.

Subd. 2. *Service Laterals.* All permits issued for the installation or repair of service laterals,

other than minor repairs as defined in Minn. R. 7560.0150, subp. 2, shall require the permittee's use of appropriate means of establishing the horizontal locations of installed service laterals and the service lateral vertical locations in those cases where the director reasonably requires it. Permittees or their subcontractors shall submit to the director evidence satisfactory to the director of the installed service lateral locations. Compliance with this subdivision 2 and with applicable Gopher State One Call law and Minnesota Rules governing service laterals installed after Dec. 31, 2005, shall be a condition of any city approval necessary for:

- a) payments to contractors working on a public improvement project, including those under Minn. Stat. ch. 429, and
- b) city approval under development agreements or other subdivision or site plan approval under Minn. Stat. ch. 462. The director shall reasonably determine the appropriate method of providing such information to the city. Failure to provide prompt and accurate information on the service laterals installed may result in the revocation of the permit issued for the work or future permits to the offending permittee or its subcontractors.

Sec. 1.25. Location and Relocation of Facilities.

Subd. 1. Placement, location, and relocation of facilities must comply with the Act, with other applicable law, and with Minn. R. 7819.3100, 7819.5000, and 7819.5100, to the extent the rules do not limit authority otherwise available to cities.

Subd. 2. *Undergrounding*. Unless otherwise agreed in a franchise or other agreement between the applicable right of way user and the City, Facilities in the right of way must be located or relocated and maintained underground in accordance with the City Code.

Subd. 2. *Corridors*. The city may assign a specific area within the right of way, or any particular segment thereof as may be necessary, for each type of facility that is or, pursuant to current technology, the city expects will someday be located within the right of way. All excavation, obstruction, or other permits issued by the city involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue.

Any registrant who has facilities in the right of way in a position at variance with the corridors established by the city shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities to the assigned position within the right of way, unless this requirement is waived by the city for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs, and hardship to the registrant.

Subd. 3. *Nuisance*. One year after the passage of this chapter, any facilities found in a right of way that have not been registered shall be deemed to be a nuisance. The city may exercise any remedies or rights it has at law or in equity, including, but not limited to, abating the nuisance or taking possession of the facilities and restoring the right of way to a useable condition.

Subd. 4. *Limitation of Space*. To protect the health, safety, and welfare of the public, or when necessary to protect the right of way and its current use, the city shall have the power to prohibit or limit the placement of new or additional facilities within the right of way. In making such decisions, the city shall strive to the extent possible to accommodate all existing and potential users of the right of way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right of way, the time of year with respect to

essential utilities, the protection of existing facilities in the right of way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

Sec. 1.26 Pre-Excavation Facilities Location.

In addition to complying with the requirements of Minn. Stat. 216D.01-.09 ("One Call Excavation Notice System") before the start date of any right of way excavation, each registrant who has facilities or equipment in the area to be excavated shall mark the horizontal and vertical placement of all said facilities. Any registrant whose facilities are less than twenty (20) inches below a concrete or asphalt surface shall notify and work closely with the excavation contractor to establish the exact location of its facilities and the best procedure for excavation.

Sec. 1.27. Damage to Other Facilities.

When the city does work in the right of way and finds it necessary to maintain, support, or move a registrant's facilities to protect it, the city shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that registrant and must be paid within thirty (30) days from the date of billing. Each registrant shall be responsible for the cost of repairing any facilities in the right of way which it or its facilities damage. Each registrant shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the city's response to an emergency occasioned by that registrant's facilities.

Sec. 1.28. Right of Way Vacation.

Reservation of right. If the city vacates a right of way that contains the facilities of a registrant, the registrant's rights in the vacated right of way are governed by Minn. R. 7819.3200.

Sec. 1.29. Indemnification and Liability

By registering with the city, or by accepting a permit under this chapter, a registrant or permittee agrees to defend and indemnify the city in accordance with the provisions of Minn. Rule 7819.1250.

Sec. 1.30. Abandoned and Unusable Facilities.

Subd. 1. *Discontinued Operations.* A registrant who has determined to discontinue all or a portion of its operations in the city must provide information satisfactory to the city that the registrant's obligations for its facilities in the right of way under this chapter have been lawfully assumed by another registrant.

Subd. 2. *Removal.* Any registrant who has abandoned facilities in any right of way shall remove it from that right of way if required in conjunction with other right of way repair, excavation, or construction, unless this requirement is waived by the city.

Sec. 1.31. Appeal.

A right of way user that: (1) has been denied registration; (2) has been denied a permit; (3) has had a permit revoked; (4) believes that the fees imposed are not in conformity with Minn. Stat. § 237.163, subd. 6; or (5) disputes a determination of the director regarding Section 1.24, subd.2 of this ordinance may have the denial, revocation, fee imposition, or decision reviewed, upon written request, by the City Council. The City Council shall act on a timely written request at its next regularly scheduled meeting, provided the right of way user has submitted its appeal with sufficient time to include the appeal as a regular agenda item. A decision by the City Council affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

Sec. 1.32 Reservation of Regulatory and Police Powers

A permittee's rights are subject to the regulatory and police powers of the city to adopt and enforce general ordinances as necessary to protect the health, safety, and welfare of the public.

Sec. 1.33. Severability.

If any portion of this chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof. Nothing in this chapter precludes the city from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein.

This Ordinance shall be in effect after its passage and summary publication.

Passed by the City Council of Elysian this 13th day of February, 2018.

By:

Clinton Stoen, Mayor

Attest:

Lorri Kopischke, City Administrator

On motion by Stoen, seconded by McBroom, all voting in favor, to amend the City of Elysian 2018 Fee Schedule to include the following:

"Right of Way Permit Fee: \$500 or \$.50 per square feet, whichever is greater".

City Attorney Moran presented draft Ordinance No. 90-18: An Ordinance Granting a Franchise to MidContinent Communications to maintain cable communications system in the City of Elysian, Minnesota; Setting forth conditions accompanying the grant of the Franchise; providing for regulation and use of the System; and prescribing penalties for the violations of its provisions.

Moran reported that MidContinent Communications had agreed to virtually all the requested conditions including:

- A 10-year contract rather than a 15-year contract;
- A non-exclusive contract;
- Free basic cable in all City buildings, City library and school;
- All language regarding contact with City staff;
- 30-day notice requirement to residents and City when any work will be done within City limits;
- Sidewalk repair requirements (3-panel) and street repair requirements (10-feet);
- Warranty of all work to City standards (with liquidated damages of \$100 day);
- City inspections;
- Indemnification and Insurance; and

- Increase in Franchise Fee from 3% to 5% (which is the maximum amount allowed by law); and,
- The contract is not auto renewable.

On motion by Stoen, seconded by Houlihan, all voting in favor, to schedule a public hearing to consider Ordinance No. 90-18: An Ordinance Granting a Franchise to MidContinent Communications to maintain cable communications system in the City of Elysian, Minnesota; Setting forth conditions accompanying the grant of the Franchise; providing for regulation and use of the System; and prescribing penalties for the violations of its provisions for March 12, 2018 at 6:00 pm.

The clean up options for 301 Sixth Street NW were presented. Three quotes have been received as follows:

- GreenTech Recycling in the amount of \$13,000 should not exceed \$13,500 (if additional Roll off Containers are needed)
- ServiceMaster of Mankato/Waseca in the amount of do not exceed \$16,507.70
- Vanderberg Cleaning Service, LLC in the amount of \$35,488.86.

All of the above providers would set aside items that appeared to be of value for Public Works Department to inspect. The City could possibly hold an auction to recoup some of the costs by selling the salvaged items. The rest of the cost would be funded by general savings.

An additional option for clean up of the property was the offer presented at the January 8, 2018 City Council meeting by Wilbur Preston and Mark O'Malley. They have offered to clean the property at no cost to the City in exchange for possession of any / all items on the property.

Public Works noted that time is of an essence with this project for several reasons. One is that the mold spores will be less active during the cold weather. Another is that it will be helpful to be able to utilize the shed on this property while the street in front of the Public Works Garage (2nd Street NE) is being reconstructed.

Mark O'Malley, 504 Frank Avenue NW, stated that he and Preston could complete the project in one month. He stated there are a lot of antiques in the house and he hopes that if the Council decides to go with one of the three mentioned companies, that they will look through the clutter good enough and not throw the valuable items in the trash.

Stoen expressed concern with liability issues and timeline.

Councilmember Schnoor asked City Attorney Moran what would be required by the City to allow O'Malley and Preston to do with work and release the City from any liability. Moran explained that waivers, insurance, an escrow account in case the work was not completed in either a timely or a successful manner, full indemnification, and a start and end date would be required. Moran also suggested O'Malley and Preston be responsible for attorney fees for the drafting of documents and attendance at one meeting in the amount of \$500.

On motion by Schnoor, second by Houlihan, to award the clean up of the house located at 301 Sixth Street NW to Mark O'Malley and Wilbur Preston subject to the following conditions with all to be signed and provided to the City Council at the Council meeting on Tuesday, February 20, 2018 at 5:45 pm:

1. Fully executed waiver for Mark O'Malley and wife, and Wilbur Preston and wife;
2. Proof of insurance coverage in the amount of \$1 million;
3. Escrow Agreement in the amount of \$5,000;

4. Full Indemnification; and,
5. Guaranteed start and end date.

If these items are not able to be provided and/or O'Malley and Preston withdraw their offer, the clean up will be awarded to GreenTech Recycling in the amount of \$13,000 and should not exceed \$13,500 (if additional Roll Off Containers are needed).

Voting on the motion: Aye: Houlihan, Opsahl, Schnoor. Nay: McBroom, Stoen. Motion passed.

City Engineer, Chris Cavett, SEH Engineering, reported the Plans and Specifications for the 2018 Street and Utility Improvement Project are ready to be advertised for bids. By statute, the project will be advertised in the City's legal publication; the Elysian Enterprise. It will also be advertised on the SEH and QuestCDN websites. Bids are proposed to be opened at 10:00 am on Friday, March 23, 2018, with consideration of award by the City Council at the Council meeting on April 9, 2018.

A plan review Open House is tentatively scheduled for April 5, 2018 from 5:00 pm to 6:30 pm at City Hall. Assessment notices will have been sent to residents by that time. The Open House will provide an opportunity for residents to ask questions on the project and on their assessments prior to the assessment hearing on April 9, 2018.

Cavett noted several items related to this project including:

- There will be a pipe to handle the storm water to the lake that will be located in the trail next to the pavilion by the lake. The pipe will be open 100 feet from the lake and the water will continue to the lake in a channel where it will receive additional treatment.
- The storm water basin that had been discussed previously but has been removed from the project has still been designed and will be able to be installed if the opportunity presents.
- The intersection that was constructed in 2012 at Frank Avenue NW and Third Street NW will have to be completely reconstructed.
- The two blocks of Frank Avenue NW adjacent to the Lake Francis Park to County Road #11 will be widened to 30 feet and parking will be allowed on one side.
- Second Street NW and Second Street SW will be widened just a bit but will still be narrower than the standard (28) twenty-eight feet.
- The sidewalks on Park Avenue NW east of Second, Third and Fourth Streets, and the sidewalk on Third Street NW at Park Avenue will all need to be discussed and decided to replace or remove. Letters will be sent to the homeowners.
- Letter will be sent to homeowners regarding landscaping that is located in the right of way.
- Cavett will be meeting with MnDOT tomorrow to discuss items in the project that could be affected by the 2020 Hwy 60 Improvement Project.

With that being said, Staff and SEH recommended approval of Resolution No. 607/18 – Approving plans and specifications and ordering advertisement for bids – 2018 Street and Utility Improvement Project.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION #607/18

APPROVING PLANS AND SPECIFICATIONS AND
ORDERING ADVERTISEMENT FOR BIDS
2018 STREET AND UTILITY IMPROVEMENT PROJECT

WHEREAS, pursuant to a resolution passed by the council on November 13, 2017, the consulting engineer retained for the purpose, has prepared plans and specifications for the construction of the 2018 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, March 23, 2018, 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 9, 2018, 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, McBroom, Opsahl, Schnoor, Stoen

Council Members voting in the negative: None

Adopted by the City Council of the City of Elysian this 13th day of February, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

Public Works Director Greenwald presented two estimates for the electrical work to be completed on the shed located at 301 Sixth Street NW. The bids are for ceilings lights, lighting for the overhead door, lighting over the man door, and dealing with the unused wires. The estimates are Ploog Electric, Inc. in the amount of \$2,100 and Volkman Electric in the amount of \$5,865. The only

difference in the content of the estimates it that Volkman Electric quoted 14 ceiling lights and Ploog quoted 10 ceiling lights.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve and accept the bid for the electrical work in the shed at 301 Sixth Street NW to Ploog Electric, Inc. in the amount of \$2,100.

Greenwald then presented two estimates for the repairs to the windows and doors on the shed located at 301 Sixth Street NW. These repairs include remove and replace the front entry door, remove and cover window, adjust rear entry door, repair overhead door, and install two windows high up to let in natural light. The estimates are Schmahl Construction, LLC in the amount of \$1,715 and Bengtson Construction in the amount of \$4,000.

Stoen questioned if the Schmahl estimate included clad jams.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve and accept the estimate in the amount of \$1,700 to Schmahl Construction, LLC, for repair of windows and doors (using a clad jam) in the shed located at 301 Sixth Street NW.

Resolution #606/18 – Approving an increase in the Fire Department Benefit Level from \$1,200 to \$1,300 was presented for consideration. This increase had been discussed and is included in the 2018 payable budget.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION #606/18

RESOLUTION TO RATIFY INCREASE AND AMEND THE ELYSIAN FIRE DEPARTMENT RELIEF
ASSOCIATION BENEFIT LEVEL AND BYLAWS

WHEREAS, the Elysian Fire Department Relief Association includes Relief Association Benefit Levels in the *Restated Bylaws of Elysian Fire Department Relief Association (Appendix C)*; and

WHEREAS, Article XII of the Bylaws permits amendments to be made to the document, including the Appendixes; and

WHEREAS, at the February 5, 2018 Relief Association Annual Meeting, the Association approved and is now requesting an increase in the Benefit Level from \$1,200 to \$1,300; and

WHEREAS, amendments to the Bylaws of the Relief Association shall be reviewed and approved by the municipality per Minn. Stat. §424A.092, subd. 6; and

WHEREAS, the current financial status, including the accrued liability and annual accruing liability of the relief association attributable to the amendment, of the Association has been reviewed and found to be financially sound;

NOW, THEREFORE BE IT RESOLVED, that the City Council for the City of Elysian hereby ratifies the increase in Benefit Level to \$1,300.

BE IT FURTHER RESOLVED that the City Council for the City of Elysian approves the amendment to Appendix C of the *Restated Bylaws of Elysian Fire Department Relief Association* reflecting the increase in Benefit level.

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

Voting in the negative: None.

This Resolution shall become effective upon its passage and without further publication.

Dated this 13th day of February, 2018

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

The 2018 Pay Equity Compliance Report for the State of Minnesota, as prepared by the Minnesota Council of Governments, was presented for approval. On motion by Houlihan, seconded by Stoen, all voting in favor, the 2018 Pay Equity Compliance Report for the State of Minnesota was approved as presented.

Forrest Hasty, Project Engineer, MnDOT, has requested a workshop meeting with the City Council to further discuss the 2020 Highway 60 Improvement Project. On motion by Stoen, seconded by Schnoor, all voting in favor, to schedule a Council Workshop with representatives of MnDOT, on Tuesday, February 20, 2018 at 5:45 pm, to discuss the 2020 Highway 60 Improvement Project.

On motion by Houlihan, seconded by Opsahl, all voting in favor, to schedule the City-Wide Clean Up for Saturday, May 19, 2018 and that there will only be one City-Wide Clean Up in 2018.

A memorandum from Minnesota Valley Council of Governments was distributed to Councilmembers.

The Council expressed appreciation to Tim Bengtson for his assistance in putting up and taking down of the Christmas decorations.

A reminder of the Le Sueur County Elected Officials Meeting to be held on Wednesday, February 28, 2018 at the Le Center American Legion at 6:30 pm.

On motion by McBroom, seconded by Houlihan, all voting in favor, bills, payroll, and transfers were approved in the amount of \$65,353.90.

Public Comment:

Mark O'Malley, 504 Frank Avenue NW, stated that he had texted with Preston and due to the requirement of the \$5,000 bond and the \$500 in attorney fees, he and Preston have decided they will not be able to accept the terms of the clean up of 301 Sixth Street NW. He thought they were going to be doing the City a favor but this has turned into something different than they want to get involved with.

He also questioned who operated Bengtson's equipment when installing and removing the Christmas decorations and questioned if a harness was being used.

Due to O'Malley removing the offer under consideration to clean the house located at 301 Sixth Street NW, on motion by Stoen, seconded by McBroom, all voting in favor, to award the bid for

cleaning the house at 301 Sixth Street NW to GreenTech Recycling in the amount of \$13,000 and should not exceed \$13,500 (only if additional Roll Off Containers are needed).

Due to the bid being awarded to GreenTech Recycling and no need to meet early, on motion by Schnoor, seconded by Stoen, all voting in favor, the February 20, 2018 Workshop Meeting was changed from 5:45 pm to 6:00 pm.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 7:11 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL
REGULAR MEETING
MARCH 12, 2018**

The Elysian City Council met in regular session on Monday, March 12, 2018, at City Hall at 6:00 pm.

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

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

The purpose of the Public Hearing is to allow public input from citizens on Ordinance No. 90-18: An Ordinance Granting a Franchise to MidContinent Communications to maintain cable communications system in the City of Elysian, Minnesota; Setting forth conditions accompanying the grant of the Franchise; providing for regulation and use of the System; and prescribing penalties for the violations of its provisions.

City Attorney Moran presented Ordinance No. 90-18. He stated the negotiations had gone well. The Franchise Agreement includes:

- A 10-year contract rather than a 15-year contract;
- A non-exclusive contract;
- Free basic cable in all City buildings, City library and school;
- All language regarding contact with City staff;
- 30-day notice requirement to residents and City when any work will be done within City limits;
- Sidewalk repair requirements (3-panel) and street repair requirements (10-feet);
- Warranty of all work to City standards (with liquidated damages of \$100 day);
- City inspections;
- Indemnification and Insurance;
- Increase in Franchise Fee from 3% to 5% (which is the maximum amount allowed by law); and,
- The contract is not auto renewable.

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

On motion by Stoen, seconded by Schnoor, 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, to approve the minutes of the February 13, 2018 Regular Meeting, February 20, 2018 Workshop Meeting with MnDOT, and March 7, 2018 Open House Meeting with MnDOT as presented.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the agenda of the March 12, 2018 Regular Meeting with the following addition:

Add: Report of Damage to the FL80 truck

Public Comment: None.

Le Sueur County Commissioner Rohlfling updated the Council. Construction on the new Justice Center is moving forward. The pre-cast panels will be set tomorrow with phase 1 of construction being completed mid April. An open house will be held at Washington Lake County Park on March 28, 2018 from 6:30 to 8:00 pm to discuss the expansion of that park. The County is discussing an ordinance to address short term rentals – VRBOs. True Transit System is up and running. Road work will be done on State Highway 112 this Spring and county-wide striping will be completed as well. The Cannon River One Watershed One Plan is 50% completed. County labor negotiations have been completed with favorable results.

Le Sueur County Deputy Mike Thelemann reported the patrol of Highway 60 has been increased but he was not aware of any citations being issued.

The Council then considered Ordinance No. 90-18. The Ordinance was presented by Councilmember Opsahl, seconded by Councilmember Houlihan, with all voting in favor.

ORDINANCE NO. 90-18
CITY OF ELYSIAN, LE SUEUR COUNTY, MINNESOTA

AN ORDINANCE GRANTING A FRANCHISE TO MIDCONTINENT COMMUNICATIONS TO
MAINTAIN A CABLE COMMUNICATIONS SYSTEM IN THE CITY OF ELYSIAN, MINNESOTA;
SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE;
PROVIDING FOR REGULATION AND USE OF THE SYSTEM; AND PRESCRIBING PENALTIES
FOR THE VIOLATION OF ITS PROVISIONS

The City Council of the City of Elysian, Minnesota ("Franchising Authority") ordains:

FINDINGS

In the review of the application of Midcontinent Communications, ("Grantee"), and as a result of a public hearing, the Franchising Authority makes the following findings:

The Grantee's technical ability, financial condition, legal qualifications, and character were considered and approved in a full public proceeding after due notice and a reasonable opportunity to be heard;

Grantee's plans for operating the System were considered and found adequate and feasible in a full public proceeding after due notice and a reasonable opportunity to be heard; and

The Franchise granted to Grantee complies with the existing applicable Minnesota Statutes, federal laws, and regulations.

SECTION 1. SHORT TITLE AND DEFINITIONS

Short Title. This Cable Communications Ordinance shall be known and cited as the Franchise.

Definitions. For the purposes of this Franchise, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The word "may" is directory and discretionary and not mandatory.

"Basic Cable Service" means any service tier which includes the lawful retransmission of local television broadcast signals and any public, educational, and governmental access programming required by the Franchise to be carried on the basic tier. Basic Cable Service as defined herein shall not be inconsistent with 47 U.S.C. §543(b)(7).

"Cable Programming Service" means any Video Programming provided over a Cable System, regardless of service tier, including installation or rental of equipment used for the receipt of such Video Programming, other than:

Video Programming carried on the Basic Service Tier;

Video Programming offered on a pay per channel or pay per program basis; or

A combination of multiple channels of pay per channel or pay per program Video Programming offered on a multiplexed or time shifted basis so long as the combined service: consists of commonly identified Video Programming; and is not bundled with any regulated tier of service.

Cable Programming Service as defined herein shall not be inconsistent with the definition as set forth in 47 U.S.C. §543(l)(2) and 47 C.F.R. 76.901(b) (1993).

"Cable Service" means the one-way transmission to Subscribers of Video Programming, or other programming service, and Subscriber interaction, if any, which is required for the selection of such Video Programming or other programming service.

"Cable System" or "System" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service which includes Video Programming and which is provided to multiple Subscribers within a community, but such term does not include:

a facility that serves only to retransmit the television signals of one or more television broadcast stations;

a facility that serves Subscribers without using any public right-of-way;

a facility of a common carrier which is subject, in whole or in part, to the provisions of 47 U.S.C. §§201 et seq., except that such facility shall be considered a Cable System (other than for purposes of 47 U.S.C. §541 (c) to the extent such facility is used in the transmission of Video Programming directly to Subscribers, unless the extent of such use is solely to provide interactive on-demand services;

an open video system that complies with 47 U.S.C. §653; or

any facilities of any electric utility used solely for operating its electric utility systems.

"Drop" means the cable that connects the ground block on the Subscriber's residence to the nearest feeder cable of the System.

"FCC" means the Federal Communications Commission and any legally appointed, designated or elected agent or successor.

"Franchise" means an initial authorization, or renewal thereof (including a renewal of an authorization which has been granted subject to 47 U.S.C. §546) issued by a franchising authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the construction or operation of a Cable System or an MVPD System.

"Franchising Authority" means the City of Elysian, Minnesota, or the lawful successor, transferee, or assignee thereof.

"Grantee" is Midcontinent Communications, its agents and employees, lawful successors, transferees or assignees.

- (j) "Gross Revenue" means all revenue received from Subscribers for Basic Cable Service, Cable Programming Service, and Pay Television directly by the Grantee from the operation of its System within municipal boundaries of the Franchising Authority. The term "Gross Revenues" shall not include Installation fees, disconnection fees, upgrade and downgrade of service fees, fees for telecommunications services, if any, fees for the sale, leasing, or servicing of equipment, network capacity and facilities rent for the provision of non-cable services (voice or data services), investment income, franchise fees, advertising revenues, late fees, any fees itemized and passed through as a result of franchise imposed requirements, tower rent, or any taxes or fees on services furnished by Grantee imposed directly on any Subscriber or user by any municipality, state, or other governmental unit and collected by Grantee for such governmental unit.
- (k) "Installation" means the connection of the System from feeder cable to the point of connection, including Standard Installations and custom installations.
- (l) "Lockout Device" means an optional mechanical or electrical accessory to a Subscriber's terminal which inhibits the viewing of a certain program, certain channel, or certain channels provided by way of the Cable System.
- (m) "Multichannel Video Program Distributor" or "MVPD" means a person such as, but not limited to, a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, an Open Video Services provider, or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming.
- (n) "Open Video Services or OVS" means any video programming Services provided to any person by a Person certified by the FCC to operate an Open Video System pursuant to Section 47 U.S.C. 573, as may be amended, regardless of the facilities used.
- (o) "Pay Television" means the delivery over the System of pay per channel or pay per program audio visual signals to Subscribers for a fee or charge, in addition to the charge for Basic Cable Service or Cable Programming Services.
- (p) "Person" is any person, firm, partnership, association, corporation, company, or other legal entity.
- (q) "Standard Installation" means any residential installation which can be completed using a Drop of one hundred twenty five (125) feet or less.
- (r) "Street" means the surface of, and the space above and below, any public street, road, highway, freeway, lane, alley, path, court, sidewalk, parkway, or drive, or any easement or right of way now or hereafter held by Franchising Authority.
- (s) "Subscriber" means any Person who lawfully receives Cable Service.
- (t) "Video Programming" means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

SECTION 2. GRANT OF AUTHORITY AND GENERAL PROVISIONS

Franchise Required. It shall be unlawful for any Person to construct, operate or maintain a Cable System or an MVPD System to provide Cable Service or Video Programming, including OVS, in the Franchising Authority without a Franchise in the form of this Franchise authorizing the same, unless

applicable federal or State law prohibits the Franchising Authority's enforcement of such a requirement.

Grant of Franchise. This Franchise is granted pursuant to the terms and conditions contained herein.

Grant of Nonexclusive Authority.

The Grantee shall have the right and privilege to construct, erect, operate, and maintain, in, upon, along, across, above, over and under the Streets, alleys, public ways and public places now laid out or dedicated and all extensions thereof, and additions thereto in Franchising Authority, poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in Franchising Authority of a Cable System as herein defined.

Grantee shall have the right to do direct selling (door to door) and this provision supersedes any applicable peddler or solicitor ordinance.

This Franchise shall be nonexclusive, and Franchising Authority reserves the right to grant a similar use of said Streets, alleys, public ways and places, to any Person at any time during the period of this Franchise, provided, however, that any additional Franchise shall include the same substantive terms and conditions as this Franchise.

Franchise Term.

(a) This Franchise shall be in effect for a period of ten (10) years from the date of acceptance by Grantee, unless renewed, revoked, or terminated sooner as herein provided.

(b) In the event Franchising Authority grants one or more additional Franchises or one or more non-franchised MVPD's commence providing Video Programming in the Franchising Authority, Grantee shall have the right to modify this Franchise as provided herein, terminate the Franchise or reduce the term of this Franchise in its sole discretion. All Franchises granted or renewed after the date of this Franchise shall have the same substantive terms and conditions as this Franchise in order that one MVPD not be granted a competitive advantage over another. Nothing in this provision shall be constructed in such a way as to limit the Franchising Authority's authority to enter into other Franchises.

(c) In the event a MVPD commences operation without a Franchise or is granted a Franchise or permit to operate by the Franchising Authority, the terms and conditions of which do not comply with this Franchise, Grantee shall notify the Franchising Authority whether it wishes to modify its Franchise (in addition to any rights it may have to modify its Franchise under state or federal law), terminate the Franchise or reduce the term of this Franchise in its sole discretion. The Franchising Authority and the Grantee shall work together in good faith to develop Franchise modifications which address any competitive inequity and the Franchising Authority shall adopt those modifications within ninety (90) days after receiving notice from Grantee. Failure to adopt the modifications shall allow Grantee to unilaterally opt into the competitor's Franchise or to otherwise reduce or eliminate any obligations imposed by this Franchise which are not imposed on a competitor in its sole discretion. A MVPD is not an entity that provides direct broadcast satellite services for purposes of this Section. Notwithstanding any provisions of this Section to the contrary, if the Franchising Authority does not possess authority under applicable laws to require a Franchise from any Person, the provisions of this Section shall not apply.

Previous Franchises. Upon acceptance by Grantee as required by Section 9 herein, this Franchise shall supersede and replace any previous Ordinance or Agreement granting a Franchise to Grantee to own, operate and maintain a Cable System within Franchising Authority.

Rules of Grantee. The Grantee shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable said Grantee to exercise its rights and perform its obligation under this Franchise.

Territorial Area Involved. This Franchise is granted for the corporate boundaries of Franchising Authority, as it exists from time to time. It shall be the responsibility of the Franchising Authority to notify Grantee of the annexation of new territories into the corporate boundaries. In the event of annexation by Franchising Authority, or as development occurs, any new territory shall become part of the area covered, provided, however, that Grantee shall not be required to extend service beyond its present System boundaries unless there is a minimum of forty (40) homes per cable mile as measured from the last fiber node or terminating amplifier. Access to Cable Service shall not be denied to any group of potential residential cable Subscribers because of the income of the residents of the area in which such group resides. Grantee shall be given a reasonable period of time to construct and activate cable plant to service annexed or newly developed areas.

Written Notice. All notices, reports, or demands required to be given in writing under this Franchise shall be deemed to be given when delivered personally to any officer of Grantee or Franchising Authority's Administrator of this Franchise or forty eight (48) hours after it is deposited in the United States mail in a sealed envelope, with registered or certified mail postage prepaid thereon, addressed to the party to whom notice is being given, as follows:

If to Franchising Authority:

City Administrator-Lorri Kopischke
City of Elysian
110 West Main Street
Elysian, MN 56028
507-267-4708

If to Grantee:

Nancy Vogel
Director of Revenue Assurance
Midcontinent Communications
3901 North Louise Avenue
Sioux Falls, SD 57107
Ph. (605) 357-5491

Such addresses may be changed by either party upon notice to the other party given as provided in this Section.

Drops to Public Buildings. Grantee shall provide Standard Installation of one (1) cable Drop, one (1) cable outlet, and monthly Basic Cable Service without charge to the following locations: City Hall, Fire Hall, Public Works Building, Library, and the accredited School. Connecting cable Drops need only be completed if location requesting service is located within one hundred fifty (150) feet of the System.

No redistribution of the free Basic Cable Service provided pursuant to this Section shall be allowed. Additional Drops and/or outlets in any of the above locations will be provided by Grantee at the cost of Grantee's time and material. Alternatively, at the institution's request, said institution may add outlets at its own expense, as long as such installation meets Grantee's standards and provided that any fees for Cable Services are paid. Nothing herein shall be construed as requiring Grantee to extend the System to serve additional institutions as may be designated by Franchising Authority.

Grantee shall have one (1) year from the date of Franchising Authority designation of additional institution(s) to complete construction of the Drop and outlet.

10.) Public, Educational and Government (PEG) Access.

(a) Grantee shall offer to each of its Subscribers who receive all or any part of the Cable Services offered on the System, reception of one PEG Access Channel.

(b) Additional PEG Access Channel shall be made available in manner consistent with applicable law; provided, however, that Grantee shall determine the channel location of any additional PEG Channel(s).

(c) Upon written request of the Franchising Authority the Grantee shall operate and make readily available for the public equipment capable of performing good quality playback to perform playback of prerecorded programming and equipment to record programs at remote locations with battery operated portable equipment.

SECTION 3. CONSTRUCTION STANDARDS

General Conditions.

Grantee will keep in regular communication with residents concerning any construction, modification, restoration or alteration of the System, which may occur on their respective property. Except in instances of emergency repairs, Grantee will provide residents at least thirty-days (30) days' notice with regard to any construction, modification, restoration or alteration to the System which affects their property. Grantee will keep in regular communication with the City concerning projects located within the Corporate limits of the City. Grantee will cooperate with requests for information, requests for service, and request for restoration services. Grantee will notify the City's Administrator of any work to be completed in the City's corporate limits at least thirty (30) days before commencing work; unless an emergency situation arises, whereupon Grantee will then notify the City's Administrator of the same in a reasonable manner but in no event said notice shall not be longer than three (3) days' notice following completion of any work.

All construction, modification, and restoration of premises work will be in a workmanlike manner and will be fully completed within twenty (20) days of substantial completion of the work, unless an extension is given by express written consent of the City. Grantee agrees that it will restore the premises to as good a condition as it existed prior to commencement of the project. This includes, but is not limited to, restoring soil areas disturbed with either sod or seed as requested by the City. Grantee additionally agrees that it will remove and replace any and all concrete or bituminous it removed, cut into, or disturbed as part of a project so that the area disturbed blends together and is compatible. Grantee agrees that in the event that any sidewalk material is removed, cut into, or disturbed in any manner, that the sidewalk will be fully restored by replacing the same with three (3) panels of sidewalk or ten (10) feet of the same, whichever is greater. Grantee agrees to warrant the restoration called for under this Franchise for a period of one (1) year following acceptance by the City. In the event that restoration work is deemed insufficient by the City, the City shall contact Grantee, advise Grantee of the same, and Grantee shall then have twenty (20) days to complete additional restoration work. In the event that restoration is not completed as contemplated by this Franchise, liquidated damages of one-hundred-dollars (\$100) per day shall accrue and continue for each additional day that restoration work has not been fulfilled pursuant to this Franchise and these liquidated damages shall be cumulative to the other rights and remedies the City may have under this Franchise.

Construction Codes and Permits.

Grantee shall obtain all required permits from Franchising Authority before commencing any construction upgrade or extension of the System, including the opening or disturbance of any Street, or private or public property within Franchising Authority.

The Franchising Authority shall have the right to inspect all construction or installation work performed pursuant to the provisions of the Franchise and to make such tests at its own expense as it shall find necessary to ensure compliance with the terms of the Franchise and applicable provisions of local, state and federal law.

Repair of Streets and Property. Any and all Streets or public property or private property, which are disturbed or damaged during the construction, repair, replacement, relocation, operation, maintenance or reconstruction of the System shall be promptly and fully restored by Grantee, at its expense, to a condition as good as that prevailing prior to Grantee's work.

Conditions on Street Use.

If at any time during the period of this Franchise, Franchising Authority shall elect to alter, or change the grade or location of any Street, alley or other public way, the Grantee shall, at its own expense, upon reasonable notice by Franchising Authority, remove and relocate its poles, wires, cables, conduits, manholes and other fixtures of the System. If Franchising Authority reimburses other occupants of the Street, Grantee shall likewise be reimbursed.

The Grantee shall, on request of any Person holding a moving permit issued by Franchising Authority, temporarily move its wires or fixtures to permit the moving of buildings with the expense of such temporary removal to be paid by the Person requesting the same, and the Grantee shall be given not less than ten (10) days advance notice to arrange for such temporary changes. Grantee shall have the option to require pre-payment from house moving company.

The Grantee shall have the authority to trim any trees upon and overhanging the Streets, alleys, sidewalks, or public easements of Franchising Authority so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee.

Nothing contained in this Franchise shall relieve any Person from liability arising out of the failure to exercise reasonable care to avoid injuring Grantee's facilities.

Undergrounding of Cable.

In all areas of Franchising Authority where all other utility lines are placed underground, Grantee shall construct and install its cables, wires and other facilities underground.

In any area of Franchising Authority where one or more public utilities are aerial, Grantee may construct and install its cables, wires and other facilities from the same pole with the consent of the owner of the pole.

Safety Requirements. The Grantee shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

SECTION 4. SYSTEM PROVISIONS

Operation and Maintenance of System. The Grantee shall render effective service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible.

Technical Standards. The System shall comply, at minimum, with the technical standards promulgated by the FCC found in Title 47, Section 76.601 to 76.617, as may be amended or modified from time to time.

SECTION 5. SERVICES PROVISIONS

Subscriber Inquiry and Complaint Procedures. Grantee shall have a publicly listed toll free telephone number and be operated so as to receive Subscriber complaints and requests on a twenty four (24) hour a day, seven (7) days a week basis.

Refund Policy. In the event a Subscriber established or terminates service and receives less than a full month's service, Grantee shall prorate the monthly rate on the basis of the number of days in the period for which service was rendered to the number of days in the billing.

SECTION 6. OPERATION AND ADMINISTRATION PROVISIONS

Indemnification of Franchising Authority.

Grantee shall indemnify, defend, and hold harmless Franchising Authority, its officers, boards, committees, commissions, elected officials, employees and agents, from and against all liability, damages, and penalties which they may legally be required to pay as a result of the exercise of the Franchise, except claims covered by worker's compensation insurance.

Nothing in this Franchise relieves a Person from liability arising out of the failure to exercise reasonable care to avoid injuring the Grantee's facilities while performing work connected with grading, regarding, or changing the line of a Street or public place or with the construction or reconstruction of a sewer or water system.

In order for Franchising Authority to assert its rights to be indemnified, defended, and held harmless, Franchising Authority must with respect to each claim:

Promptly notify Grantee in writing of any claim or legal proceeding which gives rise to such right;

Afford Grantee the opportunity to participate in and fully control any compromise, settlement or other resolution or disposition of any claim or proceeding; and

Fully cooperate with reasonable requests of Grantee, at Grantee's expense, in its participation in, and control, compromise, settlement or resolution or other disposition of such claim or proceeding subject to paragraph two (2) above.

Insurance. As a part of the indemnification provided in Section 6.1, but without limiting the foregoing, Grantee shall file with its acceptance of this Franchise, and at all times thereafter maintain in full force and effect at its sole expense, a comprehensive general liability insurance policy, including contractual liability coverage, in protection of Franchising Authority in its capacity as such. The policies of insurance shall be in the sum of not less than Five Hundred Thousand Dollars (\$500,000) for personal injury or death of any one Person, and One Million Dollars (\$1,000,000) for personal injury or death of two or more Persons in any one occurrence, Five Hundred Thousand Dollars (\$500,000) for property damage to any one Person and One Million Dollars (\$1,000,000) for property damage resulting from any one act or occurrence.

Franchise Fee.

(a) Grantee will pay Franchising Authority an annual franchise fee in the amount of Five percent (5%) of Grantee's annual Gross Revenues. This fee shall begin Ninety (90) days following the effective date of this ordinance.

(b) The franchise fee shall be payable monthly. The payment shall be made within thirty (30) days of the end of each of Grantee's fiscal month, together with a brief report showing the basis for the computation.

SECTION 7. REVOCATION, ABANDONMENT, AND SALE OR TRANSFER

Franchising Authority's Right to Revoke. In addition to all other rights which Franchising Authority has pursuant to law or equity, Franchising Authority reserves the right to revoke, terminate or cancel this Franchise, and all rights and privileges pertaining thereto, if after the hearing required by Section 7.2(b) herein, it is determined that Grantee has violated any material provision of this Franchise.

Procedures for Revocation.

Franchising Authority shall provide Grantee with written notice of a cause for revocation and the intent to revoke and shall allow Grantee sixty (60) days subsequent to receipt of the notice in which to correct the violation or to provide adequate assurance of performance in compliance with the Franchise. Together with the notice required herein, Franchising Authority shall provide Grantee with written findings of fact which are the basis of the revocation.

Grantee shall be provided the right to a public hearing affording due process before the Franchising Authority Council prior to revocation, which public hearing shall follow the sixty (60) day notice provided in paragraph (a) above. Franchising Authority shall provide Grantee with written notice of its decision together with written findings of fact supplementing said decision.

After the public hearing and upon written determination by Franchising Authority to revoke the Franchise, Grantee may appeal said decision with an appropriate state or federal court or agency.

During the appeal period, the Franchise shall remain in full force and effect unless the term thereof sooner expires.

Upon satisfactory correction by Grantee of the violation upon which said notice was given, the initial notice shall become void.

3.) Sale or Transfer of Franchise. No sale or transfer of this Franchise or sale or transfer of stock so as to create a new controlling interest under Minn. Stat. §238.083, shall be permitted without the approval of the Franchising Authority, which approval must not be unreasonably withheld. All of the rights, privileges, obligations, duties, and liabilities created by this Franchise shall pass to and be binding upon the successor or assign of Grantee. Said approval shall not be required where Grantee grants a security interest in its Franchise and assets to secure indebtedness.

SECTION 8. MISCELLANEOUS PROVISIONS

Franchise Renewal. Any renewal of this Franchise shall be done in accordance with applicable federal, state and local laws and regulations.

Amendment of Franchise Ordinance. Grantee and Franchising Authority may agree, from time to time, to amend this Franchise. Such written amendments may be made at any time if Franchising Authority and Grantee agree that such an amendment will be in the public interest or if such an amendment is required due to changes in federal, state or local laws. Franchising Authority shall act pursuant to local law pertaining to the ordinance amendment process.

3.) Subscriber Privacy. Grantee shall comply with the terms of 47 U.S.C. §551 relating to the protection of Subscriber privacy.

SECTION 9. PUBLICATION, EFFECTIVE DATE AND ACCEPTANCE

Publication; Effective Date. This Franchise shall be published in accordance with applicable Minnesota law. The effective date of this Franchise shall be the date of publication by Grantee in accordance with the provisions of Section 9.2. A summary of the ordinance may be published in lieu of publication of the entire ordinance.

Acceptance.

Grantee shall accept this Franchise by executing same. Such acceptance by the Grantee shall be deemed the grant of this Franchise for all purposes.

Upon acceptance of this Franchise, Grantee shall be bound by all the terms and conditions contained herein.

Grantee shall accept this Franchise in the following manner:

This Franchise will be properly executed and acknowledged by Grantee and delivered to Franchising Authority.

With its acceptance, Grantee shall also deliver any insurance certificates required herein that have not previously been delivered.

Passed and adopted this 12th day of March, 2018.

ATTEST:

CITY OF ELYSIAN

By: _____

By: _____

Its: _____

Its: _____

ACCEPTED: This Franchise is accepted and we agree to be bound by its terms and conditions.

MIDCONTINENT COMMUNICATIONS

By: Midcontinent Communications Investor, LLC

Its: Managing Partner

Dated: _____ By: _____

Its: _____

The Council considered Resolution #609/18 – A request from Charles and Leah Budde, 115 Willow Point Drive, for a Variance to allow 36.2% lot coverage to allow a shed / porch addition.

The Elysian Planning and Zoning Commission held a public hearing on March 6, 2018, to consider a variance request to construct a shed and porch addition that will increase the impervious surface on the lot from 8,814 square feet to 9,330 square feet resulting in an increase in lot coverage from 34.2% to 36.2%.

This property includes a parcel next to the lake and a parcel on the other side of the road (Willow Point Drive). This is one lot (one parcel). The total lot area is 25,806 square feet. The total existing impervious surface is 8,814 square feet resulting in a lot coverage of 34.2%.

The proposed shed and porch addition is 816 square feet. However, a portion of the addition will be located where there currently is concrete. This will result in 300 square feet of concrete being removed so the net increase of the lot coverage is 516 square feet or 2.0%, resulting in a total lot coverage of 9,330 square feet.

The Buddes are moving to the home full-time and would like more storage area. A basement is not possible on either the house or the shed. An addition of another floor on either building would be a violation of the zoning ordinance. As part of the addition, the shed would be re-shingled and re-sided with some added enhancements to improve the aesthetics. The water runs away from the road in this area and this addition would not affect the drainage toward the lake.

There was no public comment.

Written comment:

Leo Brown, 117 Willow Point Drive, Elysian, MN 56028:

"Elysian City Zoning Board & Lori

Received the letter and explanation of the permit request. Plus, Chuck stopped by and visited with me about his request. It's my belief that the addition will be very useful to them and help them enjoy their property even more. And maybe more importantly to every else, that it adds value to the area without negatively impacting anyone. And so I fully support it.

Although I will make one suggestion: I'd suggest that they extend it across the entire back of the existing garage/storage unit. I realize that means that this would then increase slightly the amount of ground covered. However, I believe it will be easier and more effective to landscape the surface/rain water runoff from the hillside behind. Plus eliminate a "dead spot corner" that many collect more debris or snow each the winds blow.

I don't claim to be a building expert and regardless Budde's should do whatever they feel is best for them to use and enjoy the additional space. Either way, as I said above, I have no objections and fully support Budde's proposed variance."

No further written comments were received.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 609/18
RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS
FOR APPROVAL FOR VARIANCE APPLICATION OF
CHARLES AND LEAH BUDDE, 115 WILLOW POINT DRIVE

FACTS

1. Charles and Leah Budde are the owners of a parcel of land located at 115 Willow Point Drive, Elysian, Minnesota; and,
2. The subject property is known as Le Sueur County Parcel Identification R16.415.0130, and legally described as: (See Exhibit A) and,
3. Charles and Leah Budde have submitted a variance request to increase the lot coverage from 34.2% to 36.2% in the Shoreland District to allow for an addition to the shed and a porch addition.
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, Lot Coverage – 25% maximum as this would result in a lot coverage of 36.2%.
5. That following a public hearing on the Application held on March 6, 2018 the Elysian Planning Commission has recommended Approval of the Variance.
6. That the City Council for the City of Elysian reviewed the requested Variance at its Meeting on March 12, 2018.

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 this is a minimal request for an increase in lot coverage (2%). The current run-off flows to the back of the property and not to the lake and this additional lot coverage will not change that or increase the drainage toward the lake.
9. There are unique circumstances to the property not created by the landowner because there is not an opportunity to have a basement. Therefore, additional storage space needs to be above ground. Adding another level to the shed is not an option as that would be a zoning ordinance height violation.
10. Finally, the Variance will maintain the essential character of the locality because this will not change the character of the neighborhood and will enhance the neighborhood as it is an improvement to the shed.

11. NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Elysian, Minnesota, that the application to issue a variance to Charles and Leah Budde for the property at 115 Willow Point Drive, legally described as: (See Exhibit A), Le Sueur County Minnesota, shall be, and is hereby granted a Variance to allow 36.2% lot coverage to allow an addition to the shed and a porch addition.

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Whereupon said resolution was declared duly passed and adopted.

Dated this 12th day of March, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

City Engineer, Chris Cavett, SEH Engineering, reported the 2018 Street and Utility Improvement Project is currently out for bids, with a scheduled bid opening on Friday, March 23, 2018, and an anticipated award of a construction contract on April 9, 2018.

The assessment roll has been prepared based on the City of Elysian assessment policy. The next step in the public improvement process is to set a public hearing for the proposed assessments. The Assessment Hearing is proposed for 6:00 pm on Monday, April 9, 2018. A plan review open house is scheduled for April 5th so the public will have an opportunity to ask questions prior to the hearing.

Staff and SEH recommend that the City Council approve Resolution #610/18 – Declaring cost to be assessed, ordering preparation of proposed assessment, and calling for hearing on proposed assessment – 2018 Street and Utility Project.

Schnoor asked how Highway 60 2020 improvements were being addressed with this project. Cavett stated that work on Second Street NE and SE, Third Street SW, and Fourth Street SW is not being done until after July 15th. If needed, those streets will be removed from the project. There is a clause in the contract that if the City would remove more than 25% of the project, the contractor would have a legitimate claim to increase their cost. Removal of the mentioned streets alone would not constitute more than 25% of the project.

Cavett confirmed that the watermain at Fourth Street SW would be installed during the Highway 60 2020 Improvements when it can be open trenched.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 610/18

DECLARING COST TO BE ASSESSED,
ORDERING PREPARATION OF PROPOSED ASSESSMENT, AND
CALLING FOR HEARING ON PROPOSED ASSESSMENT
2018 STREET AND UTILITY IMPROVEMENT PROJECT

WHEREAS, costs have been determined for the 2018 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 \$2,067,000 and the estimated final expenses is \$469,800, so that the estimated final total cost of the improvements will be \$2,536,800.

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 \$1,898,727, and the portion of the cost to be assessed against benefited property owners is declared to be \$638,073.
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, 2019, and shall bear interest at the rate of 4.50 percent per annum beginning November 1, 2018.
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 9th day of April, 2018, 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, 2018, 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, 2018. 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, 2018.

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 12th day of March, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

Public Works Director Ron Greenwald, presented the quote from Kibble Equipment for the John Deere Z920M Commercial ZTrak mower. The City has participated in this agreement for several years. Every two years the City trades in the John Deere mower and buys a new one at a discounted rate based on the trade-in. The City is allowed 430 hours of use over two mowing seasons and the machine is fully warrantied for the entire period. The cost for the mower for the 2018/2019 season is \$3,200.

On motion by Stoen, seconded by Opsahl, all voting in favor, to approve the agreement with Kibble Equipment for the John Deere Z920M Commercial ZTrak mower in the amount of \$3,200.

Greenwald provided additional quotes from Arnold's, Manke's Outdoor Eqt & Appliances, and Kibble Equipment for a lawn mower to replace the Toro mower. Funding for this expense is included in the 2018 payable budget. Following a discussion on the different options, Greenwald was instructed to bring additional quotes to the April 9, 2018 Council Meeting.

Greenwald reported that the passenger door and window on the FL80 had been damaged while winging the streets. Quotes are being obtained and a claim has been submitted to the insurance company for the repair.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION 608/18
RESOLUTION ACKNOWLEDGING A DONATION FROM
ELYSIAN AMERICAN LEGION POST #311

WHEREAS, the City of Elysian has received a donation in the amount of \$2,000.00 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 4th 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 \$2,000.00 toward the July 4th Celebration Fireworks.

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 12th day of March, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

Greenwald reported the clean up of 301 Sixth Street NW is just about complete. A fuel barrel has been found buried in the yard and will have to be dug out.

The options for removal of the house would include to demolish the house with the possibility of keeping or not keeping the double garage intact for Public Works Department use, sell the house to be removed with or without the garage, or a practice burn performed by the Fire Department. On motion by Stoen, seconded by Opsahl, all voting in favor, to advertise for bids to have the house located at the property of 301 Sixth Street NW, Elysian, Minnesota, moved or demolished with the opening of the bids at the April 9, 2018 Council Meeting with the City reserving the right to refuse any and all bids. Greenwald was instructed to obtain quotes to detach the garage from the house and restore to usable condition.

Schnoor asked why the City employees were inside the house at 301 Sixth Street NW while it was being cleaned out by Green Tech Recycling. Staff explained that the house had been sprayed down each day with a chemical to keep the mold spores down. Employees were at the entrance carrying valuable items from the house to the shed. Employees were not engaged in any cleaning activities inside the house. All the cleaning and handling of hazardous waste was done by Green Tech Recycling.

The Council then discussed how to handle the items pulled from the house that appeared to be of value. On motion by Opsahl, seconded by Stoen, all voting in favor, to obtain the assessment of two auctioneering companies as to how to proceed.

On motion by Schnoor, seconded by Houlihan, all voting in favor, for the 2018 Watercraft Inspector Program for Lake Francis to be run through the City of Elysian with reimbursement for all costs by the Lake Francis Lake Association at the end of the season.

On motion by Houlihan, seconded by Opsahl, all voting in favor, to advertise for summer help for up to 40 hours per week at the rate of \$10 per hour.

Board of Appeal and Equalization Open Book Meeting for 2017 – Le Sueur County: Tuesday, April 10, 2018 from 10:00 am to 6:00 pm, Le Sueur County Courthouse and Waseca County: Monday, April 16, 2018 from 8:00 am to 4:30 pm, Waseca County Assessor's Office.

A reminder of the Le Sueur County Elected Officials Meeting to be held on Wednesday, March 28, 2018 at 6:30 pm – location to be announced.

The Council reviewed the memorandum provided by Laura Elvebak, Program Director, Minnesota Valley Council of Governments, regarding Emergency Management Director Appointment Recommendation. The recommendation for hire for the position is James Tatge.

On motion by Stoen, seconded by Opsahl, all voting in favor, to offer the position of Emergency Management Director to James Tatge.

On motion by Houlihan, seconded by Opsahl, all voting in favor, bills, payroll, and transfers were approved in the amount of \$86,105.12.

Public Comment: None.

On motion by Stoen, seconded by Schnoor, all voting in favor, to adjourn the meeting at 7:14 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL
REGULAR MEETING
APRIL 9, 2018**

The Elysian City Council met in regular session on Monday, April 9, 2018, 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; City Utility Clerk Nicole Lamont; City Attorney Jason Moran. Absent: None.

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 public hearing is to allow public input from citizens regarding the proposed assessments for the 2018 Street and Utility Improvement Project, which includes improvements on the following streets:

Frank Avenue NW from 4th Street NW to 1st Street N
Park Avenue NW from 4th Street NW to 1st Street N
4th Street NW from MN TH 60 to Main Street
3rd Street NW from MN TH 60 to Frank Avenue NW
2nd Street NW from Lake Francis to Main Street E
2nd Street SE from Main Street south to dead end
2nd Street NE from Main Street to Park Avenue NE
Alley north of Main Street between 2nd Street NW and 1st Street N

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 2018 Street and Utility Improvement Public Process was reviewed.

The estimated project cost summary is as follows:

• Street Improvements:	\$1,284,656	(61.2%)
• Stormwater Improvements:	\$ 257,973	(12.3%)
• Sanitary Sewer Improvements:	\$ 95,750	(4.6%)
• Water System Improvements:	\$ 272,437	(13%)
• Park Improvements:	<u>\$ 188,287</u>	<u>(9%)</u>
Total:	\$2,099,102	(100%)

The estimated project financing is as follows:

• Sanitary Sewer Utility Fund:	\$ 95,750	(4.6%)
• Environmental (Storm) Utility Fund:	\$ 257,973	(12.3%)
• Water Utility Fund:	\$ 236,137	(11.2%)
• Assessments:	\$ 565,935	(27%)
• General Levy:	<u>\$ 943,308</u>	<u>(44.9%)</u>
Total:	\$2,099,102	(100%)

The estimated contribution breakdown:

• Neighborhood Contribution:	\$ 565,935	(27%)
• City-Wide Contribution:	<u>\$1,533,167</u>	<u>(73%)</u>
Total:	\$2,099,102	(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 2018 "Proposed" Assessment Rates are as follows:

- Water Service Line: \$1,650 / Unit – Residential
- Sanitary Sewer Service Line: None Proposed
- Reconstructed Street, Curb, & Gutter: \$8,450 / Unit – Residential
\$112.67 / FF – Commercial / Institutional / MF

Cavett then reviewed the method for Assessment Payments. Assessments are payable until October 31, 2018, interest free. Partial payments (no more than two payments and in the amounts of at least \$500) can be made until October 31, 2018, 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 4.5%. 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.

Cavett explained the Assessment and Construction schedules. He then called for Council questions. There were no questions at this time.

Public Comment:

Roland Wagner, representing Bethlehem Lutheran Church, 200 Park Avenue NW, stated that when this project was first discussed they had communicated to the engineer that standard curbs would not work at the church. They had requested the surmountable curbs and access in the back of the church. The engineer had agreed to that at that time but now the plan had been changed. Representatives of the church have met with the engineer last week and he has again agreed to surmountable curbs but Wagner wanted to be sure that it was on the record so that it would not be changed again.

Cavett apologized for the misunderstanding. He noted that he had met with representatives of the church and gone over the design. There will be angle parking and curbing similar to what was installed with the 2016 Street and Utility Improvement Project at the Methodist Church.

Tim Warnemunde, Warnemunde Law Office, LLC, representing Larry, Catherine and Cora Hohnstadt stated their objection to the proposed assessments against their property R16.450.0170 in the amount of \$25,254.37. The objection is that the assessment against the property exceeds the special benefit to the subject property.

There were no further Public Comments.

Written Comment:

Kopischke reported receipt of the objection to the assessment for property R16.450.0170 as stated above.

On motion by Stoen, seconded by Houlihan, all voting in favor, to close the Public Hearing at 6:24 pm and open the Regular Meeting.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the minutes of the March 12, 2018 Regular Meeting and March 27, 2018 Workshop Meeting with MnDOT as presented.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the agenda of the April 9, 2018 Regular Meeting as presented.

Le Sueur County Sheriff Brett Mason reported that the City has been quiet this past month. He noted the Toward Zero Death Campaign will be initiated and there will be a lot of extra patrol on Highway 60. Also, the Le Sueur County TRIAD will be implemented with the kick off meeting being held at Little Dandy Sports Bar on May 8, 2018 at 10:30 am. TRIAD is a partnership of law enforcement, senior citizens and community groups with a goal to reduce crime against the elderly and to reduce the fear of crime that seniors often experience. The group will meet every other month at various locations in the county. Mason also reported the Justice Center is progressing nicely.

Council expressed appreciation to the Sheriff's Office for the speed sign on Highway 60.

Public Comment: None.

Louise Hager, American Legion Unit 311 Poppy Chairman, explained the symbolism of the Shepperd's Poppy. She stated the Poppy is worn to remember and honor those who have served and continue to serve. The Poppy is not commercially made, not sold but is distributed and all the donations stay here for use in the community.

Mayor Stoen then presented the following Proclamation:

The City of Elysian, Minnesota

PROCLAMATION

That the Month of May 2018 be declared "Poppy Month"

WHEREAS, the poppy, as a memorial flower for the American war dead, is a tradition which began in the years following the First World War, and

WHEREAS, Veterans returning to their homes in this Country after World War I remembered the wild poppies which lined the devastated battlefields of France and Flanders Field; and

WHEREAS, the poppy is a symbol of hope for all veterans who served in this great country through military service; and

WHEREAS; the American Legion Auxiliary adopted the poppy as its memorial flower to pay tribute to the war dead and aid the living veteran and their family; and

THEREFORE, I, Clinton Stoen, Mayor of the City of Elysian, Minnesota, do hereby proclaim the month of May 2018, as

Poppy Month

and urge all citizens to pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy during this month.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of Elysian, Minnesota this 9th day of April 2018.

ATTEST:

Lorri Kopischke, City Administrator

Clinton Stoen, Mayor

Brad Zimbrich, Tuckers Tavern, stated that last year was the 1st Annual Rolls-Ins at Tuckers. He would like to host the Roll-Ins again this summer and is requesting the Council approve closing of Main Street from County Road 11 to Second Street NW on Wednesday nights from 5 to 8 pm from May 2 through September 5, 2018.

On motion by Stoen, seconded by McBroom, all voting in favor, to close Main Street from County Road 11 to Second Street NW on Wednesday nights from 5 to 8 pm from May 2 through September 5, 2018 to allow for Roll-Ins at Tuckers Tavern.

George Eilertson, Northland Securities, stated he will be working with staff to facilitate the issuance of General Obligation Improvement Bonds to finance the 2018 Street and Utility Improvements. The 2018 Bond has a preliminary size of \$2,205,000 and is structured with a 15-year term. The revenue sources to pay the bond payments include special assessments, sewer revenues, water revenues, storm revenues, and a tax levy on all taxable property. The preliminary estimated interest rate is 3.25%.

Eilertson then presented a draft Debt Management Policy for Council consideration. The Policy provides general guidance relating to the issuance of future debt. Approval of the Policy will benefit the City by improving the management score when the bond agency reviews the City policies during the upcoming bond rating process.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the Debt Management Policy as presented.

Eilertson explained that due to the number of bond sales already scheduled for May 14, he is recommending that the City's bond be priced on an alternate day. He suggested a special Council meeting be held on May 22, 2018 to award the bond sale.

On motion by Stoen, seconded by McBroom, all voting in favor, to schedule at Special Council Meeting for Tuesday, May 22, 2018 at 6:00 pm to award the bond sale for the 2018 Street and Utility Improvement Project.

Motion by Stoen, seconded by McBroom, all voting in favor, to pull the assessment for Larry and Catherine Hohnstadt – PID # 16.450.0170 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 NO. 611/18
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 2018 Street and Utility Improvement Project, which includes improvements on the following streets:

- Second Street NW, from Main Street to Frank Avenue NW
- Third Street SW/NW, from TH 60 to Frank Avenue NW
- Fourth Street SW, from TH 60 to Main Street
- Frank Avenue NW, from 4th Street NW to 1st Street
- Park Avenue NW, from 4th Street NW to 1st Street
- Second Street NE, from Main Street to Park Ave NE; and
- Second Street SE, from Main Street to dead end; and

WHEREAS, 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 2019, and will bear interest at a rate of 4.50 percent per annum from November 1, 2018. To the first installment shall be added interest on the entire assessment from the November 1, 2018 until December 31, 2019. 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, 2018, 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, 2018. 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: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 9th day of April, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

Chris Cavett, SEH Engineering, reported that at 10:00 am, Friday, March 23, 2018, seven (7) bids were received for the 2018 Street and Utility Improvement Project. The bids ranged from a high of \$2,271,676.19 to a low of \$1,500,702.35. The Engineer's Estimate was \$1,527,079.05 for the Base Bid. The low bid was submitted by James Bros. Construction of Elysian, MN.

The bids included three (3) alternates. Alternate No. 1 was bid for natural limestone blocks for use as a retaining wall at the ballfield backstop area and at the south end of 2nd Street SE. This alternate is not being recommended based on the higher cost. Alternate No. 2 was bid for modular block retaining wall system at the ballfield backstop area and at the south end of 2nd Street SE. Cavett is recommending the award of this option as it is more cost effective. Alternate No. 3 was bid for directional drilling a new 1.5-inch water service to the new park concession stand / restroom building area. Cavett is recommending the award of Alternate No. 3.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 612/18
ACCEPTING BIDS
2018 STREET AND UTILITY IMPROVEMENT PROJECT

WHEREAS, pursuant to an advertisement for bids for the construction of the 2018 Street and Utility Improvement Project, bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement:

<u>Contractor</u>	<u>Base Bid</u>	<u>Alternate 1</u>	<u>Alternate 2</u>	<u>Alternate 3</u>
James Bros. Construction Elysian, MN	\$1,500,702.35	\$60,415.00	\$22,000.00	\$6,800.00
Dirt Merchant, Inc. Mankato, MN	\$1,585,533.21	\$55,919.00	\$40,865.00	\$6,239.00
R.A.W. Construction, LLC Faribault, MN	\$1,697,731.31	\$33,601.98	\$16,302.00	\$3,678.80
Wencl Construction, Inc. Owatonna, MN	\$1,725,001.55	\$64,630.00	\$15,675.00	\$7,480.00

Heselton Construction, Inc. Faribault, MN	\$1,770,582.91	\$34,844.00	\$16,912.50	\$7,480.00
BCM Construction, Inc. Faribault, MN	\$1,782,297.55	\$38,497.00	\$18,150.00	\$8,840.00
GM Contracting, Inc. Lake Crystal, MN	\$2,271,676.19	\$82,895.00	\$17,325.00	\$10,036.80

AND WHEREAS, it appears that James Bros. Construction of Elysian, 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 James Bros. Construction of Elysian, Minnesota, in the name of the City of Elysian, Minnesota, for the construction of the 2018 Street and Utility Improvement Project, in the amount of \$1,529,502.35 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: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 9th day of April, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

Cavett presented proposals for material testing from Braun Intertec (Braun) and American Engineering Testing (AET) for the 2018 Street and Utility Project. Both companies are comparable and both companies have done this type of work on other SEH projects in other communities. AET completed the subsurface borings for the project last fall and AET completed the material testing on the 2016 project. AET's estimate of probable cost for material testing appears lower than the estimate from Braun. SEH is recommending the material testing services contract be awarded to AET.

On motion by Stoen, seconded by Houlihan, all voting in favor, to award the material testing services contract to American Engineering Testing (AET).

The Council discussed the parking lot at the Elysian Tourism Center, 100 3rd Street SW. The 2018 Street and Utility Project includes 3rd Street SW so this would be a good time to upgrade or enlarge the lot.

On motion by Stoen, seconded by McBroom, all voting in favor, to direct SEH Engineering to look at options and prepare preliminary designs and cost estimates to improve the parking lot at 100 3rd Street SW.

Cavett reported that MnDOT staff has now indicated that they will likely not allow the City to do an open cut replacement of the water main crossings with their 2020 project on Highway 60. This is contrary to what the Project Manager had indicated at previous meetings. Cavett explained that the crossings are not included in the project and if the City cannot do the open cut in 2020 they will have to do the subsurface drilling in 2018 and this will be an added cost. If the subsurface drilling is required, Cavett recommends it be installed at 2nd Street SE and the estimated cost is \$50,000.

Sealed bids were solicited for the demolition and removal of the house (and related described in scope) located at 301 Sixth Street NW. The scope of this project is to provide demolition, removal and proper disposal of the house and its foundation and removal and proper disposal of the fuel tank buried on the property and filling in, grading, and providing a rough landscape for the jobsite. Five (5) sealed bids were received.

Mayor Stoen opened and announced the bids as follows:

Timm's Trucking & Excavating:	\$12,275.00
Don Hanks Construction:	\$13,500.00
James Bros. Construction:	\$14,800.00
Hagemeier Excavating LLC:	\$18,600.00
Rehnelt Excavating:	\$19,312.00

The Council then discussed the quotes received to retain the garage on the 301 Sixth Street NW property. Two estimates were received: Waterville Construction, LLC in the amount of \$4,920 and Schmahl Construction, LLC in the amount of \$5,250. The Council discussed saving the garage. There was consensus to not expend the funds to save the garage.

On motion by Stoen, seconded by Houlihan, all voting in favor, to award the bid to demolish, remove and dispose the house and its foundation and remove and proper disposal of the fuel tank buried on the property and filling in, grading, and providing a rough landscape of the property located at 301 Sixth Street NW to Timm's Trucking & Excavating in the amount of \$12,275.

On motion by Stoen, seconded by McBroom, all voting in favor, that the rough landscape of the property located at 301 Sixth Street NW must be in place by June 1, 2018.

Public Works Director Greenwald presented two proposals for auction of the personal property items located at 301 Sixth Street NW – one from Daly Realty & Auction Service and one from Schrader Actions. Greenwald stated they are both very good. He would recommend contracting with Daly Realty & Auction Service as they allow help with set up which may reduce the costs to the City. Both Auction Services recommend holding the auction in June.

On motion by Stoen, seconded by Schnoor, all voting in favor, to contract with Daly Realty & Auction Service to provide auction services for the personal property items located at 301 Sixth Street NW.

Greenwald provided the Council with the Minnesota Department of Health Report for Elysian Public Water System for their review.

Greenwald presented quotes to purchase a new mower to replace the Toro mower. Quotes were presented from Kibble Equipment, Manke's Outdoor Eqt and Appliances, and Arnold's. Greenwald also presented a quote from Kibble Equipment for a used 2015 John Deere Z970R mower in the amount of \$10,900. The mower has a remaining warranty through April 22, 2019.

On motion by Stoen, seconded by Opsahl, all voting in favor, to purchase a used 2015 John Deere Z970R mower in the amount of \$10,900 from Kibble Equipment.

On motion by Schnoor, seconded by McBroom, all voting in favor, to schedule a MnDOT Open House for the 2020 Highway 60 Improvement Project for Monday, May 7, 2018 from 5 to 7 pm.

On motion by Schnoor, seconded by McBroom, all voting in favor, to approve Randy Tuma for the position of 2018 Watercraft Inspector on Lake Francis.

On motion by Stoen, seconded by McBroom, all voting in favor, to advertise for a permanent part-time Public Works Worker for 30 hours per week at \$13.50 per hour with a benefit of two (2) hours of vacation per month. Kopischke will verify with Minnesota Valley Council of Governments if the City of Elysian Personnel Policy needs to be amended.

The Council was provided with information in regard to a program currently being offered by the State of Minnesota that would release the restrictions on the MIF State Fund RLF EDA Funds. This will be discussed further at the May meeting.

Reminder that the Minnesota Severe Weather Awareness Week is April 9 – 13. The two annual statewide tornado drills are scheduled for Thursday, April 12th at 1:45 and 6:45 pm.

City-wide garage sales will be held Friday and Saturday, May 11 and 12 with the City-wide Clean-up on May 19 from 8:30 to 11:00 am at the Lake Francis Parking Lot.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 613/18

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 on June 29, 2018,

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 on June 29, 2018 in conjunction with the July 4th 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 9th day of April, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

On motion by Houlihan, seconded by McBroom, all voting in favor, to provide Police Protection and Porta-Pots for the 2018 Fourth of July Celebration in an amount up to \$3,000.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 614/18
REQUEST FOR LAWFUL GAMBLING
ELYSIAN AREA CHAMBER OF COMMERCE RAFFLE

WHEREAS, the Elysian City Council was presented with a request from Elysian Area Chamber of Commerce for a lawful gambling event: raffle, in conjunction with the 2018 Fourth of July Community Celebration.

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 to the Elysian Area Chamber of Commerce for a lawful gambling event: raffle, in conjunction with the 2018 Fourth of July Community Celebration.

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 9th day of April 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve a temporary 6-day Liquor license for Elysian Area Chamber of Commerce for June 29th through July 4th.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the closing of the following streets for the 2018 Fourth of July Celebration and Triathlon:

June 27th – July 5th

SECOND STREET NE FROM MAIN STREET TO THE ALLEY BETWEEN MAIN AND PARK AVENUE NE - LOCATION OF TENT

Saturday, June 30th

Second Street SW from Alley to Main Street – Noon to Sunday, July 1st 6:00 p.m.

MAIN STREET FROM COUNTY ROAD #11 TO FIRE HALL FROM 8:00 P.M. TO END OF JOHNNY HOLMS DANCE

Sunday, July 1st

MAIN STREET CLOSED FROM COUNTY ROAD #11 TO THIRD STREET SW FROM 6:00 A.M. TO 3:00 P.M.

MAIN STREET FROM CLUB HOUSE TO FIRE HALL FROM 6: 00 A.M. TO 2:00 P.M.

Tuesday, July 3rd

MAIN STREET FROM COUNTY ROAD #11 TO FIRE HALL FROM 8:00 P.M. TO END OF FIREFIGHTERS DANCE.

SECOND STREET SW IN FRONT OF BANK FROM ALLEY TO MAIN STREET – FROM 6:00 P.M. UNTIL AFTER FIRE FIGHTER'S DANCE.

MAIN STREET WEST – From County Road #11 to Third Street West – 5:30 a.m. to 2:00 p.m. All intersections will be open for traffic

Wednesday, July 4th

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 A.M. UNTIL 6:00 PM.

Triathlon – July 7th

PARTIAL SIDE OF STREET – BIKE ROUTE - THIRD STREET NW TO COUNTY ROAD #11

PARTIAL SIDE OF STREET - BIKE ROUTE MAIN STREET FROM COUNTY ROAD #11 TO FIFTH STREET NW

Request to Continue Policy for 2018 Celebration

Due to activities being sponsored by the Elysian Area Chamber of Commerce in conjunction with the City of Elysian during all July 4th. 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 4th. of July Committee. A fee of \$250.00 is charged for each vendor.

Utility Clerk Lamont reported on items discussed at the Park Board Meeting. First were items suggested for the upgrades to the Lake Francis Park during the 2018 Street and Utility Improvement Project.

Lamont provided two quotes for a drinking fountain by the bleachers. The fountain meets ADA Hi/Lo requirements, operates on push button, includes jug filler, with stainless steel construction. The quotes are: St Croix Recreation Fun Playgrounds INC in the amount of \$4,278.20 and Most Dependable Fountains, Inc. in the amount of \$4,345. The quotes do not include the cost of a plumber to install or additional concrete pad if needed.

On motion by Stoen, seconded by McBroom, all voting in favor, to proceed with the purchase of the drinking fountain as presented from St. Croix Recreation Fun Playgrounds INC. in the amount of \$4,278.20.

Lamont presented a diagram of the retaining wall and concrete pad and demonstrated where the proposed bleachers would be located. The Park Board is suggesting one 27 foot bleacher and one 21 foot bleacher. The 27 foot long bleacher has 58 seats + four (4) handicap seats and the 21 foot bleacher has 48 seats + two (2) handicap seats. Both provide ADA seating area with companion seats and have a chainlink guardrail. Lamont presented several quotes as follows: EPIC: 21 foot bleacher - \$5,881.79 and 27 foot bleacher - \$7,502.19 (free shipping), Minnesota / Wisconsin Playground: 21 foot bleacher - \$7,294.00 and 27 foot bleacher - \$9,005.00 (\$1,644.00 shipping), and St. Croix Recreation Fun Playgrounds, INC.: 27 foot bleacher - \$8,664.00 (\$1,100.00 shipping).

On motion by Houlihan, seconded by McBroom, all voting in favor, to proceed with the purchase of the 27 foot NRS ADA Series 5 row bleachers with Chainlink Guardrail from EPIC Sports in the amount of \$7,502.19.

Lamont then provided quotes for porta pots during construction down at the park: 1. Rent N' Save – Standard rest room per month with weekly service \$85.00 per month and ADA handicap rest room with baby changer \$135 per month. No charge for delivery or pick up and emergency service fee is waived. 2. Onsite – Regular Portable Restroom with weekly service \$80.00 per month and enhanced access unit \$150 per month. Emergency service is \$45 and a baby changing unit is \$125.

On motion by Stoen, seconded by Houlihan, all voting in favor, to obtain the porta pots needed for the summer for the Lake Francis Park from Rent N' Save.

Lamont presented a Park Donation & Memorial Program form. She also presented the Park Board's idea for the naming of the park on Sixth Street.

Lamont provided a quote for a wall mounted shower for the new concession stand / bathroom building from St. Croix Recreation Fun Playgrounds INC. in the amount of \$1,982.00. The shower includes one shower head, one foot spray, is push button operated and stainless steel construction.

Council suggested the contractor be contacted for a quote to build the shower on as part of the building.

Greenwald presented two quotes to upgrade the fencing from the backstop to the first base dugout at the ballpark. The quotes he had obtained entailed adding chainlink fence and several posts. During this process, he was also made aware of another possible solution which would be installing a Netting system on pullies which would be raised each spring and lowered in the fall. This is the same Netting that is used on major league fields. Greenwald also noted that the backstop is damaged and needs to be repaired.

Council directed Greenwald to obtain quotes on the Netting system and the cost of repair to the backstop and to present them at the May City Council Meeting.

On motion by McBroom, seconded by Houlihan, all voting in favor, bills, payroll, and transfers were approved in the amount of \$122,720.42.

Public Comment:

Larry Hohnstadt, owner of property located at the intersection of Park Avenue NE and First Avenue N, stated he would like to make one comment to continue putting the note in the monthly newsletter to clean up after dogs. One problem that occurred last year after the National Night Out, the next day he happened to bring his three granddaughters down to use the beach and walked down toward the beach and turned around and walked back to the car and drove away because there was so much dog feces on the yard. It looked like a bunch of pigs had been in there. Possibly put signs at the beach that say clean up after your dogs when using the beach because it was not sanitary or attractive at all.

Mark Sybilrud, 514 Lake Avenue NW, addressed the MnDOT Highway 60 project. Council confirmed there is an Open House to discuss this project on May 7 and the City Council will vote on the project at their May 14, 2018 meeting. Sybilrud questioned how wide Highway 60 would be with the added turn lanes and compared the width to that of the intersection at Highway 60 and Highway 13 in Waterville. He stated that three fourths of the people in Elysian do not know how this is going to change the landscape. He didn't know how to get it across to them but guessed that they had had their opportunity. And there is no guarantee that this will slow them down either. And that is the dilemma that we spend \$3 million of state money and change the whole landscape of the community and we aren't guaranteed. Fifteen years and we have had ten accidents on Highway 60 and they have been fender benders. No one has been seriously injured. He thinks we need to do something with signage on both sides of the road and we have at least a year to try that out.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 8:13 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL
SPECIAL MEETING
APRIL 9, 2018**

The Elysian City Council met in special session on Monday, April 9, 2018 at City Hall at 5:30 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan, Tom McBroom, Mary Opsahl, and Dennis Schnoor; City Administrator Lorri Kopischke. Absent: None.

Greg Burkhardt, Auditor, Burkhardt & Burkhardt, presented the 2017 Audit Report. He reported that the City Financial Statements are in order and the results of the audit are positive. On motion by Stoen, seconded by McBroom, all voting in favor, to accept the 2017 Audit Report as presented.

On motion by Stoen, seconded by Schnoor, all voting in favor, to adjourn the meeting at 5:55 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL
REGULAR MEETING
MAY 14, 2018**

The Elysian City Council met in regular session on Monday, May 14, 2018, 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; City Attorney Jason Moran. Absent: City Utility Clerk Nicole Lamont.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the minutes of the April 9, 2018 Regular Meeting and May 7, 2018 Open House Meeting with MnDOT as presented.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the agenda of the May 14, 2018 Regular Meeting with the following additions:

1. Nick Greenig, Le Sueur County Sheriff's Office
2. Knotty Bar & Grill Request for Liquor License

Le Sueur County Chief Deputy Nick Greenig stated all is well in the City. He reported that the first meeting of the Le Sueur County TRIAD program went well with approximately 75 people in attendance. The next meeting will be held in July in the City of Montgomery.

Public Comment:

Kathy and Scott Roemhildt, owner of The Pit Stop, 205 East Highway 60, expressed concern that the Highway 60 project would affect their business directly – not in a good way. They are asking the Council to not approve the median plan. They feel it would cut off their business substantially. They do not feel that any businesses or citizens should be cut off from the highway. There is no guarantee that the speed will be reduced by doing this plan and the chances are that it will not. This would commit to a 50-year project that does not address the needs of the City. There are a number of businesses that are affected and upset. The median project will cut their business in half because half of their business comes from the bank. They will have to close their doors. It would result in one-way traffic to their business.

Rick Childs, 105 East Highway 60, did not see the median option as a way to solve the problem. One way or another no one wins. It might not slow down traffic and it might hurt the business. It is a lose-lose situation. Why not work it out? The median will hurt businesses and then who wins. No one comes out ahead. Let's work on this and get it done properly and we are all winners.

Wayne James, James Bros. Construction, 43963 43rd Street, expressed concern for those who owned the convenience stores. If it is not convenient, people won't use it. They will lose half their business and we can't afford to lose any business in town. His business has 80-foot lowboys that are six inches off the ground trying to make a left-hand turn onto Hwy 60 toward Madison Lake. Even though they have shortened the median, his trucks will be turning into the ditch to try to make the swing without running over the curb. They can't make that turn. It is a bad idea. Yes, it will be wider highway to cross, but people do it all over the place. People cross 4-5 lanes of traffic everywhere. He is against the median proposal. He does not see a benefit. Once people figure out the traffic pattern they will whiz right through town and just be going faster.

Susan Morsching, owner of Elysian Auto Service, 203 Main Street East, stated she still has concerns on Second Street. They have a business there and she has concerns for the fire department as well. It would be better for the fire department and faster if they could go right and left

out Second Street. And it cuts off access for her customers only being able to go one direction and she has concerns.

Dan Engebretson, 30 Egret Lane, stated he was speaking as a homeowner in Lakeview Manor Townhome Association and a Planning and Zoning Commissioner. The Planning and Zoning Commission has committed a large amount of time studying the MnDOT proposals over the last three months. The Board members feel that the changes made by MnDOT has addressed most of the concerns the people have. They realize that no plan will address all the concerns but the amended plan addresses most of the concerns. The Board members see the advantages to the median proposal as follows:

1. Provides a safe zone for pedestrians to stand in while crossing the highway;
2. The curbs reinforcing the narrowing of the lanes, thus slowing the traffic; and,
3. The center island provides a sense that you are entering an urban area and thus reduce the speed.

The reasons the Planning and Zoning note that make the median proposal difficult include:

1. Inconvenience of no left turn onto the highway; and
2. Difficulty for trucks to make deliveries.

Engebretson stated he had driven truck in the metro area for 30 years and his experience is you will drive wherever you need to do the job. He empathizes with the businesses affected but if he was going there for gas, he will drive around the block and still go there to get gas.

He thanked the Council for their consideration and hoped there would be a good decision.

There was no further public comment.

Jim Tatge, Emergency Management Director, introduced himself to the Council. He gave a brief description of his background stating that he was originally from Madison Lake and now lives and works full-time in the City of Mankato. He works in the engineering department, public works division, in project and budget management. He has been involved with the SERVE Team. He stated he is looking forward to helping further develop the City of Elysian Emergency Plan. The Council welcomed Tatge to the City of Elysian.

Forrest Hasty, PE, Project Manager, MnDOT District 7, thanked the Council for letting MnDOT go through this process. MnDOT has attempted to meet the concerns of the City which included speed and pedestrian safety.

Hasty explained that with the original proposal the speed will go up to an estimated 52-53 miles per hour. With the median proposal the speed will go down to an estimated 45 miles per hour. With either proposal, a speed study will be done in 6 to 12 months. With the medians, the posted speed may be able to be reduced to 40 miles per hour but that is only an estimate.

Hasty stated the original proposal adds turns lanes. Then, with the turning traffic out of the way, the speed will go up or stay the same, it will never slow down. The outcome is that it may be posted at 50 miles per hour.

Hasty explained that the current median proposal closes the Second Street SE access and pushed G Avenue SE through to provide access to those homes. It also adds a back-age street to the car wash. This proposal can still be tinkered with a bit but it is basically final.

Scott Roemhildt asked why there couldn't be a roundabout. Hasty responded that there is no capacity problem and no safety problem on this section of Highway 60 and MnDOT does not use roundabouts to slow traffic.

Roemhildt asked why Madison Lake has a 30 mile per hour posted speed limit. Hasty explained that Madison Lake is an urbanized center with curb and gutter and on-street parking. Madison Lake has called for a reconstruction and their 2020 plan calls for narrowing of lanes and extending curbing out of town. There will be a speed study performed there as well 6 to 12 months after the project.

When asked, Hasty stated there was a \$600,000 - \$800,000 difference in cost between the two proposals. He also stated that the lighted speed signs do work well for the first two months but after about three to six months their effectiveness diminishes. They do work better if you can move them around.

Teri James asked about the "oncoming/crossing traffic lit signs" that are in Morristown. Hasty stated those type of signs are just now being tested. They do not make sense for City streets and are used in rural areas. James stated she would be afraid to stand in a median with cars and semis going by on both sides, especially with her grandchildren. Hasty noted that the medians are 16 feet wide.

Houlihan stated he is not talked into the median proposal. The amount of harm that it could possibly do to the businesses outweighs the benefits he sees especially since there has never been a fatality on this road. He would feel really bad if you installed the medians, and then there was a fatality. If you have to go all the way across you will be mindful of what is going on.

Schnoor stated he did not want anybody to be standing in the middle of that highway and looking one way. It is dangerous with all the distracted driving.

Hasty stated a pedestrian has to be mindful with either option. The difference is that with the median you only have to look one way. People are probably going to look both ways anyway. The medians are 16 feet wide and there is plenty of area to stand safely. Pedestrians will now be crossing 45 feet of roadway rather than the current 20 feet of roadway. The median proposal is safer for pedestrians.

Houlihan stated he did think the speed will go up without the medians but maybe this can be addressed with signage and enforcement.

Opsahl stated she had heard the residents talk and she believes the original plan is the way to go. This affects people on a daily basis. She believes it should be kept more open and look to other options for speed reduction.

McBroom stated he agrees that the median proposal will cost the business owners. Traffic circles aren't going to help – they don't fit here. Speed signs don't work – they just become white light. Flashing lights don't work – nobody pays attention to them. He likes the first concept. It provides more access. With respect to safety, he feels the first option will be the best idea.

Stoen acknowledged that the Council had at one time advocated for the medians, but he is worried about the local businesses. This is a small town and if we can't guarantee what will happen, that scares him.

Susan Morsching asked if there could be a painted crosswalk like the one in Waterville by the school. Hasty stated no. That would give a false sense of security and pedestrians need to pay more attention as this crossing will have more of a rural feel.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the first MnDOT option for the 2020 State Highway 60 project that does not include medians.

On motion by Schnoor, seconded by Houlihan, to not allow closure of the Fourth Street SW access as part of the 2020 MnDOT State Highway 60 project. Voting on the motion: Aye - Houlihan, Opsahl, Schnoor, Stoen. Nay – McBroom. Motion passed.

The Council asked what was next in the process. Hasty explained there will be right-of-way discussions, lighting decisions and detour meetings. The Council thanked Hasty for all of MnDOT's work on the different options provided for consideration.

Chris Cavett, SEH Engineering, reported that the Sakatah Trail crossing on Third Street SW will have to be adjusted with the 2018 SUIP. The grade on Third Street will also have to be adjusted. Cavett and City staff met with representatives of the DNR on May 2nd and the DNR has agreed to the concept of the trail realignment and have agreed to pay for the ADA improvements. DNR will be drafting and forwarding a cooperative agreement for Council consideration.

Cavett presented the Council with four options for the redesign of the parking lot at the Tourism Center. He stated Option #1 makes the most sense and will be the most cost effective.

On motion by Stoen, seconded by Opsahl, all voting in favor, to approve Option #1 for the redesign of the parking lot at the Tourism Center.

Cavett noted the parking lot design and 3rd Street SW design revisions will be made in coordination with the DNR Trail revisions.

Cavett asked the Council to consider if they would like to retain / repair the existing sidewalks on Park Avenue between 2nd and 3rd Street NW and 3rd Street NW between Frank Avenue NW and Park Avenue NW. The cost to replace all the sidewalks and install ped ramps is approximately \$10,000. Council referred this discussion to the Park Board to be brought back to Council at the June meeting.

Cavett reported work on the project began today. It is a little wet but there is good weather forecast for the remainder of the week.

Ron Greenwald, Public Works Director, reported that a power surge or spike that occurred in April had blown out the stator in Lift Station A. The City did have a backup pump for Lift Station A so there was not an interruption in service. In order to replace the stator in the damaged pump, it will need to be taken apart and the seals will all have to be replaced. Minnesota Pump Works has presented a quote for this service in the amount of \$2,653.25.

On motion by Stoen, seconded by Opsahl, all voting in favor, to approve the quote to repair the Barnes 20 hp Pump for Lift Station A in the amount of \$2,653.25 from Minnesota Pump Works and to contact League of MN Cities to determine insurance coverage.

Greenwald presented a quote from Minnesota Pump Works to replace a valve at the waste water treatment plant. The quote is for direct replacement of a DeZurik Plug Valve and is in the amount of \$1,950. No action was taken on this item.

Greenwald presented Ordinance #2: Related to the City Water System, Section 9. Service Pipes, for review. The ordinance currently requires Type K Copper tubing be used up to and including two-inch service. It was suggested that AWWA Standard HDPE piping be allowed.

City Attorney Moran noted there is also some discrepancies in this ordinance under Section 8. Repair of Leaks and Installation and Maintenance of Service. Moran suggested this section also be considered for revision.

On motion by Stoen, seconded by Houlihan, all voting in favor, to authorize the City Attorney to revise Ordinance #2: Related to the City Water System, Section 8 and Section 9 and to schedule at public hearing to consider the revised ordinance for June 11 at 6:00 pm.

Greenwald reported that the house that was located at 301 Sixth Street NW has been completely removed and the lot landscaped. The last tires will be picked up on Thursday.

Mayor Stoen introduced Resolution No. 615/18 and was seconded by Councilmember McBroom.

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 615/18

A RESOLUTION AUTHORIZING TO ENTER INTO AGREEMENT
AND REQUEST ONE TIME EXCEPTION

WHEREAS, in 1990 the State of Minnesota Department of Trade and Economic Development did enter into an agreement with Lake Country Sales, Inc. to provide a loan of grant funds in the amount of \$50,000, that was to be repaid to the City of Elysian, and;

WHEREAS, said payments were to be used by the City of Elysian Economic Development Authority to establish and maintain a revolving loan fund, provided that the purpose of that loan is to further future economic development in the City of Elysian, thereby creating additional LMI jobs in the community, and:

WHEREAS, that said loans also adhere to the requirements that are followed by the State of Minnesota Investment Fund Program, and;

WHEREAS, adherence to the General Purposes and Guidelines for RLFs seeded by the Minnesota Investment Fund have created difficulties in the Elysian Economic Development being able to utilize these restricted funds for loan purposes, and;

WHEREAS, the 2017 Legislature passed legislation that allows cities that have revolving loan funds (RLFs) seeded by state-funded Minnesota Investment Fund loan repayment to use 80 percent of the uncommitted balance for any general aid for lawful expenditure if 20 percent of the balance is returned to the State of Minnesota, and;

WHEREAS, the City of Elysian and the Elysian Economic Development Authority will benefit by utilizing this one-time exception in that the funds will be unrestricted and available for use.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Elysian, Le Sueur County, Minnesota, to approve the utilization of the Minnesota Investment Fund State Funded RLF Request for One-Time Exception for uncommitted money received from repayment of funds awarded under Minnesota Statutes, section 116J.8731 in the amount of \$50,000.

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 14th day of May 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA

RESOLUTION 616/18

A RESOLUTION AUTHORIZING THE DEFERRAL OF SPECIAL ASSESSMENT

WHEREAS, the City Council for the City of Elysian, Le Sueur County, Minnesota, met this 14th day of May, 2018, and;

WHEREAS, William H Berndt, a resident of the City of Elysian, having real estate located at 202 Third Street NW, Elysian, Le Sueur County, Minnesota, identified as parcel identification number 16.410.0430 and legally described as the North 50 feet of Lot 7 in Block 11 in the City of Elysian (Formerly known as Townsite of Elysium), Le Sueur County, Minnesota, and;

WHEREAS, Berndt's real estate set forth above is a part of the City's 2018 street and utility improvement project and Berndt's assessment is \$10,100 as set forth in greater detail in the City's Assessment Roll, and;

WHEREAS, Berndt requested the City defer the collection of the special assessment associated with the City's 2018 road and improvement project based upon the City's Assessment Policy which grants a deferment of assessments to those aged 65 years and older, and also based on a financial hardship.

NOW THEREFORE, THE CITY COUNCIL FOR THE CITY OF ELYSIAN HEREIN RESOLVES AS FOLLOWS:

1. That the 2018 Special Assessment associated with Berndt'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, Opsahl, Stoen.

Council Members voting in the negative: None.

Council Members voting to abstain: Schnoor.

Adopted by the City Council of the City of Elysian this 14th day of May, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA

RESOLUTION 617/18

A RESOLUTION AUTHORIZING THE DEFERRAL OF SPECIAL ASSESSMENT

WHEREAS, the City Council for the City of Elysian, Le Sueur County, Minnesota, met this 14th day of May, 2018, and;

WHEREAS, Michael Schnoor, a resident of the City of Elysian, having real estate located at 207 Park Avenue NW, Elysian, Le Sueur County, Minnesota, identified as parcel identification number 16.410.0770 and legally described as Lots Sixteen (16), Seventeen (17), Eighteen (18), and Nineteen (19), in Block Nineteen (19), in the City of Elysian, according to the Plat thereof on file and of record in the Office of the County Recorder, Le Sueur County, Minnesota, and;

WHEREAS, Schnoor's real estate set forth above is a part of the City's 2018 street and utility improvement project and Schnoor's assessment is \$10,100 as set forth in greater detail in the City's Assessment Roll, and;

WHEREAS, Schnoor requested the City defer the collection of the special assessment associated with the City's 2018 road and improvement project based upon the City's Assessment Policy which grants a deferment of assessments to those retired by virtue of a permanent total disability.

NOW THEREFORE, THE CITY COUNCIL FOR THE CITY OF ELYSIAN HEREIN RESOLVES AS FOLLOWS:

1. That the 2018 Special Assessment associated with Schnoor'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, Opsahl, Stoen.

Council Members voting in the negative: None.

Council Members voting to abstain: Schnoor.

Adopted by the City Council of the City of Elysian this 14th day of May, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA

RESOLUTION 618/18

A RESOLUTION AUTHORIZING THE DEFERRAL OF SPECIAL ASSESSMENT

WHEREAS, the City Council for the City of Elysian, Le Sueur County, Minnesota, met this 14th day of May, 2018, and;

WHEREAS, Steven and Marni Schnoor, residents of the City of Elysian, having real estate located at 205 Third Street NW, Elysian, Le Sueur County, Minnesota, identified as parcel identification number 16.410.0470 and legally described as Lot 4 and South Half of Lot 3, Block 12, Village of Elysian, according to the Re-arranged, re-survey and New Plat of the townsite of Elysian, in Le Sueur County, Minnesota, according to the recorded Plat on file and of record in the Office of the County Recorder in and for Le Sueur County, Minnesota, and;

WHEREAS, Schnoor's real estate set forth above is a part of the City's 2018 street and utility improvement project and Schnoor's assessment is \$10,100 as set forth in greater detail in the City's Assessment Roll, and;

WHEREAS, Schnoor requested the City defer the collection of the special assessment associated with the City's 2018 road and improvement project based upon the City's Assessment Policy which grants a deferment of assessments to those retired by virtue of a permanent total disability.

NOW THEREFORE, THE CITY COUNCIL FOR THE CITY OF ELYSIAN HEREIN RESOLVES AS FOLLOWS:

1. That the 2018 Special Assessment associated with Schnoor'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, Opsahl, Stoen.

Council Members voting in the negative: None.

Council Members voting to abstain: Schnoor.

Adopted by the City Council of the City of Elysian this 14th day of May, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

Wenck Associates has completed the Septic Inventory Project for Lake Frances, Rays, Sakatah, and Tetonka. The project was funded with a grant from BOWSER. There are remaining grant funds in the amount of \$60,000. This grant money will be split between the City of Elysian and the City of Waterville. Wenck Associates will be completing a Waste Water Capacity Study for Elysian.

On motion by Houlihan, seconded by McBroom, all voting in favor, to approve the contract for Mosquito Control with Mosquito Control of Iowa, Inc, in the amount of \$3,250.

On motion by Houlihan, seconded by Stoen, to approve Dallas McBroom for the position of temporary summer employee for 2018. Voting on the motion: Aye – Houlihan, Opsahl, Schnoor, Stoen. Nay – None. Abstain – McBroom. Motion carried.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve Joseph Lattimore for the position of permanent part time public works worker.

The City-wide Clean-Up will be held on Saturday, May 19 from 8:30 to 11:00 am at the Lake Francis Parking Lot.

Reminder of Council Meeting to Consider a Resolution Approving Issuance of General Obligation Bonds – May 22, 2018 at 6:00 pm

Reminder Le Sueur County Elected Officials Meeting – Wednesday, May 23, 2018, Little Dandy Sports Bar, Le Center, 6:30 pm social and food, 7:00 pm meeting

Due to weather, the Tuckers Tavern Roll-Ins will not begin until June 6, 2018.

The auction at 301 Sixth Street NW will be held on Sunday, June 24, 2018 at 12:00 noon. Viewing will begin at 10:00 am.

The owners of The Knotty Bar & Grill, 510 West Highway 60, have applied for a liquor license. On motion by Stoen, second by Schnoor, all voting in favor, to schedule a public hearing for June 11, 2018 at 6:10 pm to consider the application for liquor license for The Knotty Bar & Grill.

City Attorney Moran reported that Jeremy Henninger has initiated the purchase of two parcels of property in Lake View Manor – PID #16.419.0090 and #16.419.0100.

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA

RESOLUTION 619/18

WHEREAS, the City Council for the City of Elysian met on the 14th day of May, 2018, for a scheduled City Council meeting;

WHEREAS, at the aforementioned meeting, a discussion was held regarding two parcels of property the City of Elysian owns, specifically, that real estate legally identified as PID number of: 16.419.0090 and 16.419.0100;

WHEREAS, Henninger Construction LLC has proposed to purchase the aforementioned real estate for \$25,000 and build townhomes on those parcels;

WHEREAS, the City Council met and discussed this proposed sale to Henninger Construction LLC. 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. In sum, this sale will help to enhance the City's overall tax base and the council met and agreed that it is in the best interest and general welfare of 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 numbers 16.419.0090 and 16.419.0100 be sold and deeded to Henninger Construction LLC. The City Administrator and City Attorney are empowered to sign any and all documents necessary to effectuate this transfer. Said motion was made, duly seconded, and passed unanimously.

Upon vote being taken:

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

Council Members voting in the negative: None.

Dated: _____, 2018 _____

Clinton Stoen
Mayor

ATTEST:

Dated: _____, 2018 _____

Lorri Kopischke
City Clerk/Administrator

On motion by Schnoor, seconded by McBroom, all voting in favor, bills, payroll, and transfers were approved in the amount of \$141,895.39.

Public Comment: None.

On motion by Stoen, seconded by McBroom, all voting in favor, the meeting adjourned to closed session to discuss attorney client matters at 7:40 pm.

On motion by Stoen, seconded by Schnoor, all voting in favor, to reopen the meeting at 7:56 pm.

Stoen stated that during the closed session there was Council consensus to authorize the City Attorney to continue to deal with the special assessments discussed.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 7:57 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL
SPECIAL MEETING
MAY 22, 2018**

The Elysian City Council met in special session on Tuesday, May 22, 2018 at City Hall at 6:00 pm.

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

George Eilertson, Northland Securities, reported that S&P Global Ratings had affirmed the City of Elysian's bond rating of AA-. This is a strong bond rating which makes the City more attractive to investors and helps the City secure a lower interest rate.

Eilertson presented the Bond Sale Summary for the \$2,225,000 General Obligation Improvement Bonds, Series 2018A. The bonds have been structured in debt service payments over 15 years. The average interest rate is 3.49% and the true interest cost is 3.36%. There is a contingency built into the bond in the amount of \$75,000. This amount is for the Tourism Center parking lot and the water main crossing on Highway 60 that was previously budgeted with the 2020 MnDOT Highway 60 project. A closing date is anticipated within 3 to 4 weeks and funds should be available prior to June 20, 2018.

On motion by Opsahl, seconded by Houlihan, all voting in favor to approve Resolution 620/18 as follows:

RESOLUTION 620/18

**PROVIDING FOR THE ISSUANCE AND SALE OF
\$2,225,000 GENERAL OBLIGATION IMPROVEMENT BONDS,
SERIES 2018A, PLEDGING SPECIAL ASSESSMENTS FOR THE
SECURITY THEREOF AND LEVYING A TAX FOR THE
PAYMENT THEREOF**

A. WHEREAS, the City Council of the City of Elysian, Minnesota (the "City"), has heretofore determined and declared that it is necessary and expedient to issue \$2,225,000 General Obligation Improvement Bonds, Series 2018A (the "Bonds") of the City, pursuant to Minnesota Statutes, Chapters 429 and 475, to finance the construction of various municipal improvements in the City (the "Improvements"); and

B. WHEREAS, the Improvements and all their components have been ordered by not less than a 4/5ths vote prior to the date hereof, after a hearing thereon for which notice was given describing the Improvements or all their components by general nature, estimated cost, and area to be assessed; and

C. WHEREAS, the City has retained Blue Rose Capital Advisors in Minneapolis, Minnesota, as its independent municipal advisor for the sale of the Bonds and was therefore authorized to sell the Bonds by private negotiation in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9); and

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

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

1. Acceptance of Offer. The offer of Northland Securities, Inc. (the "Purchaser"), to purchase the Bonds of the City (or individually, a "Bond"), in accordance with the terms and at the rates of interest hereinafter set forth, and to pay therefor the sum of \$2,242,763.95, plus interest accrued to settlement, is hereby accepted.

2. Bond Terms.

(a) Title; Original Issue Date; Denominations; Maturities; Term Bond Option. The Bonds shall be titled "General Obligation Improvement Bonds, Series 2018A", shall be dated June 21, 2018, as the date of original issue and shall be issued forthwith on or after such date in fully registered form. The Bonds shall be numbered from R-1 upward in the denomination of \$5,000 each or in any integral multiple thereof of a single maturity (the "Authorized Denominations"). The Bonds shall mature on February 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2020	\$120,000	2028	\$150,000
2021	125,000	2029	155,000
2022	125,000	2030	160,000
2023	130,000	2031	165,000
2024	135,000	2032	170,000
2025	140,000	2033	180,000
2026	140,000	2034	185,000
2027	145,000		

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

(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 5 and 10 Authorized Denominations for any Bond shall be deemed to be limited during the Book Entry Only Period to the outstanding principal amount of that Bond.

(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 10 hereof, 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.

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

(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 system 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 10. To the extent that the Beneficial Owners are designated as the transferee by the Holders, in accordance with paragraph 10 hereof, the Bonds will be delivered to the Beneficial Owners.

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

(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. Purpose. The Bonds shall provide funds to finance the Improvements. The total cost of the Improvements, which shall include all costs enumerated in Minnesota Statutes, Section 475.65, is estimated to be at least equal to the amount of the Bonds. Work on the Improvements shall proceed with due diligence to completion. The City covenants that it shall do all things and perform all acts required of it to assure that work on the Improvements proceeds with due diligence to completion and that any and all permits and studies required under law for the Improvements are obtained.

4. 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, 2019, 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>
2020	3.00%	2028	3.00%
2021	3.00	2029	3.00

2022	3.00	2030	3.00
2023	3.00	2031	4.00
2024	3.00	2032	4.00
2025	3.00	2033	4.00
2026	3.00	2034	4.00
2027	3.00		

5. Redemption. All Bonds maturing on February 1, 2027 and thereafter, shall be subject to redemption and prepayment at the option of the City on February 1, 2026, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the selection of the amounts and maturities of the Bonds to be prepaid shall be at the discretion of the City; and if only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected registered holder of the Bonds at least thirty days prior to the date fixed for redemption.

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

6. Bond Registrar. Northland Trust Services, Inc., in Minneapolis, Minnesota, is appointed to act as bond registrar and transfer agent with respect to the Bonds (the "Bond Registrar"), and shall do so unless and until a successor Bond Registrar is duly appointed, all pursuant to any contract the City and Bond Registrar shall execute which is consistent herewith. The Bond Registrar shall also serve as paying agent unless and until a successor paying agent is duly appointed. Principal and interest on the Bonds shall be paid to the registered holders (or record holders) of the Bonds in the manner set forth in the form of Bond and paragraph 12 of this resolution.

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

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

R-_____

\$_____

GENERAL OBLIGATION IMPROVEMENT BOND, SERIES 2018A

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATE OF ORIGINAL ISSUE</u>	<u>CUSIP</u>
_____%	FEBRUARY 1, ____	JUNE 21, 2018	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

THE CITY OF ELYSIAN, LE SUEUR AND WASECA COUNTIES, MINNESOTA (the "Issuer"), certifies that it is indebted and for value received promises to pay to the registered owner specified above, or registered assigns, unless called for earlier redemption, in the manner hereinafter set forth, the principal amount specified above, on the maturity date specified above, and to pay interest thereon semiannually on February 1 and August 1 of each year (each, an "Interest Payment Date"), commencing February 1, 2019, at the rate per annum specified above (calculated on the basis of a 360-day year of twelve 30-day months) until the principal sum is paid or has been provided for. This Bond will bear interest from the most recent Interest Payment Date to which interest has been paid or, if no interest has been paid, from the date of original issue hereof. The principal of and premium, if any, on this Bond are payable upon presentation and surrender hereof at the principal office of Northland Trust Services, Inc. in Minneapolis, Minnesota (the "Bond Registrar"), acting as paying agent, or any successor paying agent duly appointed by the Issuer. Interest on this Bond will be paid on each Interest Payment Date by check or draft mailed to the person in whose name this Bond is registered (the "Holder" or "Bondholder") on the registration books of the Issuer maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any interest not so timely paid shall cease to be payable to the person who is the Holder hereof as of the Regular Record Date, and shall be payable to the person who is the Holder hereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given to Bondholders not less than ten days prior to the Special Record Date. The principal of and premium, if any, and interest on this Bond are payable in lawful money of the United States of America. So long as this Bond is registered in the name of the Depository or its Nominee as provided in the Resolution hereinafter described, and as those terms are defined therein, payment of principal of, premium, if any, and interest on this Bond and notice with respect thereto shall be made as provided in Letter of Representations, as defined in the Resolution, and surrender of this Bond shall not be required for payment of the redemption price upon a partial redemption of this Bond. Until termination of the book-entry only system pursuant to the Resolution, Bonds may only be registered in the name of the Depository or its Nominee.

Optional Redemption. All Bonds of this issue (the "Bonds") maturing on February 1, 2027, and thereafter, are subject to redemption and prepayment at the option of the Issuer on February 1, 2026, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the selection of the amounts and maturities of the Bonds to be prepaid shall be at the discretion of the Issuer. If only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected Holder of the Bonds at least thirty days prior to the date fixed for redemption.

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.

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

Issuance; Purpose; General Obligation. This Bond is one of an issue in the total principal amount of \$2,225,000, all of like date of original issue and tenor, except as to number, maturity, interest rate, denomination and redemption privilege, issued pursuant to and in full conformity with the Constitution and laws of the State of Minnesota and pursuant to a resolution adopted by the City Council on May 22, 2018 (the "Resolution"), for the purpose of providing money to finance the construction of various municipal improvements in the jurisdiction of the Issuer. This Bond is payable out of the General Obligation Improvement Bonds, Series 2018A Fund of the Issuer. This Bond constitutes a general obligation of the Issuer, and to provide moneys for the prompt and full payment of its principal, premium, if any, and interest when the same become due, the full faith and credit and taxing powers of the Issuer have been and are hereby irrevocably pledged.

Denominations; Exchange; Resolution. The Bonds are issuable solely in fully registered form in Authorized Denominations (as defined in the Resolution) and are exchangeable for fully registered

Bonds of other Authorized Denominations in equal aggregate principal amounts at the principal office of the Bond Registrar, but only in the manner and subject to the limitations provided in the Resolution. Reference is hereby made to the Resolution for a description of the rights and duties of the Bond Registrar. Copies of the Resolution are on file in the principal office of the Bond Registrar.

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

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

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

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

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

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

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

Date of Registration:

Registrable by: NORTHLAND TRUST
SERVICES, INC.

Payable at: NORTHLAND TRUST
SERVICES, INC.

BOND REGISTRAR'S CERTIFICATE
OF AUTHENTICATION

CITY OF ELYSIAN,
LE SUEUR AND WASECA COUNTIES,
MINNESOTA

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

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

/s/ Facsimile _____
Mayor

By: _____
Authorized Signature

/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.

ASSIGNMENT

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

Dated: _____

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

Signature Guaranteed: _____

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

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

Name and Address: _____

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

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

9. Authentication. No Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this resolution unless a Certificate of Authentication on the Bond, substantially in the form hereinabove set forth, shall have been duly executed by an authorized representative of the Bond Registrar. Certificates of Authentication on different Bonds need not be signed by the same person. The Bond Registrar shall authenticate the signatures of officers of the City on each Bond by execution of the Certificate of Authentication on the Bond and, by inserting as the date of registration in the space provided, the date on which the Bond is authenticated, except that for purposes of delivering the original Bonds to the Purchaser, the Bond Registrar shall insert as a date of registration the date of original issue, which date is June 21, 2018. The Certificate of Authentication so executed on each Bond shall be conclusive evidence that it has been authenticated and delivered under this resolution.

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

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

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

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

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

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

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

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

11. 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.

12. 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.

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

14. 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.

15. Fund and Accounts. There is hereby created a special fund to be designated the "General Obligation Improvement Bonds, Series 2018A 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 separate accounts:

(a) Construction Account. To the Construction Account there shall be credited the proceeds of the sale of the Bonds, less capitalized interest, plus any special assessments levied with respect to the Improvements and collected prior to completion of the Improvements and payment of the costs thereof. From the Construction Account there shall be paid all costs and expenses of making the Improvements, including the cost of any construction contracts heretofore let and all other costs incurred and to be incurred of the kind authorized in Minnesota Statutes, Section 475.65. Moneys in the Construction Account shall be used for no other purpose except as otherwise provided by law; provided that the proceeds of the Bonds may also be used to the extent necessary to pay interest on the Bonds due prior to the anticipated date of commencement of the collection of taxes or special assessments herein levied or covenanted to be levied; and provided further that if upon completion of the Improvements there shall remain any unexpended balance in the Construction Account, the balance (other than any special assessments) shall be transferred by the Council to the Debt Service Account or the fund of any other improvement instituted pursuant to

Minnesota Statutes, Chapter 429, and provided further that any special assessments credited to the Construction Account shall only be applied towards payment of the costs of the Improvements upon adoption of a resolution by the City Council determining that the application of the special assessments for such purpose will not cause the City to no longer be in compliance with Minnesota Statutes, Section 475.61, Subdivision 1.

(b) Debt Service Account. There are hereby irrevocably appropriated and pledged to, and there shall be credited to, the Debt Service Account: (i) all collections of special assessments herein covenanted to be levied with respect to the Improvements and either initially credited to the Construction Account and not already spent as permitted above and required to pay any principal and interest due on the Bonds or collected subsequent to the completion of the Improvements and payment of the costs thereof; (ii) capitalized interest in the amount of \$45,069.44 (together with interest earnings thereon and subject to such other adjustments as are appropriate to provide sufficient funds to pay interest due on the Bonds on or before February 1, 2019); (iii) any collections of all taxes herein or hereafter levied for the payment of the Bonds and interest thereon; (iv) all funds remaining in the Construction Account after completion of the Improvements and payment of the costs thereof, not so transferred to the account of another improvement; (v) all investment earnings on funds held in the Debt Service Account; and (vi) any and all other moneys which are properly available and are appropriated by the governing body of the City to the Debt Service Account. The Debt Service Account shall be used solely to pay the principal and interest and any premiums for redemption of the Bonds and any other general obligation bonds of the City hereafter issued by the City and made payable from said account as provided by law.

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

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

upon such property. The special assessments have heretofore been authorized. Subject to such adjustments as are required by the conditions in existence at the time the assessments are levied, it is hereby determined that the assessments shall be payable in equal, consecutive, annual installments, with general taxes for the years shown below and with interest on the declining balance of all such assessments at the rates per annum not less than the rate per annum set forth opposite the collection years specified below:

<u>Improvement Designation</u>	<u>Amount</u>	<u>Levy Years</u>	<u>Collection Years</u>	<u>Rate</u>
2018 Street & Utility Improvement Project	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.

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

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

SEE ATTACHED SCHEDULE

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

18. 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.

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

The City hereby certifies and/or covenants as follows:

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

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

(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 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 Bond proceeds to reimburse the Reimbursement Expenditure and, if made within 30 days after the Bonds are issued, shall be treated as made on the day the Bonds are issued.

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

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

21. 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.

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

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

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

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

25. 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 2018 will not exceed \$10,000,000;

(e) not more than \$10,000,000 of obligations issued by the City during this calendar year 2018 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.

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.

26. 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:

(a) to provide or cause to be provided to the Municipal Securities Rulemaking Board, by filing at www.emma.msrb.org, (i) at least annually, its audited financial statements for the most recent fiscal year, and (ii) notice of the occurrence of certain events with respect to the Bonds in not more than ten (10) business days after the occurrence of such event, in accordance with the Undertaking; and

(b) 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 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.

27. 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.

28. 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.

29. 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 Houlihan and, after a full discussion thereof and upon a vote being taken thereon, the following voted in favor thereof: Stoen, Opsahl, McBroom, Houlihan;

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 authorizing the issuance and awarding the sale of \$2,225,000 General Obligation Improvement Bonds, Series 2018A.

WITNESS my hand on May 22, 2018.

Administrator/Clerk/Treasurer

Less: Special Assessment Revenue*	Net Levy	Levy Year	Collection Year
-	-		
52,986.32	150,451.18	2018	2019
52,986.31	151,921.19	2019	2020
52,986.32	147,983.68	2020	2021
52,986.32	149,296.18	2021	2022
52,986.32	150,451.18	2022	2023
52,986.32	151,448.68	2023	2024
52,986.33	147,038.67	2024	2025
52,986.31	147,878.69	2025	2026
52,986.31	148,561.19	2026	2027
52,986.33	149,086.17	2027	2028
52,986.33	149,453.67	2028	2029
52,986.32	149,663.68	2029	2030
52,986.31	147,983.69	2030	2031
52,986.32	151,343.68	2031	2032
52,986.31	149,033.69	2032	2033
\$794,794.78	\$2,241,595.22		

*Special assessment revenue is based on assessments totaling \$565,935 assessed at a rate of 4.50% (as provided by the City), with equal annual payments.

The Council considered a quote from Minnesota Pump Works for sale and installation of Direct Replacement DeZurick Plug Valve in the amount of \$3,823. This is an original valve at the sewer ponds that releases the water into pond #4. This valve is not operational.

On motion by Opsahl, seconded by McBroom, all voting in favor, to approve the sale and installation of Direct Replacement DeZurick Plug Valve in the amount of \$3,823 from Minnesota Pump Works.

It was noted that Dallas McBroom did not accept the offer for employment as public works temporary summer employee.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve David Schlueter for public works temporary summer employee.

There was no further business to be considered.

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

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL
REGULAR MEETING
JUNE 11, 2018**

The Elysian City Council met in regular session on Monday, June 11, 2018, 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; City Attorney Jason Moran. Absent: City Utility Clerk Nicole Lamont.

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 Public Hearing is to allow public input from citizens on Amended Ordinance # 2 – An Ordinance Relating to the City of Elysian Water System: Section 8. Repair of Leaks and Installation and Maintenance of Service and Section 9: Service Pipes.

City Attorney Jason Moran explained that the proposed changes to Section #8 of the Ordinance clarify that the installation and maintenance of the service pipe from the main to, and including, the curb stop and box is the responsibility of the property owner. The changes to Section #9 refer to the required depth and material of the service pipes and also require tracer wire to be installed on all non-conductive services.

City Engineer Chris Cavett confirmed the changes are consistent with the AWWA standards and the City Engineers Association of MN specifications for water service pipes and standards.

There were no Public Comments and no Written Comments have been received.

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

Le Sueur County Chief Deputy Nick Greenig stated all is well in the City. He has been meeting with representatives of the Chamber of Commerce on staffing for the 4th of July festivities.

On motion by Houlihan, seconded by McBroom, all voting in favor, to approve the minutes of the May 14, 2018 Regular Meeting and May 22, 2018 Special Meeting as presented.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve the agenda of the June 11, 2018 Regular Meeting with the following addition:

1. Repair to the water tower painter's hatch

Public Comment:

Larry Hohnstadt, owner of PID #16.450.0170 located at the northwest corner of First Street North and Frank Avenue NW, noted that with the street project and all the rain he is not able to mow his lot as there is standing water. Cavett stated there is a storm drain for that location that has been on backorder. He is hopeful it will be arriving and will be installed soon. That will clear up the wet area on the lot. Council acknowledged that the wet area cannot be mowed at this time.

There was no further public comment.

Council then considered Ordinance No. 2-18, An Ordinance Amending Ordinance No. 2, Sections 8 and 9 of the Elysian Code.

The Ordinance was presented by Councilmember McBroom, seconded by Councilmember Schnoor as follows:

Ordinance No. 2-18
City of Elysian, Le Sueur County, Minnesota

An Ordinance Amending Ordinance No. 2 Sections 8 and 9
of the Elysian City Code

WHEREAS, the City of Elysian City Council met this 11th day of June, 2018, and discussed Ordinance No. 2, Sections 8 and 9 of the City's Water Ordinance; and

WHEREAS, the Council does hereby and herein agree to amend those sections of the Water Ordinance based upon the best interest of the City of Elysian.

NOW THEREFORE, the Elysian City Council Hereby Amends Ordinance #2 Sections 8 and 9 to reads as follows:

Section 8. Repair of Leaks and Installation and Maintenance of Service.

It shall be the responsibility of the consumer or owner to install the individual service pipe, under the supervision of the City, or to pay for all installation costs of the same from the main to, and inside, the home. It is additionally the responsibility of the consumer or owner to maintain, and be solely responsible for, the individual service pipe from the main to, and including, the curb stop and box. In case of failure upon the part of any consumer or owner to repair any leak occurring in the service pipe or curb stop within twenty-four (24) hours after verbal or written notice thereof, the water will be shut off. When the waste of water is great, or when damage is likely to result from any leak, the water may be turned off immediately pending repairs. Service lines and curb stop shall be installed pursuant to the City's direction and only with approval from the City.

Section 9. Service Pipes.

Every service pipe must be laid sufficiently waiving to not allow less than one foot of extra length, and in such manner as to prevent rupture by settlement. The service pipe must be placed no less than seven and a half (7½) feet below the surface and in all cases so arranged so as to prevent rupture by freezing. Where 7½ cover cannot be provided, service line may be insulated upon inspection and approval by the City Water Supervisor. Service pipes must extend from the curb box to the inside of the building; or, if not taken into a building, then to the hydrant or other fixtures to which it is intended to supply.

Water service pipe of less than three inches (3") in inside diameter shall conform to the requirements of ASTM B 88 for Seamless Copper Water Tube, Type K, Soft Annealed temper; Polyethylene Pipe as per AWWA C901 and ASTM D3350, or Polyvinyl Chloride Pipe and fittings as per a ASTM D1785, D2241, D2466, D2467 and D2740, or Cross-linked Polyethylene (PEX) pipe as per ASTM F876, ASTM F877, and AWWA C904, NSF/ANSI Standard 61 for potable water distribution, as specified on the Proposal or in the Special Provisions. Water service piping supplied shall include markings indicating the type, pressure class, testing certification, and use for potable water systems.

Tracer wire shall be installed along the length of all non-conductive services with vertical riser to the surface, at curb boxes per Minnesota Rural Water Association Standards.

All underground joints to be mechanical joints on tubing shall be kept to a minimum, which not more than one joint shall be used for service up to 70 feet in length. All joints and connections shall be left uncovered until inspection and approval by the City Water Supervisor and tested and approved at

normal water line pressure. Connections with the mains for domestic supply shall be at least one (1) inch.

Effective Date

This ordinance shall take effect and be in force upon adoption and publication as required by state law.

The Ordinance was presented by Councilmember McBroom, seconded by Councilmember Schnoor with the following vote being taken:

Voting Yes: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Voting No: None.

APPROVED AND PASSED BY THE ELYSIAN CITY COUNCIL THIS 11th DAY OF JUNE, 2018.

Clinton Stoen, Mayor

ATTEST:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 623/18
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 2018 Street and Utility Improvement Project, which includes improvements on the following streets:

- Second Street NW, from Main Street to Frank Avenue NW
- Third Street SW/NW, from TH 60 to Frank Avenue NW
- Fourth Street SW, from TH 60 to Main Street
- Frank Avenue NW, from 4th Street NW to 1st Street
- Park Avenue NW, from 4th Street NW to 1st Street
- Second Street NE, from Main Street to Park Ave NE; and
- Second Street SE, from Main Street to dead end; and

WHEREAS, 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. The proposed assessment, for PID # 16.450.0170, owned by Larry and Catherine Hohnstadt, in the amount of \$25,254.37 (Residential/Domestic Water Service Assessment @ \$1,650 per unit and 209.5 front footage [ff] at the rate of Commercial/Institutional/Multi-Family Reconstructed Street Assessment @ \$112.67 per ff), 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 2019, and will bear interest at a rate of 4.50 percent per annum from November 1, 2018. To the first installment shall be added interest on the entire assessment from the November 1, 2018 until December 31, 2019. 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, 2018, 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, 2018. 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: Houlihan, 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 June, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 622/18
RESOLUTION ACKNOWLEDGING A DONATION FROM
ELYSIAN AMERICAN LEGION POST #311

WHEREAS, the City of Elysian has received a donation in the amount of \$2,892.00 from the Elysian American Legion Post #311, for tax relief for the purpose of replacing flag poles located along 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 the donation from the Elysian American Legion Post #311 in the amount of \$2,892.00 for tax relief for the purpose of replacing flag poles located along State Highway 60.

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 11th day of June, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION #621/18
RESOLUTION ACKNOWLEDGING A DONATION FROM
MODERN WOODSMEN OF AMERICA CHAPTER #2834

WHEREAS, the City of Elysian has received a donation in the amount of \$150.00 from Modern Woodsmen of America Chapter 2834 for flowers and mulch around City;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian acknowledges and accepts a donation from Modern Woodsmen of America Chapter 2834 for flowers and mulch around City.

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 11th day of June, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

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

The purpose of the Public Hearing is to receive public input for the consideration of the request of The Knotty Bar & Grill, LLC, 79 Navajo Avenue, Mankato, MN 56001, for an On Sale, Sunday Liquor and Soft Drink License for the restaurant and bar located at 510 Highway 60 West, Elysian, MN.

Kopischke reported that the applicants have submitted all required paperwork, passed the background checks, and paid the license fees.

Emily Swalve and Ryan Bair introduced themselves to the Council. They stated they hope to open for business in the month of July and are very excited. Councilmembers welcomed them to Elysian.

There were no Public Comments and no Written Comments have been received.

On motion by Stoen, seconded by Houlihan, all voting in favor, to close the Public Hearing at 6:13 pm and open the Regular Meeting.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve the On Sale, Sunday Liquor and Soft Drink License for The Knotty Bar & Grill, LLC, 79 Navajo Avenue, Mankato, MN 56001, doing business at 510 Highway 60 West, Elysian, MN 56028 for the period of July 1, 2018 through December 31, 2018.

Kent Skaar, Senior Project Manager for State Trails Development, Department of Natural Resources, and Craig Beckman, Area Parks Supervisor, Department of Natural Resources, addressed the Council regarding the 2018 Street and Utility Improvement Project Assessment and a Cooperative Agreement – Sakatah-Singing Hills State Trail – Trail Intersection Improvements.

Skaar reported the Sakatah-Singing Trail going west from 4th Street SW to Madison Lake is under construction and will be complete in August. The funding has been secured for construction of the trail from 4th Street SW to Waterville and that section will likely be completed next spring. Part of these projects is to bring the public road intersections to full compliance with ADA standards. The ADA compliance update that is part of the 2018 Street and Utility Project is what is included in the Cooperative Agreement. The DNR would be doing that update as part of the Trail project next year if it weren't done with the Street Project.

Skaar stated that the DNR does acknowledge that the community relationship with the City has been strong the entire time the trail has been here. In acknowledgement of that, the DNR does feel responsible to participate in the assessment. However, the DNR does not agree with the way the

assessment has been determined. The property is neither residential nor commercial. As there is no other option in the Special Assessment Policy, the DNR does agree to be assessed as two residential properties with two water hook ups for a total assessment due of \$20,200. By State Statute the Department does have the ability to evaluate each assessment and determine the benefit based on the improvement.

City Attorney Moran stated there had only been two objections to the assessments for this project – the DNR and one other. The City did not give any consideration to the other assessment and he does not believe there should be any consideration given on the DNR assessment either.

Skaar stated the property is not commercial. It is a recreational facility that is available for public use. Moran stated a recreational classification does not exist in the Special Assessment Policy, so it must be assessed at either a residential or a commercial rate. If it is assessed as a residential rate then it would equate to having 12 serviceable assessments similar to the 12 adjacent residential properties and thus using the residential formula, the assessment would be \$121,200.

Moran asked if Skaar had any authorization to negotiate the assessment? Skaar stated the only authorization he had was to bring forward the original proposal and if it is not accepted, there will be a written response from the St. Paul Office.

Moran asked what costs are included in the cooperative agreement. Skaar stated the costs included in the cooperative agreement are \$22,800 for the ADA work and engineering as originally planned and \$42,600 for the work as planned plus new trail realignment work plus engineering and re-engineering.

Moran stated he did not know how he could turn the to the citizens and say the DNR is only paying \$20,200 in assessments when no one else has challenged the assessments. Skaar stated it is a decision of the Department and there will be documentation of why that decision was made.

Cavett stated this is a win/win for the City to make these improvements with this project. It provides for a better fit and it is a good opportunity for both.

Cavett stated that from a physical standpoint, the DNR has recommended the assessment be based on 2 residential units. Cavett said he believes there are 3 frontages with 2 properties. He suggested that as a compromise the assessment could be based on 3 residential properties which would increase the assessment by \$8,450.

Moran asked Skaar if he had the authority to negotiate the assessment up to \$35,000. Skaar stated that if the amount of the assessment increases, the amount of the cooperative agreement will decrease. He has the authority to carry a proposed assessment amount back to the Department as a separate issue from the cooperative agreement.

Opsahl stated the classification of the DNR property is totally different than residential or commercial so she did not see an issue with negotiating the amount of the assessment. She is happy that the DNR has come to talk to the Council to resolve this and she would like to move this forward tonight.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve the Cooperative Agreement between the State of Minnesota and the City of Elysian, Sakatah-Singing Hills State Trail – Trail Intersection Improvements and continue to negotiate the 2018 Street and Utility Improvement Project Assessment based on a request from the City for that Assessment to be negotiated to an amount of \$35,000 with a response provided from the DNR by July 2, 2018.

Skaar then discussed the alley located between Main Street East and State Highway 60 between CSAH #11 (First Street S) and Second Street S. The DNR owns this property. The City does have

sanitary sewer services located in this area. Skaar stated that this alley has existed since time immemorial. It has always been there. If there is an interest by the City in accepting the alley for what it is, the DNR will pursue actions internally to provide that alley to the City with little to no charge. There is a public purpose associated with it. The challenge is the north side of the alley and the existing encroachments – most of which are use related. There is a structure that appears to be encroaching. The DNR would prefer not to deal with these issues and if the alley is conveyed to the City, it would then be the City's responsibility to deal with the issues.

The Council expressed their interest in accepting the alley. Skaar stated the DNR will then pursue an avenue to convey that alley to the City under the public purpose conditions.

Skaar then discussed the building located at the DNR Wayside Rest. On a state-wide basis, similar type trail systems are serviced by porta pots. If there is a building similar to the one at the Wayside Rest, it is operated by the community. The Elysian building is unique and is in a category by itself. As the Department continues to look at "right-sizing" facilities for what they are and as the building continues to wear, the thought is that it would probably be removed. At that point, the DNR would offer the building to the City. The DNR would contribute the cost to demolish the building, haul it away and regrade the site, to the City, with the understanding that, at such time as the City would no longer maintain the building, they would demolish it at the City's cost.

The Council expressed interest in acquiring the building located at the DNR Wayside Rest. Beckman reported the building is currently staffed by the Greenview Program with no cost to the State of MN. Skaar stated there are grant opportunities available to assist with updates to the building such as the Federal Recreational Trail Grant.

Chris Cavett, SEH Engineering, presented a proposal for additional engineering services – (Fee Amendment) 2018 Street and Utility Improvement Project. This includes: Redesign of 3rd Street SW Trail Crossing and Trail Realignment \$6,900 lump sum, Design of Tourism Office Parking Lot \$2,100, and Watermain Crossing of TH 60 (Coordination, Planning & Design) \$3,500 hourly.

With regard to the watermain crossing of TH 60, Cavett reported there have been numerous discussions with MnDOT regarding the open cut installation of the crossing with the 2020 TH 60 project. If the open cut installation is pursued, it is recommended that two mains be installed, one at Fourth Street SW and one at Second Street SE for a total cost of \$35,000 to \$40,000. If the directional drill installation is pursued, it is recommended that the main on Fourth Street SW be abandoned and only one crossing be installed on Second Street SE for a total cost of \$30,000 to \$35,000. In the last response from Forrest Hasty of MnDOT, it has been indicated that it is MnDOT's "preference" that the City directionally drill the watermain crossing this season with the current Street Project.

Cavett stated that from an engineering standpoint, he does not favor one installation over the other. The logistics for including it in the current project are a little better. In 2020 the crossing would be bid with the State Road project and there would be some unknowns.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the SEH Engineering Proposal for Additional Engineering Services – (Fee Amendment) 2018 Street and Utility Improvement Project Task 93.0, Task 92.0 and Task 91.0 in the total amount of \$12,500 and to install one water main crossing at Second Street SE with the 2018 Street and Utility Project.

Ron Greenwald, Public Works Director, presented a quote from Minnesota Pump Works in the amount of \$1,960.50 for the sale and installation of a Dialer System with Enclosure for Lift Station #1. Greenwald stated this had previously been approved by Council in 2016. Due to a change in

staff at Minnesota Pump Works it has not yet been completed. They now have the staff to install the Dialer System.

On motion by Opsahl, seconded by Houlihan, all voting in favor, to approve the quote from Minnesota Pump Works in the amount of \$1,960.50 for Sale and Installation of Dialer with Enclosure for Lift Station #1.

Greenwald presented quotes to repair the Painter's Door on the water tower – Elevated Welding Service, LLC in the amount of \$2,000 and Maguire Iron in the amount of \$3,500.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the quote from Elevated Welding Service, LLC in the amount of \$2,000 to repair the Painter's Door on the water tower using paint option #1.

Greenwald reported there had been concern with the temporary water lines in the 2018 Street and Utility Project not passing the required testing. The State of Minnesota tested the water at four locations within the City and all water passed. There are no bacteria in the water in the City.

Councilmember Schnoor suggested the City Council begin the process of looking at the number and type of lights to be installed on State Highway 60 in conjunction with the 2020 project. He asked that staff also begin researching the types and costs of speed signs.

The Council then considered a revision to the Personnel Policy. The revision provides for employees who work an average of not less than 29 hours and not more than 39.5 hours per week (not to exceed 130 hours per month) to accrue two (2) hours of vacation leave for each month of service, with an annual accrual of no more than twenty-four (24) hours.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the revision to the Personnel Policy as presented.

It was reported that the sale of Lake View Manor PID #: 16.419.0090 and 16.419.0100 to Henninger Construction, LLC is complete.

The auction at 301 Sixth Street NW will be held on Sunday, June 24, 2018 at 12:00 noon. Viewing will begin at 10:30 am.

The Council thanked Lake Area Women for donating the flowers for the flower pots in front of the businesses in the City.

The Council thanked the Farmers Friends 4H Club for planting the flower pots at the Tourism Center and Lake Francis Park.

On motion by Schnoor, seconded by McBroom, all voting in favor, bills, payroll, and transfers were approved in the amount of \$303,730.45.

Public Comment: None.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 7:19 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL
REGULAR MEETING
JULY 9, 2018**

The Elysian City Council met in regular session on Monday, July 9, 2018, 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. Absent: Public Works Director Ron Greenwald; City Attorney Jason Moran; City Utility Clerk Nicole Lamont.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the minutes of the June 11, 2018 Regular Meeting as presented.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the agenda of the July 9, 2018 Regular Meeting with the following addition:

1. East End of Main Street

Public Comment: None.

Kris Miller, Elysian Area Chamber of Commerce, stated the Chamber would like to start a "Pop Up Market". The event would be held in conjunction with the Wednesday Night Roll-Ins on July 11, August 15, and September 12 from 5 to 8 pm. Vendors would set up on the sidewalks on Main Street. Each month will have different vendors and crafters. This event will hopefully attract more people to the City.

Councilmembers expressed their approval and appreciation, stating this was a great idea.

Le Sueur County Deputy Joe Kern stated all had gone well with the Fourth of July celebration and the Triathlon.

Councilmember McBroom stated that he has noticed that when there are events in the city the parking can get "bizarre". He has talked with the administration in the City of Morristown, and they stripe their own streets. They stated it has provided more room and more orderly parking. McBroom suggested this would be beneficial for Elysian's Main Street.

City Engineer Cavett had provided a sketch of the typical size of parking spaces and two examples of the markings – a simple "T" mark or a solid line to the curb. The striping could be done by the Public Works employees. Another option would be to obtain a quote for striping Main Street, the Lake Francis Park parking lot and the crosswalks in the 2018 SUIP all at the same time.

The City of Waterville has recently striped their parking spaces in downtown and the administration is happy with the results. They have gained parking and it has created more organized parking.

On motion by Opsahl, seconded by McBroom, all voting in favor, for Public Works employees to stripe the parking spaces with a solid line - on the south side of Main Street from Third Street NW to Third Street NE and on the north side of Main Street from Third Street NW to the Fire Hall.

Chris Cavett, SEH Engineering, stated that the original 2018 SUIP bid included some simple sidewalk replacement. Upon inspecting the sidewalks after the snow melt, and after Park Board review, there is a recommendation to expand the sidewalk replacement as well as constructing new sidewalk along Third Street NW, from Park Avenue to Frank Avenue to the City Park.

The Park Board is recommending to:

1. Replace all existing sidewalk in Third Street NW between Main Street and Park Avenue.

2. Replace all existing sidewalk on Park Avenue NW between Third Street and Second Street.
3. Construct new sidewalk on Third Street NW from Park Avenue to Frank Avenue and across Frank Avenue into the parking lot at the park.

Cavett explained that the new sidewalk on Third Street NW to the parking lot at the park is feasible. The home at 208 Park Avenue NW is very close to the public right-of-way and a fence at that location is encroaching into the right-of-way. However, the sidewalk will fit. The sidewalk will fit past the mobile home at 202 Third Street NW, which encroaches into the right-of-way. However, two trees will need to be removed at that location. Nothing has been shared yet with the residents.

As bid, the project included new sidewalk along Third Street SW next to the tourism building and along Second Street SE near Elysian Bank. It also included some selected sidewalk replacement. The total city sidewalk work as bid was \$31,500. If the entire sidewalk network is reconstructed as proposed tonight, it will add approximately \$25,000 to the project (\$20,000 for sidewalk and \$5,000 for incidentals such as grading, turf establishment and tree removal).

Councilmembers Schnoor and Houlihan who are members of the Park Board explained that the Park Board would like to see a sidewalk to the Lake Francis Park from the trail. The Park Board was not as clear about the sidewalk on Park Avenue between Second and Third Street NW but did acknowledge that the sidewalk is used by the church there and once you remove a sidewalk there is a chance you will never get it back.

On motion by Stoen, seconded by McBroom, all voting in favor, to proceed with the sidewalk located in the 2018 Street and Utility Project as per the Park Board recommendations which will include:

1. Replace all existing sidewalk in Third Street NW between Main Street and Park Avenue.
2. Replace all existing sidewalk on Park Avenue NW between Third Street and Second Street.
3. Construct new sidewalk on Third Street NW from Park Avenue to Frank Avenue and across Frank Avenue into the parking lot at the park.

Councilmember Schnoor stated the vegetation at the east end of Main Street as you come off State Highway 60 is very overgrown. There are vines covering up the speed sign on Main Street and the trees are hanging so low over Main Street that the branches are catching on big trucks when they travel the roadway.

Kopischke stated staff is aware of this issue. There has been one other complaint in regard to the stop sign. The Public Works Department does have this on their list and it will be trimmed up prior to the August Council Meeting.

The Council then discussed the posting of no parking on G Avenue SE. There have been several complaints of safety issue with cars, trailers and trucks parked on the corner of G Avenue SE just east of First Avenue South. G Avenue SE is narrow and when vehicles are parking at the intersection the oncoming vehicles are not able to see vehicles coming the other direction and vice versa. When turning onto G Avenue from First Street, the turning vehicle is forced to travel in the oncoming lane of traffic.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to place signage for no parking on both sides of G Avenue SE for 100 feet to the east of First Street S.

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

RESOLUTION NO. 624/18

RESOLUTION ESTABLISHING DATES FOR FILING AFFIDAVITS OF CANDIDACY

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

1. The period for filing affidavits of candidacy of the office of Mayor and Council shall begin on July 31, 2018 and shall close on August 14, 2018. 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 14, 2018.
2. 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.
3. The Administrator is hereby authorized and directed to cause notice of said filing dates to be posted at the administrative office of the City of Elysian at least ten (10) days prior to the first day to file Affidavits of Candidacy.
4. The notice of said filing dates shall be in substantially the following form:

PUBLIC NOTICE

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 6, 2018, to fill the following Offices:

Mayor – Two (2) year term
Councilmember – Four (4) year term
Councilmember – Four (4) 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, July 31, 2018 through Tuesday, August 14, 2018 ending on August 14, 2018 at 5:00 pm.

Filing will close at 5:00 p.m. on August 14, 2018. Filing fee: \$2.00

Adopted by the City Council of the City of Elysian this 9th day of July, 2018.

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

Councilmembers voting in the negative: None.

Approved:

Attested:

Clinton Stoen, Mayor

Lorri Kopischke, City Clerk/Administrator

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 625/18

RESOLUTION APPROVING 2018 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 County of Waseca, State of Minnesota, that the following persons are appointed as 2018 Election Judges for the August 14th State Primary and the November 6th General Election contingent upon receiving necessary training hours as required by the MN Secretary of State. Their hourly rate of pay will be \$10.00, and they will receive mileage reimbursement for training if applicable. The City will provide election judges with snacks along with one meal per shift.

Judges for Elections are: Janice Evans, Charlene Howe, Julaine Jacobson, Lorri Kopischke, Patricia Nusbaum, Sarah Reindl, Marilyn Sandquist, Marie Tuve, and Brian Van Asperen.

BE IT FURTHER RESOLVED, head election judge duties will be performed by Patricia Nusbaum and Lorri Kopischke, Elysian City Clerk/Administrator. Head Election Judge(s) shall have authority to designate additional election judges should an emergency arise.

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 9th day of July, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 626/18

RESOLUTION ACKNOWLEDGING A DONATION FROM
ELYSIAN AMERICAN LEGION POST #311

WHEREAS, the City of Elysian has received a donation in the amount of \$2,000.00 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 4th 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 \$2,000.00 – July 4th 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 9th day of July, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 627/18

RESOLUTION ACKNOWLEDGING A DONATION FROM
ELYSIAN AMERICAN LEGION POST #311

WHEREAS, the City of Elysian has received a donation in the amount of \$600.00 from the Elysian American Legion Post #311, for tax relief to the Elysian Area Chamber of Commerce for the purpose of funding a portion of the July 4th 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 \$600.00 for Kid's Bingo.

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 9th day of July, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve the 2018 Municipal Maintenance Agreement with Le Sueur County in the amount of \$6,798.45 per mile per year for total mileage of 1.35 miles resulting in a total payment of \$9,177.91.

The Council received the results of the Surplus Auction that was held at 301 Sixth Street NW on June 24, 2018. Dailey Auction Service reported gross sales of \$7,910 with a net to the City of \$3,709.25.

On motion by Stoen, seconded by McBroom, all voting in favor, to schedule a Budget Workshop Meeting for Wednesday, August 8, 2018 at 6:00 pm.

National Night Out Event will be held at Lake Francis Park on Tuesday, August 7, 2018 from 5:30 to 7:30 pm.

The Council thanked the Chamber of Commerce, City Employees, and all the volunteers for an outstanding Fourth of July Celebration and Triathlon.

On motion by McBroom, seconded by Houlihan, all voting in favor, bills, payroll, and transfers were approved in the amount of \$274,339.48.

Public Comment:

Gordon Kritzer, 310 East Main Street, stated that prior to his heart condition, he had kept the brush cut on Main Street East by his property. He is no longer able to do this physical activity. He will cut the vines away from the speed sign in the morning so that is clear. He suggested the City go in there in the winter and cut down the trees and push it all back. The trees down there hang over the center line. He has seen the trucks come through there and some of the branches get caught on their truck and fall off near his driveway. He went out there and cut them up and put them in his backyard.

Kritzer also suggested that when the parking lots are striped, the handicap accessible spot in front of the Post Office be striped with yellow paint and a box with cross lines be painted into the street. People park in front of that access without regard to the disabled.

Mark Sybilrud, 514 Lake Avenue NW, questioned why the construction on the State Trail won't be done until August. He suggested that for the 2019 construction on the rest of the trail to the east, that they not start until the Tuesday after Labor Day to avoid the busy season for the trail use.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 6:46 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL
SPECIAL MEETING
JULY 26, 2018
5:30 PM**

The Elysian City Council met in special session on Thursday, July 26, 2018 at City Hall at 5:30 pm.

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

The HVAC system for City Hall failed on July 13, 2018. Two quotes have been received for replacement of the unit. Northwinds Plumbing, Heating & Air LLC in the amount of \$9,360. This quote includes installation and electrical service. The second quote is from Connors Plumbing and Heating in the amount of \$7,845. This quote does not include the electrical service, required the disconnect/reconnect of the overhead power line, and states that the physical size of this unit is larger than the existing and may require roof reinforcement to be done by others. Volkmann Electric has provided a verbal electrical estimate of \$500 to \$1,000 to perform the electrical services.

On motion by McBroom, seconded by Schnoor, all voting in favor, to approve the estimate and award the replacement of the HVAC unit for City Hall to Northwinds Plumbing, Heating & Air LLC in the amount of \$9,360.

The demolition of the bathroom building at Lake Francis Park has begun and it has been determined that the soils are bad, and the concession stand cannot be constructed as originally planned. American Engineering Testing has looked at the soils and stated that soil correction is not an option. Chris Cavett, SEH Engineering, has recommended that the City contact a structural engineer to determine how to proceed and what the cost will be.

On motion by Stoen, seconded by McBroom, all voting in favor, to proceed with contacting a structural engineer and request a quote to determine what is needed to proceed with the construction of the concession stand at the Lake Francis Park.

There was no further business to be considered.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 5:45 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL
REGULAR MEETING
AUGUST 13, 2018**

The Elysian City Council met in regular session on Monday, August 13, 2018, at City Hall at 6:00 pm.

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

On motion by Schnoor, seconded by Stoen, all voting in favor, to approve the minutes of the July 9, 2018 Regular Meeting, July 26, 2018 Special Meeting, and August 8, 2018 Budget Workshop Meeting as presented.

On motion by Houlihan, seconded by Stoen, all voting in favor, to approve the agenda of the August 13, 2018 Regular Meeting as presented.

Public Comment: None.

Dan Murphy, City Building Inspection Services, LLC, explained that the 2015 Building Code contains a lot of changes, mostly energy related. These changes have increased the time required for inspections.

The last increase to the City for building inspection fees was in 2007. The proposed contract will increase the fixed fees from \$50 to \$65. The proposal will also update from the 1994 Uniform Building Code (UBC) fee schedule to the 1997 UBC fee schedule. The building permit fee will remain at 50/50% and fixed fee will increase from 50% to 60%. Murphy requested the new fees become effective January 1, 2019.

On motion by Stoen, seconded by Houlihan, to accept the City Building Inspection Services, LLC contract and increase to the 1997 Uniform Building Code and increase fees as proposed. Voting on the motion: Aye – Houlihan, Opsahl, Stoen. Naye: Schnoor. Motion carried.

The Council then considered a proposal from Granby Construction for a Helical Pier Foundation System Installation for the proposed concession stand and restroom building at Lake Francis Park. Building Inspector Murphy reported that upon demolition of the old bathroom building at the Lake Francis Park, it was discovered that the soils there are organic and would not support the weight of the new building as proposed. Also, the water table is high in the area and the water continued to fill in the site.

Murphy stated he has reviewed the proposal from Granby Construction and would recommend approval. He has worked with the owner Brent Krohn on a project in Eagle Lake and another on Lake Francis and he does good work. The proposal includes the use of helical piers which is a good system that will disturb less soil and, in the end, will be less expensive than the traditional means of over excavating and filling with better soil. The price of the proposal which includes engineering and installation is \$12,596.

Chris Cavett, SEH Engineering stated that he concurred with the Building Inspector. This is a good proposal and the price is reasonable.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the proposal for 20 foot by 38 foot concession stand and restroom building helical pier foundation system installation and engineering from Granby Construction in the amount of \$12,596.

Chris Cavett, SEH Engineering, presented Resolution No. 629/18 – 2018 Street and Utility Project directing modification of the construction contract (Change Order 1). Change Order No. 1 is the subsurface water main crossing of State Hwy 60. The pricing includes the work and materials provided by the proposed subcontractor, Ellingson Companies, as well as the support services and overhead provided by James Bros. Construction.

The total amount of the change order is proposed at \$43,132.00

Ellingson Companies (Subcontractor):	\$28,700.00
James Bros. Construction (General Contractor):	<u>\$14,432.50</u>
The total amount of this change order is proposed at:	\$43,132.50

James Bros. has provided estimates of potential additional costs for items that may be necessary, but which are not expected.

James Bros. Construction also obtained quotes from EJM Pipe Services and GM Contracting. Ellingson Companies was the lowest price and they are fully capable of completing such work.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 629/18

DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT
2018 STREET AND UTILITY IMPROVEMENT PROJECT, CHANGE ORDER NO. 1

WHEREAS, the City Council of Elysian, Minnesota, has heretofore ordered made the 2018 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. 1, as an increase to said contract by an amount of \$43,132.50, such that the new contract amount is now and hereby established as \$1,572,634.85.

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. 1, as a contract increase in the amount of \$43,132.50. The revised contract amount is \$1,572,634.85.

Upon vote being taken:

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

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

Council Members voting in the negative: None.

Adopted by the City Council of this 13th day of August, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

Councilmember Schnoor asked if the third watermain would still be installed with the 2020 MnDOT State Highway 60 project? Cavett stated that it would not. There will only be two watermain crossings – one at Second Street SE and the other at Blue Bay Lane.

Public Works Director Ron Greenwald reported there is a large cottonwood tree next to the Tourism Center that has slowly been dying for the last 2-3 years. The tree is losing a lot of its branches and needs to be removed. Greenwald provided two quotes for removal of the tree and stump grinding – Suemnick's Final Cut Tree Service LLC \$1,100 and Scheurer's Tree Service \$1,200. Both have worked in the City before. The tree needs to be removed for safety reasons and to avoid damage to the building.

On motion by Opsahl, seconded by Schnoor, all voting in favor, to approve and award the quote to remove the cottonwood tree next to the Tourism Center to Suemnick's Final Cut Tree Service LLC in the amount of \$1,100.

Greenwald updated the Council stating that the trees and brush on the east end of Main Street have been cleaned up. There is still one tree that needs to be removed. The parking striping on Main Street has been completed and the parking striping at Lake Francis Park has been started and will be completed shortly. The painter hatch on the water tower has been repaired and painted.

Mayor Stoen asked if the yellow curbs will be painted as well. Greenwald stated this will be completed.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 628/18

RESOLUTION APPROVING A LAWFUL CHARITABLE GAMBLING
LICENSE FOR THE ELYSIAN FIREMEN RELIEF ORGANIZATION
TO BE CONDUCTED AT:

Knotty Bar & Grill
510 State Highway 60 West

WHEREAS, Elysian Firemen's Relief Organization has requested the City of Elysian approve a resolution of support for lawful charitable gambling to be conducted at the Knotty Bar & Grill, 510 State Highway 60 West, Elysian, MN 56028.

WHEREAS, the types of lawful charitable gambling to be conducted at the Knotty Bar & Grill are paper and electronic pull-tabs.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian hereby approves Elysian Firemen's Relief Organization

to conduct lawful charitable gambling such as paper and electronic pull tabs at the Knotty Bar & Grill, Elysian, MN 56028.

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 13th day of August, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

On motion by Stoen, seconded by Houlihan, all voting in favor, to schedule a Budget Workshop Meeting for Thursday, August 30, 2018 at 6:00 pm.

The Council thanked the Chamber of Commerce, City employees, and all the volunteers for an enjoyable National Night Out Event at Lake Francis Park.

Nicole Lamont, Elysian Park Board, reported the results of the Facebook poll for the name of the new park on 6th Street. The two names included in the poll were "Sunset Park" and "Elysian Fields Park". The name "Sunset Park" received 54 percent of the votes. "Elysian Fields Park" received 46 percent of the vote. The name "Sunset Park" was presented by Kiya Glende and Jaelyn Greenwald.

On motion by Stoen, seconded by Houlihan, all voting in favor, to accept the recommendation of the name "Sunset Park" for the new park on Sixth Street and to approve by resolution at the September 10, 2018 meeting.

On motion by Schnoor, seconded by Opsahl, all voting in favor, bills, payroll, and transfers were approved in the amount of \$512,997.64.

Public Comment: None.

Le Sueur County Deputy Matt Shouler stated all is quiet in the City.

On motion by Stoen, seconded by Houlihan, all voting in favor, the meeting adjourned to closed session to discuss attorney client matters at 6:25 pm.

On motion by Stoen, seconded by Schnoor, all voting in favor, to reopen the meeting at 6:32 pm.

Stoen stated that during the closed session the Minnesota Department of Natural Resources 2018 Street and Improvement Project Assessments were discussed.

On motion by Stoen, seconded by Opsahl, all voting in favor, to accept the Minnesota Department of Natural Resources (MN DNR) determination of assessment for the 2018 Street and Utility Project in the amount of \$28,650 and that the MN DNR assume full responsibility for all costs associated with

the State Trail/Street intersection improvements, under the terms of the July 20, 2018 Cooperative Agreement between the City and the State.

On motion by Stoen, seconded by Houlihan, all voting in favor, to adjourn the meeting at 6:34 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL
BUDGET WORKSHOP MEETING
AUGUST 8, 2018**

The Elysian City Council held a budget workshop meeting on Wednesday, August 8, 2018 at City Hall at 6:00 pm.

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

Draft expense figures for the 2018 budget payable in 2019 were submitted for consideration. Council requested more information regarding the Jet Vac, the gator and the bobcat.

There was a request made from public works for an additional pay increase beyond the COLA increase. There was Council decision to defer this discussion to 2019 when a Personnel Committee would be formed, and a wage study be done to consider the pay rates of employees.

Draft revenue figures for the 2018 budget payable in 2019 were also submitted for consideration.

Council will review, and another meeting will be scheduled for later in August.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 7:15 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL
BUDGET WORKSHOP MEETING
AUGUST 30, 2018**

The Elysian City Council held a budget workshop meeting on Thursday, August 30, 2018 at City Hall at 6:00 pm.

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

Revised draft expense figures for the 2018 budget payable in 2019 were submitted for consideration. It was noted that the total expense in the 101 accounts will result in a slightly lower levy requirement than last year (expenses have been held steady – no increase). The only increase to the levy will be for the bond payment for the 2018 Street and Utility Improvement Project.

Public Works submitted quotes for items as follows: \$10,295 for John Deere TS Gator; \$15,719 1650R Mustang Skid Steer, \$17,912 for 1900R Mustang Skid Steer, and \$14,700 for 1900R Mustang Skid Steer (all three bids included a trade in amount for current Bobcat); and approximately \$50,000 for Jet Vac. There was Council consensus to include \$5,000 in the budget for purchase of the Gator noting there is \$5,900 left for equipment in the park fund for this year which can help pay for the Gator. There was Council consensus to NOT budget for the Skid Steer as there are only 1,000 hours on the current Bobcat. There was Council consensus to continue to hire a contractor to perform the Jet Vac services as needed.

There were no further changes made to the draft expense figures for the 2018 budget payable in 2019.

Revised draft revenue figures for the 2018 budget payable in 2019 were also submitted for consideration. There were no changes made to the submitted figures.

These preliminary budgets and the resulting preliminary levy will be presented for approval at the September 10, 2018 Council Meeting.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 6:32 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL
REGULAR MEETING
SEPTEMBER 10, 2018**

The Elysian City Council met in regular session on Monday, September 10, 2018, 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; City Attorney Jason Moran. Absent: City Utility Clerk Nicole Lamont.

On motion by Schnoor, seconded by McBroom, all voting in favor, to approve the minutes of the August 13, 2018 Regular Meeting and August 30, 2018 Budget Workshop Meeting as presented.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve the agenda of the September 10, 2018 Regular Meeting as presented.

Public Comment: None.

Fire Chief Jason James reported the Joint Fire Board has approved the hiring of three to four new firefighters. There are four active firefighters who will be retiring soon. James stated his goal is to have four new firefighters hired by January 1, 2019.

On motion by McBroom, seconded by Opsahl, all voting in favor, to approve the advertising and hiring of up to four additional firefighters.

The Council considered a variance request for 632 Ridge Road to allow the property owner to replace the non-compliant septic on the property with new septic rather than connecting to municipal sanitary sewer utility.

The septic system servicing 632 Ridge Road was inspected as part of the FRST Septic Inventory conducted by Le Sueur County in May 2018. The inspection found the tank to be non-compliant "failure to protect groundwater". The report states that the age of the tank is unknown, but the family stated the system was installed sometime in the 1980's. Based on age alone, it is likely that the existing drain field would have a limited life left in it before it would also need to be replaced. There is direct access to municipal sanitary sewer at the SW corner for the property at 632 Ridge Road via the low-pressure sanitary sewer forcemain installed by Meixl in 2015. This is a low pressure forcemain system and would require the property owner to utilize a grinder lift to pump their wastewater into the system.

City of Elysian Ordinance #15 requires that: "At such time as a public sewer becomes available to the property, the building sewer shall be connected to it, and use of any septic tank, cesspool or other private sewage disposal shall cease." Costs to connect to the municipal sanitary sewer utility are estimated at \$6,389 (rights to access public sewer), \$1,600 sanitary sewer hook up fee, and \$10,000 for the grinder lift and service lines to the main - \$17,989 total.

Charles Taylor, owner of property at 632 Ridge Road, stated they are requesting a variance to allow the new buyer to install a septic tank rather than hook to city sewer. The estimated cost of installation of a new tank is \$8,000 which is much less than hooking to city sewer. This would allow his prospective buyer, Wesley, the ability to afford to buy. He has five years to comply anyway.

Houlihan confirmed that the costs to hook to the city system could be assessed. He stated he has this same system at his house and it works well. There is no maintenance.

Stoen stated he understood the thinking, it is just that the availability to hook up to sanitary sewer is already there. Taylor stated they are just trying to help the buyer afford the property now.

Ryan Wesley, prospective buyer, stated he was hoping he wouldn't have to hook up to the City sewer. All he needs is the tank. He would buy the tank, and have it installed, and the county would inspect it. It would be a done deal and he would save the \$16,000 to \$17,000. Wesley stated it is a lot of money to do the same thing that a septic will do. The property is way on the edge of town.

Houlihan stated that where he lives is way out as well and he has the same system. If they decide to hook up, the sooner the better as they will then have more paid off if they decide to sell the property.

On motion by Stoen, seconded by Houlihan, to deny the variance request to Ordinance #15, from the owners of property at 632 Ridge Road, to allow the replacement of a non-compliant septic tank with a new septic tank when municipal sanitary sewer utility is available.

Engineer Cavett questioned if the private costs (service lines and grinder lift) would be able to be special assessed or just the public costs?

Attorney Moran stated that through the consent assessment process all costs could be assessed for a 15-year period with a low interest rate. The entire project could be assessed.

Dick Norland, Midwest Realty & Mort. Co. asked when a connection to a high-pressure system would be available to this property. Engineer Cavett stated a high-pressure connection would never be available. In the rural areas with a lot of lakes and this type of topography, a low-pressure system is the most economical and viable. The E1 is the typical pump used with this system.

Voting on the motion: Aye: Houlihan, McBroom, Opsahl, Schnoor, Stoen. Naye: None.

The Council then discussed the timeline of the required hook up to municipal sanitary sewer utility for 632 Ridge Road. It was noted that as part of the FRST Septic Inventory, Le Sueur County requires that non-compliant septic systems be brought into compliance within 5 years from inspection.

On motion by Houlihan, seconded by Opsahl, all voting in favor, to require that the property owners of 632 Ridge Road hook on to municipal sanitary sewer utility no later than September 10, 2023, or at such time as their current septic system fails, whichever comes first.

Engineer Cavett provided a 2018 Street and Utility Project update. The contractor is finishing the last of the utility work this week. The substantial completion date is September 30, 2018. The contractor is a little behind schedule due to delays that were out of their control. Cavett does not see this as an issue.

Schnoor noted the final lift will not be done until 2019 but asked that the bump on Third Street NW be corrected. Cavett stated the match points will be corrected.

Public Works Greenwald reported he is obtaining quotes to place a skin patch on Lake Avenue NE going up the hill. That roadway is in rough shape. He plans to have it done when the remaining blacktop of the street project is put down.

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

RESOLUTION NO. 630/18
RESOLUTION ADOPTING THE 2019 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 2019;
and

WHEREAS, the 2019 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 2019 marked as "Exhibit A" is
hereby adopted.

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 10th day of September, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

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

RESOLUTION NO. 631/18
RESOLUTION ADOPTING PRELIMINARY 2018 TAX LEVY, PAYABLE 2019
CITY OF ELYSIAN
LE SUEUR AND WASECA COUNTIES

WHEREAS, the City of Elysian has adopted the proposed budget for the year 2019; and

WHEREAS, the City of Elysian has determined the tax levy for taxes payable in the year 2019 to be
in the amount of \$656.920.

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 2019,
upon taxable property in the City of Elysian, for the following purposes:

General Fund	\$413,806
Fire Relief	\$ 2,753
Maintenance Replacement Eq.	\$ 10,000
Storm Sewer	\$ 5,000
Kaplan	\$ 12,000
City Hall Debt	\$ 25,738
2012 Local Improvement Levy	\$ 50,000
2016 Local Improvement Levy	\$ 6,000
2018 Local Improvement Levy	\$111,127
2016 Fire Truck Debt	\$ 20,496
Total Preliminary Levy	\$656,920

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

Councilmembers 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 September 10, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

On motion by Stoen, seconded by McBroom, all voting in favor, to set the Truth in Taxation Hearing for December 10, 2018 at 6:01 pm.

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

CITY OF ELYSIAN
 ELYSIAN, MINNESOTA
 RESOLUTION NO. 632/18
 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 2018 Street and Utility Improvement Project, which includes improvements on the following streets:

- Second Street NW, from Main Street to Frank Avenue NW
- Third Street SW/NW, from TH 60 to Frank Avenue NW
- Fourth Street SW, from TH 60 to Main Street
- Frank Avenue NW, from 4th Street NW to 1st Street
- Park Avenue NW, from 4th Street NW to 1st Street
- Second Street NE, from Main Street to Park Ave NE; and
- Second Street SE, from Main Street to dead end; and

WHEREAS, 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. The proposed assessment, for PID # 16.999.0030 and PID # 16.999.0100, owned by State of Minnesota Department of Natural Resources, in the amount of \$28,650.00 (Two [2] Residential/Domestic Water Service Assessment @ \$1,650 per unit and Three [3] Residential Reconstructed Street Assessment @ \$8,450 per unit), 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 2019, and will bear interest at a rate of 4.50 percent per annum from November 1, 2018. To the first installment shall be added interest on the entire assessment from the November 1, 2018 until December 31, 2019. 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, 2018, 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, 2018. 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: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 10th day of September, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 633/18
RESOLUTION TO ADOPT OFFICIAL NAME
OF PUBLIC PARK

WHEREAS, on October 13, 2014, the City Council of the City of Elysian acknowledged the forfeiture property known as PID # 16.999.0520 (previously known as PID # 16.410.0995) from the Le Sueur County Auditor-Treasurer Office and approved the conveyance to the City of Elysian to be used for a public purpose;

WHEREAS, since that time the City of Elysian has been working to develop the piece of property described above into a public park;

WHEREAS, the Elysian Park Board with approval of the Elysian City Council has requested public input on naming the property via Facebook Poll;

WHEREAS, the name receiving the most votes on the Facebook Poll was "Sunset Park"; and,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian hereby approves the results of the Facebook Poll and establishes the official name of the subject park as "Sunset Park".

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 10th day of September, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 634/18

RESOLUTION TO CHANGE DATE OF
REGULARLY SCHEDULED CITY COUNCIL MEETING

WHEREAS, the regularly scheduled November City Council meeting is set for the second Monday of the month, November 12, 2018;

WHEREAS, November 12, 2018 is the Legal Veterans Day Holiday;

WHEREAS, no public business shall be transacted, except in cases of necessity. *M.S. 645.44, subd. 5*;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian hereby reschedules the November regularly scheduled City Council Meeting from Monday, November 12, 2018 at 6:00 pm to Tuesday, November 13, 2018 at 6:00 pm.

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 10th day of September, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

The Elysian Economic Development Authority is purchasing benches to be placed in the business district of the City. One of the benches will be located in the right-of-way of Elysian Agency which is located at 201 Main Street East. The bench will be located in the right of way of their frontage on Second Street SE. When approached regarding the placement of the bench, the business owner inquired as to the large white electrical box that had been erected in the same area of right of way to

provide services to be used by vendors during the Elysian Fourth of July Celebration. He asked if he could have permission to paint the box (to possibly include some advertising for his business) and also landscape around it to improve the appearance. This could be tied in with the placement of the bench.

On motion by McBroom, seconded by Houlihan, all voting in favor, to allow the business owner at 201 Main Street East to paint the electrical box located in the right of way by his business on Second Street SE and to landscape around it (within the landscape restrictions of Ordinance #73/12A) to tie in with the placement of the bench.

A Flu-Shot Clinic sponsored by Thrifty White Drug will be held on September 27, 2018 from 3:00 to 7:00 pm at the Tourism Center.

Per the City contract with West Central Sanitation, the garbage and recycle rates will be increasing 2% effective on October 1, 2018.

Planning and Zoning Commissioner Gary Buchschacher has moved his residence from Elysian and has resigned from the Board. On motion by Stoen, seconded by McBroom, all voting in favor, to advertise the available seat on the Planning and Zoning Commission for appointment in January 2019.

Employee Evaluations will be completed this month. On motion by Schnoor, seconded by Houlihan, all voting in favor, to schedule the evaluation of City Administrator following the October 8, 2018 City Council Meeting.

City Attorney Moran had no report.

On motion by Schnoor, seconded by Houlihan, all voting in favor, bills, payroll, and transfers were approved in the amount of \$393,208.39.

Public Comment:

Pat Nusbaum, 104 Park Avenue NE, I think it's really good that you are doing something with that white sign down there by the bank. The bench sounds wonderful. As a suggestion, would it be better instead of having advertising of one business on there, would it be better to have more of a city sign like "Welcome to Elysian" or "Thanks for visiting Elysian" or something to say about Elysian rather than advertising.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 6:47 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL
EMERGENCY MEETING
SEPTEMBER 21, 2018
4:00 PM
TOURISM CENTER**

The Elysian City Council met in emergency session on Friday, September 21, 2018 at the Elysian Tourism Center at 4:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Mary Opsahl and Dennis Schnoor; City Administrator Lorri Kopischke; Emergency Management Director Jim Tatge; Le Sueur County Deputy Emergency Manager Tammy Stewig; and City Utility Clerk Nicole Lamont. Absent: Councilmembers Robert Houlihan and Tom McBroom.

A high wind storm event occurred in the City on September 20, 2018 at approximately 6:30 pm. This storm event resulted in downed trees, structural damage and a sustained power outage. Due to this damage and prolonged power outage, the City Council determined it necessary to pass a resolution declaring a State of Emergency in the City of Elysian.

On motion by Stoen, seconded by Schnoor, all voting in favor to approve Resolution #635/18 as follows:

**Resolution #635/18
Declaring a State of Emergency
for the City of Elysian**

WHEREAS the City of Elysian, Le Sueur/Waseca County, Minnesota, has sustained severe losses of a major proportion, brought on by a high wind storm event on the date of September 20, 2018.

WHEREAS the City of Elysian, Le Sueur/Waseca County, is a public entity within the State of Minnesota.

WHEREAS the following conditions exist in the City of Elysian, Le Sueur/Waseca County as a result of this disaster: trees down, power outage for an undetermined amount of time and property damage.

NOW, THEREFORE, BE IT RESOLVED, that Mayor Stoen and Council Members Schnoor and Opsahl of the City of Elysian, Le Sueur/Waseca County, acting on behalf of and for the people of Elysian, declares that a State of Emergency exists within the City of Elysian, with all the powers and responsibilities attending thereto as provided by Chapter 12, Minnesota Statue and the City of Elysian.

Duly passed this 21st day of September, 2018

ATTEST:

Mayor of Elysian

City Administrator

Emergency Management Director Tatge reported that minimal structural damage has been reported at this time. Most of the damage has been downed trees. There are some shingles off houses, trees on cars, broken windows, damaged boat lifts and canopies, and yard furniture. Staff will continue to solicit damage reports from residents.

At this point, power has been restored to all Minnesota Valley Electric customers. Xcel Energy has reported that it will be an undetermined amount of time before power is restored to their customers.

The City of Mankato has supplied a generator to fill the City water tower. They will also be sending two crews tomorrow with a wood chipper and skid loader to clean up as much wood debris as possible.

The Salvation Army has been scheduled to supply a hot meal for residents Saturday (tomorrow) morning at 11:00 am. Depending on the anticipated restoration of power, they may be asked to return on Saturday evening and into Sunday as needed.

It was decided that a door hanger should be prepared to notify residents of current updates, and members of the Emergency Management and Fire Department will be paged out to help disburse on a door-to-door basis this evening. The door hanger will contain updates regarding the power, the Salvation Army provided meals, placing debris on the curb, City of Mankato wood chipper being in town, and requesting residents to complete a damage report. A notice will also be sent over the Everbridge System.

The Red Cross will be contacted with any power requests for medical needs. Volunteers going door-to-door will be observant of residents needs and report back to Staff.

It was decided that a curfew was not necessary. However, the Le Sueur County Sheriff will be providing extra patrol in the City tonight from dusk to dawn.

There were no further items to be discussed.

On motion by Stoen, seconded by Schnoor, all voting in favor, to adjourn the meeting at 4:25 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL
REGULAR MEETING
OCTOBER 8, 2018**

The Elysian City Council met in regular session on Monday, October 8, 2018, 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; City Attorney Jason Moran. Absent: City Utility Clerk Nicole Lamont.

On motion by McBroom, seconded by Schnoor, all voting in favor, to approve the minutes of the September 10, 2018 Regular Meeting and September 21, 2018 Emergency Meeting as presented.

On motion by Stoen, seconded by Schnoor, all voting in favor, to approve the agenda of the October 8, 2018 Regular Meeting with the following additions:

1. Part time public works worker
2. Request to close Main Street for Spooky Trick-or-Treating Trail
3. County rural broadband survey.

Nick Greenig, Le Sueur County Chief Deputy, reported the Sheriff's Office was able to locate, get a confession and charge the individual who broke into several bars in the City. Greenig noted that the Cannon River Drug Task Force was involved in one of the potentially largest methamphetamine seizures (over 170 pounds) in the State of Minnesota. Greenig also reported he had kept in contact with City staff during the September 20th storm and had provided a deputy for the overnight hours until the power in the City was restored.

Public Comment: None.

Joel Whitehurst, Superintendent, Waterville-Elysian-Morristown Schools, thanked the Council for their hard work and dedication to making this a great place to live and stay.

Whitehurst presented the concept plan for the proposed GO School Building Bond that will be voted on the November 6, 2018 ballot. The proposed Bond is \$19,296,875 and will fund updates to the building infrastructure, improve safety and security, address ADA Code compliance issues, and provide educational improvements. An analysis of Tax Impact for the proposed Bond Issue and more information is available on the website at <https://www.wem.k12.mn.us/>. Public Meetings will be held this week in the cities of Waterville, Elysian, and Morristown.

The Council then considered a request from William and Sally Davis, owners of property located at 130 Willow Point Drive, to remove their current structure and build a new home within the required 75-foot setback from the Ordinary High Water (OHW) mark. The request is to place the house 37.5 feet from the OHW.

All other setback requirements are met. The lot coverage as shown is 16%. There will most likely be a sidewalk added and there is a shed showing on the survey with no dimensions listed. But even with those additions, the lot coverage would be below the 25% maximum allowed.

The surrounding home setbacks from the OHW mark are: 132 Willow Point Drive – 37 feet, 128 Willow Point Drive – 39 feet, and 127 Willow Point Drive – 33 feet.

The Planning and Zoning considered the request at their October 2, 2018 meeting. Elde Kretlow, 128 Willow Point Drive spoke in favor of the request. Written comment in favor of the request was received from Dave and Lynn Boeck, 123 Willow Point Drive. Todd Peipho, Area Hydrologist,

Minnesota Department of Natural Resources, requested that the home be located 37.5 feet from the OHW, asked if the request was in compliance with the lot coverage requirements, and recommended they be required to plant a row of trees to screen the home from view when on the lake.

The Planning and Zoning Commission voted unanimously to recommend approval of the variance request for William and Sally Davis, 130 Willow Point Drive, based on the following findings of fact:

1. Reasonableness: The proposed position of the new home improves the setback from the OHW compared to the current cabin.
2. Uniqueness: The steep bank to the lake. The walkout basement makes sense and to move the cabin back will help with the bank retention.
3. Essential character: The new home will conform with the shoreline and the existing cabins around it. The homeowner will do landscaping and some type of screening from the lake.

And with the following condition:

1. That landscaping be provided to screen the home from view when on the lake.

Councilmembers discussed the request. McBroom stated it looked like a good plan. Houlihan noted the new home would be further back from the lake than the existing home and they will be improving the lakeshore. Stoen stated this is a better plan than is currently there. Schnoor questioned the type of screening that would be done. Opsahl was in favor of the plan.

Jerel Holloway, contractor for the new home, stated a landscaping plan has not been developed. The lakeside currently has some small shrubs and cottonwood trees. They will not be removing many mature trees with the new construction.

The Council agreed that the suggested condition regarding landscaping be revised to state: "That landscaping be provided to screen the home from view when on the lake **within one year.**"

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 636/18
RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS
FOR APPROVAL FOR VARIANCE APPLICATION OF
WILLIAM AND SALLY DAVIS, 130 WILLOW POINT DRIVE

FACTS

1. William and Sally Davis are the owners of a parcel of land located at 130 Willow Point Drive, Elysian, Minnesota; and,
2. The subject property is known as Le Sueur County Parcel Identification R16.417.0010, and legally described as: Lot 1 Chesnuts Subdivision #3 and,
3. William and Sally Davis have submitted a variance request to remove their current structure and build a new home within the required 75-foot setback from the Ordinary High Water (OHW) mark. The request is to place the house 37.5 feet from the OHW.

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 OHW required 75 feet.
5. That following a public hearing on the Application held on October 2, 2018 the Elysian Planning Commission has recommended Approval of the Variance.
6. That the City Council for the City of Elysian reviewed the requested Variance at its Meeting on October 8, 2018.

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

1. The property owner does propose to use the property in a reasonable manner as the proposed position of the new home improves the setback from the OHW compared to the current cabin.
2. There are unique circumstances to the property not created by the landowner because of the steep bank to the lake. The walkout basement makes sense and to move the cabin back to help with the bank retention.
3. Finally, the Variance will maintain the essential character of the locality as the new home will conform with the shoreline and the existing cabins around it.

And with the following condition:

8. The homeowner will do landscaping to screen the home from the lake within one year.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Elysian, Minnesota, that the application to issue a variance to William and Sally Davis for the property at 130 Willow Point Drive, legally described as: Lot 1 Chesnuts Subdivision #3, Le Sueur County Minnesota, shall be, and is hereby granted a Variance to allow them to remove their current structure and build a new home within the required 75 foot setback from the Ordinary High Water (OHW) mark – to place the house 37.5 feet from the OHW.

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 8th day of October, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

Chris Cavett, SEH Engineering, Inc. reported the 2018 Street Utility and Improvement Project (SUIP) continues to move forward. The contractor has incurred many weather challenges but is creatively finding a way to get things done.

Public Works Director Greenwald discussed the quotation from Crane Creek Asphalt to install a 1.5" bituminous overlay on Lake Avenue NE from First Street North for 203' stopping at manhole. The Engineer has suggested putting this project under the construction that is occurring this year to obtain the bid price included with the 2018 SUIP. The cost would be paid from the street fund rather than the project fund.

On motion by Stoen, seconded by Opsahl, all voting in favor, to approve Crane Creek Asphalt Option #1, to install a 1.5" overlay on Lake Avenue NE from First Street North for 203' stopping at manhole and to include it in the 2018 Street Utility and Improvement Project with the cost being paid from the street fund.

Greenwald reported that the part-time Public Works Worker has submitted his resignation effective October 26, 2018. On motion by Opsahl, seconded by Houlihan, all voting in favor, to approve advertising for part-time Public Works Worker up to 30 hours per week at \$13.50 per hour.

McBroom expressed appreciation to the Public Works staff for their cleaning of the EDA owned building at 118 East Main Street. The building is impeccable, and this is a tribute to Greenwald and his staff. The Council and the City appreciate their hard work.

The Council received a report of the September 20, 2018 Storm Event. The high wind event occurred at approximately 6:30 pm. This resulted in heavy tree damage, loss of power, several homes / garages damaged, and boats, lifts, lawn furniture damaged.

Minnesota Valley Electric power was restored September 20th at approximately 11:30 pm. Xcel Energy power was restored September 22nd at approximately 3:30 pm. Homes with poles or lines down were not restored until later on September 22nd and some were not restored until September 23rd.

Emergency Management Team Response:

The Tourism Center was Emergency Response Center. This was staffed from daylight to dusk on September 21st and 22nd and from 9 am to noon on September 23rd. The City did not have an imposed curfew, but Le Sueur County Sheriff's Office did staff the City with a deputy from sundown to daylight on the nights the City was without power.

Le Sueur County Emergency Management arranged to have a warm lunch and supper provided by the Salvation Army on Saturday, September 22nd at the DNR wayside rest area. Homebound residents were contacted, and meals were delivered to them as needed.

The Fire Hall was opened to the public to provide hot showers for those without hot water.

The evening of September 21st, the Fire Hall and Civil Defense teams were paged out, and they along with city staff and volunteers, went door to door to update residents who were without power and to check for any medical needs or other needs in the community. They also delivered door hangers to inform residents what services were available and update them on the status of power restoration.

The City of Mankato provided a large generator to run the City water tower. They also worked in the City on September 22nd and 23rd chipping the tree limbs / branches that were placed on the curbs. The mulch was then transported to the brush pile.

Residents have been encouraged to report damage to City Hall. Emergency Management Director has estimated twelve homes and one business were damaged and the preliminary cost of the debris clean-up to be \$16,262. Other costs include a generator that failed at the Fire Department in the amount of \$18,410 and lift pump damage of approximately \$1,000.

The Council would like to express their gratitude to Emergency Management Director Jim Tatge, Le Sueur County Emergency Management Team, Le Sueur County Sheriff's Office, City of Mankato Public Works Department, The Salvation Army, Elysian Fire Department, Elysian Civil Defense Team, Elysian City Staff, and City residents who volunteered their time.

Three items have been identified with regards to emergency response that need to be addressed: 1. The Tourism Center basement is the designated storm shelter for Elysian. There are so many items in storage in the basement that there would not be room for this area to be utilized as a shelter. The basement needs to be cleaned up. 2. There is not access provided for people to get in and out of the window in the basement. Some sort of step / ladder system needs to be installed. 3. A city notification system needs to be established so the City is able to contact all residents when emergency events occur.

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

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 637/18

A RESOLUTION AUTHORIZING THE DEFERRAL OF SPECIAL ASSESSMENT

WHEREAS, the City Council for the City of Elysian, Le Sueur County, Minnesota, met this 8th day of October, 2018, and;

WHEREAS, Marlene Zimprich, resident of the City of Elysian, having real estate located at 101 State Highway 60 East, Elysian, Le Sueur County, Minnesota, identified as parcel identification number 16.440.1080 and legally described as Lots Numbered Two and Three (2 & 3) in Block Numbered Twenty-one (21), all in the Village of Elysian, formerly called Logan, except that portion of said Lots deeded and conveyed or taken by the State of Minnesota for Highway purposes, in Le Sueur County, Minnesota, according to the recorded Plat on file and of record in the Office of the County Recorder in and for Le Sueur County, Minnesota, and;

WHEREAS, Zimprich's real estate set forth above is a part of the City's 2018 street and utility improvement project and Zimprich's assessment is \$1,650 as set forth in greater detail in the City's Assessment Roll, and;

WHEREAS, Zimprich requested the City defer the collection of the special assessment associated with the City's 2018 road and improvement project based upon the City's Assessment Policy which grants a deferment of assessments to those persons 65 years of age or older.

NOW THEREFORE, THE CITY COUNCIL FOR THE CITY OF ELYSIAN HEREIN RESOLVES AS FOLLOWS:

1. That the 2018 Special Assessment associated with Zimprich'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, Opsahl, Schnoor, Stoen.

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 8th day of October, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 638/18
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 1, 2018.

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 for December 1, 2018 to the Elysian Fire Department Relief Association.

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 8th day of October, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 639/18
RESOLUTION ACKNOWLEDGING A DONATION FROM
ELYSIAN FIRE RELIEF ASSOCIATION

WHEREAS, the City of Elysian has received a donation in the amount of \$14,400.00 from the Elysian Fire Relief Association toward the purchase of an Automated CPR Device;

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 \$14,400.00 toward the purchase of an Automated CPR Device.

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 8th day of October, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

The Council considered an updated job description for the position of Firefighter / First Responder. The job description was created by Minnesota Valley Council of Governments and has been approved by Fire Chief James. On motion by Opsahl, seconded by Houlihan, all voting in favor, to approve the job description for Firefighter / First Responder.

Annual Employee Evaluations have been completed. All employees meet / exceed the requirements of their job position.

Le Sueur County Elected Official Meeting, Wednesday, October 24, 2018 at Knotty Bar & Grill, Elysian – 6:30 Social / Meal, 7:00 Meeting.

The Elysian Area Chamber of Commerce (EACC), has requested that the portion of Main Street from Third Street NW to the Fire Hall be closed on October 31, 2018 from 4:30 to 7:30 pm to accommodate the Spooky Trick-or-Treating Trail. On motion by Schnoor, seconded by McBroom, all voting in favor, to close Main Street from Third Street NW to the Fire Hall on October 31, 2018 from 4:30 to 7:30 pm to accommodate the Spooky Trick-or-Treating Trail.

The Le Sueur County Board of Commissioners has approved an initiative to study and hopefully implement some sort of resolution for rural broadband in the County. A link will be added to the City website that has a survey where information will be gathered to determine the next steps in the process. Residents are encouraged to visit and provide their input to the process.

http://www.co.le-sueur.mn.us/le_sueur_county_broadband_initiative.php

Derek Westby, Economic Development Authority (EDA), stated the EDA would like to recognize Ron Greenwald and the City team for cleaning the building at 118 East Main Street. The building is open and ready to be shown and the EDA is looking for a prospect to locate a business there. The building has a lot of history and it is hoped it will be used in a creative and interesting way.

City Attorney Moran had no report.

On motion by Schnoor, seconded by McBroom, all voting in favor, bills, payroll, and transfers were approved in the amount of \$361,190.19.

Public Comment: None.

On motion by Stoen, seconded by Houlihan, all voting in favor, to adjourn to closed session to perform employee evaluation of City Administrator at 6:38 pm.

On motion by Stoen, seconded by Schnoor, all voting in favor, to reopen the meeting at 6:56 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 13, 2018 City Council Meeting.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 6:57 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL
REGULAR MEETING
NOVEMBER 13, 2018**

The Elysian City Council met in regular session on Tuesday, November 13, 2018, 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; Absent: Public Works Director Ron Greenwald; City Utility Clerk Nicole Lamont; City Attorney Jason Moran.

On motion by Schnoor, seconded by McBroom, all voting in favor, to approve the minutes of the October 8, 2018 Regular Meeting as presented.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the agenda of the November 13, 2018 Regular Meeting with the following additions:

1. Various Garbage Updates.
2. Le Sueur County Parks Board Meeting Tuesday, November 20, 2018.

Public Comment: None.

The Council then considered a request from Mark and Shelly Hansen, owners of property located at 100 Willow Point Drive, for a variance to allow them to remove the existing structure and build a new home within the required 75-foot setback from the Ordinary High Water (OHW) mark. The request is to place the house 34.9 feet from the OHW. Their current home is 18 feet from the OHW.

All other setbacks are met. The lot coverage will be 22.8% which is an improvement from the current lot coverage of 24.8%.

The Planning and Zoning Commission considered the request at their November 5, 2018 meeting. Written comment was received from Todd Peipho, Area Hydrologist, Minnesota Department of Natural Resources as follows: "Like the others where the structure is being set farther away from the lake than the current, if the variance is granted the Department would recommend that a screening condition be added. Trees screening the property from view while on the lake is a benefit for public using the lake and for privacy to the homeowners."

The Planning and Zoning Commission voted unanimously to recommend approval of the variance request for Mark and Shelly Hanson, 100 Willow Point Drive, based on the following findings of fact:

1. Reasonableness: The property owner does propose to use the property in a reasonable manner as the proposed location of the new house will improve the setback to the OHW from the current 18 feet to 34.9 feet. This will also improve the lot coverage from the current 24.8% to a reduced coverage of 22.8%.
2. Uniqueness: There are unique circumstances to the property not created by the landowner because of the odd shape of the lot. There also is existing bituminous and a garage on the lot which precludes moving the home back away from the lake.
3. Essential character: The Variance will maintain the essential character of the locality as the new home will align with the other homes and cabins in the area.
4. Finally, there is no requirement for additional screening as the lot is populated with many trees and the intent of the property owner is to retain all trees except two apple trees.

Councilmembers discussed the request. They agreed that this is an improvement and will reduce the impact to the shoreline. Schnoor questioned the lack of a screening requirement. The location and number of trees shown on the site plan was noted.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
LE SUEUR COUNTY, MINNESOTA
RESOLUTION NO. 640/18
RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS
FOR APPROVAL FOR VARIANCE APPLICATION OF
MARK AND SHELLY HANSEN, 100 WILLOW POINT DRIVE

FACTS

1. Mark and Shelly Hansen are the owners of a parcel of land located at 100 Willow Point Drive, Elysian, Minnesota; and,
2. The subject property is known as Le Sueur County Parcel Identification R16.415.0010, and legally described as: See attached "Exhibit A" and,
3. Mark and Shelly Hansen have submitted a variance request to remove the existing structure and build a new home 34.9 feet from the Ordinary High Water (OHW) mark within the required 75-foot setback from the Ordinary High Water (OHW) mark.
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 OHW required 75 feet.
5. That following a public hearing on the Application held on November 5, 2018 the Elysian Planning Commission has recommended Approval of the Variance.
6. That the City Council for the City of Elysian reviewed the requested Variance at its Meeting on November 13, 2018.

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

1. The property owner does propose to use the property in a reasonable manner as the proposed location of the new house will improve the setback to the OHW from the current 18 feet to 34.9 feet. This will also improve the lot coverage from the current 24.8% to a reduced coverage of 22.8%.

2. There are unique circumstances to the property not created by the landowner because of the odd shape of the lot. There also is existing bituminous and a garage on the lot which precludes moving the home back away from the lake.
3. The Variance will maintain the essential character of the locality as the new home will align with the other homes and cabins in the area.
4. Finally, there is no requirement for additional screening as the lot is populated with many trees and the intent of the property owner is to retain all trees except two apple trees.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Elysian, Minnesota, that the application to issue a variance to Mark and Shelly Hansen for the property located at 100 Willow Point Drive, legally described as: See "Exhibit A", Le Sueur County Minnesota, shall be, and is hereby approved to allow a variance for them to remove their current structure and build a new home within the required 75 foot setback from the Ordinary High Water (OHW) mark – to place the house 34.9 feet from the OHW.

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 13th day of November, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

Legal Description 100 Willow Point Drive Exhibit A:

Lots 1, 2, and 3, in Block 1 of Chestnut's Lakeshore Subdivision, Section 35, Township 109 North, Range 24 West, Elysian Township, County of Le Sueur, according to the plat thereof on file of record in aforesaid County and State, subject to and with the benefits of restrictions and provisions on file and of record in the office of the Register of Deeds in and for said County and State.

ALSO,

Commencing at the Northeast corner of Lot 1: in a Northwesterly direction on a line extending the East boundary line of the Driveway-Utility Easement adjacent to Lot 1, a distance of 40.03 feet; thence southwesterly along the North boundary line of said Easement, a distance of 50.00 feet; thence Southeasterly to the Northwest corner of Lot 1, a distance of 40.03 feet; thence Northeasterly along the North boundary line of Lot 1 to the Northeast corner of Lot 1, a distance of 50.00 feet to the point of beginning.

And in addition,

Beginning at the Northeast corner of Lot 2; thence in a Northwesterly direction on a line extending the East boundary line of Lot 2 to the North boundary line of the Driveway-Utility Easement adjacent to Lot 2, a distance of 40.03 feet; thence Southwesterly along the North boundary line of said Easement, a distance of 50.00 feet; thence Southeasterly to the northwest corner of Lot 2, a distance of 40.03 feet; thence Northeasterly along the North boundary line of Lot 2 to the Northeast corner of Lot 2, a distance of 50.00 feet to the point of beginning.

And in addition,

Beginning at the Northeast corner of Lot 3; thence in a Northwesterly direction on a line extending the East boundary line of Lot 3 to the North boundary line of the Driveway-Utility Easement adjacent to Lot 3, a distance of 40.03 feet; thence Southwesterly along the North boundary line of said Easement, a distance of 50.00 feet; thence Southeasterly to the Northwest corner of Lot 3, a distance of 40.03 feet; thence Northeasterly along the North boundary line of Lot 3 to the Northeast corner of Lot 3, distance of 50.00 feet to the point of beginning.

Also,

Commencing at the Northeast corner of Lot 1 of Chestnut's Lakeshore Subdivision in Government Lot 7, Section 35, Township 109, Range 24, Le Sueur County, Minnesota; thence N 18°30' W 40.03 feet to the place of beginning; thence N 61°30' W 207.00 feet to the East right-of-way line of a Driveway and Utility Easement described on said Plat; thence Southwesterly, Southeasterly and Northeasterly along said right-of-way line to place of beginning. Located in Government Lot 7, Section 35, Township 109, Range 24, Le Sueur County, Minnesota.

EXCEPTING THE FOLLOWING TWO PARCELS:

All that part of Government Lot Number 7, Section 35, Township 109, Range 24, Le Sueur County, Minnesota, described as follows: Commencing at the Northeast corner of Lot 1 of Chestnut's Lakeshore Subdivision, the Plat of said Subdivision being on file in the office of the County Recorder of Le Sueur County, Minnesota; thence N 18°30' W 40.03 feet; thence N 61°30' W 207.00 feet; thence S 20°52' W 34.00 feet to place of beginning; thence S 0°58' W 115.43 feet; thence N 72°16' W 43.00 feet; thence N 20°52' E 107.15 feet to place of beginning.

All that part of Government Lot Number 7, Section 35, Township 109, Range 24, Le Sueur County, Minnesota, described as follows: Commencing at the Northeast corner of Lot 1 of Chestnut's Lakeshore Subdivision, the Plat of said Subdivision being on file in the office of the County Recorder of Le Sueur County, Minnesota; thence N 18°30' W 40.03 feet; thence N 61°30' W 207.00 feet; thence S 20°52' W 34.00 feet to place of beginning; thence S 0°58' W 115.43 feet; thence S 73°27' E 35.03 feet; thence N 69°03' E 15.25 feet; thence Northwesterly 132.50 feet to place of beginning.

Chris Cavett, SEH Engineering, Inc. reported on the recent watermain break on the line that serves Willow Point Drive, and the Roemhildt and Cedar Point / Kaplan Additions. This watermain passes through a narrow causeway. On October 20, 2018, Public Works staff saw an increase in usage of approximately 5,000 gallons a day. It was determined that water was bubbling up on the east end of that causeway in the middle of a wetland. The issue then was to determine how to provide temporary water to the houses north of this pipe. The City of New Ulm Utility Department provided services to live cut in a valve (valve gets cut in while the water is still flowing). There are now valves on both ends. This allowed the area to be isolated and temporary water was installed between the two hydrants with two 2-inch lines. During this three-day process, the water that was popping up at the spot to the east suddenly disappeared and water was now coming up 200 feet to the west. The

area that the water was popping up in the west was where the adapter between the two materials of pipe – PVC and polyethylene – was located. Due to the concern with time of year and difficulty getting a contractor here to televise the line, the decision was made to do an exploratory dig and see if the adapter was leaking. Wednesday, November 7th, James Bros. dug down and they found the leak at the adapter and were able to repair the leak. The system is now back up and running.

SEH has recommended, and provided some budget numbers, to consider modeling the water system in town. They recommend the City start to look at some alternatives to providing water to this area. There are pressure concerns at Roemhildt. This incident demonstrated the vulnerability of servicing this entire area with one pipe.

Cavett reported the 2018 Street Utility and Improvement Project (SUIP) is now substantially complete. There will be one more pay application that will include some change orders relating to the sidewalks, DNR trail and Tourism Center parking lot. The goal is to have the final paving completed before the 2019 Fourth of July Celebration.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 641/18

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 3, 2019.

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 13th day of November, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 642/18
DESIGNATING POLLING PLACES
FOR YEAR 2019

WHEREAS, Minnesota Statutes 204B.16, sub 1 requires the City Council, by ordinance or by resolution, to designate polling places for the upcoming year; and

WHEREAS, changes to the polling places locations may be made at least 90 days before the next election if one or more of the authorized polling places becomes unavailable for use; and

WHEREAS, changes to the polling locations may be made in the case of an emergency when it is necessary to ensure a safe and secure location for voting; and

NOW THEREFORE, BE IT RESOLVED:

That the Elysian City Council hereby designates the following polling place for elections conducted in the city in 2019:

PRECINCT: ELYSIAN 0020 - All Properties within the corporate limits of the City of Elysian, County of Waseca

Polling Place: Elysian: Mail Ballot, 307 N State Street, Waseca, MN 56093.

PRECINCT: ELYSIAN 0025 – All properties within the corporate limits of the City of Elysian, County of Le Sueur

Polling Place: Elysian City Hall, 110 W Main Street, Elysian, MN 56028.

AND BE IT FURTHER RESOLVED, that the Administrator-Clerk is hereby authorized to designate a replacement meeting the requirement for the Minnesota Election Law for any polling place designated in this Resolution that becomes unavailable for use by the City;

AND BE IT FURTHER RESOLVED, that the Administrator-Clerk is hereby authorized to designate an emergency replacement polling place meeting the requirement of the Minnesota Election Law for any polling place designated in this Resolution when necessary to ensure a safe and secure location for voting;

AND BE IT FURTHER RESOLVED, that the Administrator-Clerk is directed to send a copy of this resolution and any subsequent polling place designations to the Le Sueur County Elections Office and the Waseca County Elections Office.

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 13th day of November, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

On motion by Schnoor, seconded by Houlihan, all voting in favor, to schedule a Budget Workshop Meeting for Monday, November 26, 2018 at 6:00 pm.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve Virgil Engel for the position of permanent part time public works worker subject to successful background check.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve Glen Wanh for the position of on-call public works worker subject to successful background check.

On motion by Houlihan, seconded by McBroom, all voting in favor, that City Hall offices be closed Friday, November 23, 2018 and Monday, December 24, 2018. Employees must use vacation time or comp time hours for these dates.

Reminder: The Truth in Taxation Hearing is scheduled for December 10, 2018 at 6:01 pm.

Thank you to all the volunteers, businesses, and city staff who contributed to the 2018 Spooky Trail. There was a great turn out.

West Central Sanitation has communicated that they will be donating their services of the temporary dumpster, including the disposal fees, during the September 20, 2018 storm event.

There were many electronics in the building at 118 East Main Street that were disposed of at the Green Tech Recycling Center. Al Christensen, Tri-County Solid Waste, has communicated that they will be paying the invoice for those items.

Le Sueur County Parks Board will hold a meeting on Tuesday, November 20, 2018 from 5:00 to 6:00 pm to discuss Ray's Lake Master Plan. The ideal master plan will include realistic updates that benefit all parties involved such as a pavilion or shelter, playground equipment, improving beach quality, primitive camping, boat dock and winter activities such as sledding hill, snowshoe or cross-country ski trails. All are invited to attend and share ideas.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 643-18

A RESOLUTION CERTIFYING THE RESULTS OF THE
TUESDAY, NOVEMBER 6, 2018 ELECTION
(Canvass Election)

WHEREAS, The City of Elysian held an election for the office of Mayor and two Councilmembers (four-year term) on Tuesday, November 6, 2018, during the General Election with approximately 385 persons voting including absentee votes.

WHEREAS, on this 13th day of November, 2018 the City Council has met to canvass said election results;

WHEREAS, the votes tabulated at said election were:

MAYOR	VOTES	COUNCILMEMBER 4-year term	VOTES
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<i>Tom McBroom, Sr.</i>	<i>145</i>	<i>Bobby Houlihan</i>	<i>162</i>
<i>Roger Quiram</i>	<i>17</i>	<i>Bryan Suemnick</i>	<i>163</i>
<i>Pat Nusbaum</i>	<i>127</i>	<i>Derek Westby</i>	<i>137</i>
<i>Shawn J Anderson</i>	<i>78</i>	<i>Dennis Schnoor</i>	<i>198</i>
<i>Write-In</i>	<i>3</i>	<i>Write-In</i>	<i>3</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 2019-2020 shall be Tom McBroom, Sr.;

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 2019-2022 shall be Dennis Schnoor and Bryan Suemnick;

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 13th day of November, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

Mayor Stoen congratulated all those who ran and were voted into office for Mayor and Councilmember of the City of Elysian. He looks forward to good things happening come January 2019.

Mayor Stoen reported the City Administrator evaluation was completed on October 8, 2018. Kopischke met or exceeded all requirements of her position.

On motion by McBroom, seconded by Schnoor, all voting in favor, bills, payroll, and transfers were approved in the amount of \$410,218.80.

Public Comment: None.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 6:32 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL
REGULAR MEETING
DECEMBER 10, 2018**

The Elysian City Council met in regular session on Monday, December 10, 2018, 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; City Attorney Jason Moran. Absent: City Utility Clerk Nicole Lamont.

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 Public Hearing is to allow public input from citizens on the final budget and tax levy for 2018 payable 2019.

The Council has held three budget workshops – August 8, August 30, and November 26, 2018, to discuss the Budget and resulting Levy for 2018 payable in 2019. The total Levy to be certified is \$656,920 which is up \$95,918 or an increase of 17% from last year. The only increase to the levy is a result of the 2018 Street and Utility Improvement Project Debt Service payment in the amount of \$111,127. The General Fund and the Fire Relief Levy amounts have been reduced, as well as the Kaplan and City Hall Debt amounts. The 2019 Budget remains basically the same as the 2018 Budget. It does include a 3% salary increase for full-time employees, funds toward seal coating, the purchase of speed signs for State Highway 60, and sewer equipment repairs.

There were no Public Comments and no Written Comments have been received.

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

On motion by McBroom, seconded by Schnoor, all voting in favor, to approve the minutes of the November 13, 2018 Regular Meeting and November 26, 2018 Budget Workshop Meeting as presented.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the agenda of the December 10, 2018 Regular Meeting with the following additions:

1. Mayor Comments
2. Update on Ordinance Codification Process

Le Sueur County Commissioner Steven Rohlfing reported continued study on the regulations of short-term rental / VRBOs. The proposed ordinance will be discussed at the County Planning and Zoning Workshop on December 13, 2018, a Public Hearing will be held in January 2019 and a proposed ordinance will be presented to the County Commissioners at their February 2019 Meeting. The Commissioners also continue to research a no wake ordinance and enforcement of such an ordinance for Le Sueur County.

Rohlfing reported the County Park and Recreation Board is looking at the fourteen County Parks. The Board recently invited residents of Ray's Lake to a meeting to discuss options for the Ray's Lake Park on County Road 11. After discussion, plans are to enhance the trails, the parking area, and the sandy beach area, and to do some primitive plantings.

Rohlfing stated the County Commissioners will meet on December 18, 2018 at 6:00 pm to set the levy which is currently proposed to include an overall 7% increase from the previous year levy.

Rohlfing thanked the Council and Mayor for their service and congratulated those re-elected and those newly elected to the City Council.

Le Sueur County Chief Deputy Nick Greenig reported a pickup truck and a fish house had gone through the ice on Lake Francis on Saturday. The fish house has been removed and the owner is working on removing the truck. It is the owner's responsibility to remove the truck and he has 30 days to comply. Thin ice signs have been placed around the area.

Greenig stated that "Jet" the new Le Sueur County canine is up and running. He scored high numbers and is certified in apprehension, narcotic detection and tracking.

Greenig reported there have been a few thefts in the area. The Sheriff does have two people in jail and hopes to gain more information regarding the crimes from them.

Greenig explained he is working on the no wake ordinance for Le Sueur County lakes. He is working with ISG and has obtained the appropriate lake levels and is developing a plan. He hopes to have an ordinance in place by the next boating season.

Public Comment: None.

The Council then considered a request from Elliott and Mary Eisman, the property owners of 132 Willow Point Drive, for a conditional use permit to build a guest house in the shoreland overlay zone within the required 75-foot setback from the OHW mark and which exceeds the 25% maximum lot coverage.

One guest house is allowed in the shoreland zone, but a guest house is a conditional use in the residential zoning. The current home is located within the required 75-foot setback and the proposed guest house would be lined up with the current home. Specifically, it would be 35 feet back from the OHW mark. The current lot coverage is 32%. The proposed guest house is 720 square feet. With that added coverage, the lot coverage will be 34%. The Eismans are not planning to increase the driveway or add sidewalk to the guest house so there will be no added impervious surface besides the guest house itself.

Mr. Eisman currently lives in Owatonna but has retired and intends to make this his permanent home. With six children and six grandchildren, they are in need of more room than the current structure provides.

At the November 5, 2018 Planning and Zoning meeting, the commissioners asked Eisman if he planned to use the guest house as a rental or VRBO, asked about the addition of any impervious surface, the alteration of shoreline and installation of a rain garden.

The written comments received were as follows:

Todd Piepho, Area Hydrologist, MN Department of Natural Resources has commented as follows:

"If the board considers the CUP, the Department would recommend a couple conditions be placed on the permit:

1. A screening condition be placed on the permit. Trees screening the structure from view while on the lake is easily accomplished and benefits both the public and homeowners.
2. Considering the lots impervious area exceeds the 25% max currently, without the additions, a condition including a rain garden, or some sort of water storage onsite should be added to the permit to offset the impervious area. There are several raingarden size calculators available online to determine a size for the raingarden, the link below is just one example.
<http://raingardenalliance.org/right/calculator.> "

Dave and Lynn Boeck, 123 Willow Point Drive, "We have no objections to this."

No further written comments were received.

The Planning and Zoning Commission have recommended approval of the Conditional Use Permit with the following conditions:

1. The square footage of the guest home not exceed 720 square feet. All roof, porch and patio will be included within the allowed 720 square feet.
2. That there be no additional sidewalk installed nor any other impervious surface added to the lot.
3. The guest house will not be a rental unit or used as a VRBO.
4. That a rain garden be added to offset the impervious surface based on the MN Department of Natural Resources recommendation.
5. And, that no additional screening be required as the existing screening is sufficient and will not be removed or affected with the construction of the guest house.

Eisman provided a final floor plan of the proposed guest house and a rendering of the outside of the house. The guest house will be 720 square feet including a porch.

Houlihan asked if Eisman had checked into a rain garden. Eisman stated he has the recommendations from the MN Department of Natural Resources and will use that as a guide.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 644/18
APPROVING CONDITIONAL USE PERMIT
FOR ELLIOTT AND MARY EISMAN

WHEREAS, the City of Elysian has received an application from Elliott and Mary Eisman for a conditional use permit to build a guest house in the shoreland overlay zone within the required 75-foot setback from the OHW mark and which exceeds the 25% maximum lot coverage, at 132 Willow Point Drive; and

WHEREAS, the subject property is known as Le Sueur County Parcel Identification R16.417.0020, and legally described as Lot Numbered Two (2) and all that part of Lot Numbered Three (3) lying Southerly of a line parallel with and 53 feet Northerly from, measured at Ninety Degrees, the Southerly line of said Lot Numbered Three (3), all in Chesnut's Lakeshore Subdivision Number Three (3), located in Government Lot Numbered Six (6), in Section 27-109-24, according to the Plat thereof on file and of record in the Office of the County Recorder, in and for Le Sueur County, and State of Minnesota; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission on November 5, 2018 to receive public comment on the conditional use permit; and

WHEREAS, the use proposed by the Eismans is a permitted use; and

WHEREAS, 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 OHW required 75 feet and lot coverage 25% maximum; and

WHEREAS, following the public hearing, the Planning and Zoning Commission recommended approval of the conditional use permit, subject to conditions, as the proposed use is within the spirit of the City's Zoning ordinance; and

WHEREAS, the City Council for the City of Elysian met, discussed the recommendations of the Planning and Zoning Commission, reviewed the application for the Conditional Use Plan, and reviewed building plans; and

WHEREAS, considering all of the above:

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Elysian, Minnesota hereby finds that the proposed use is within the spirit of the City's Zoning ordinance, and therefore the City Council for the City of Elysian herein and hereby approves the conditional use permit in accordance with, and subject to, the following conditions:

- 1) The square footage of the guest home not exceed 720 square feet. All roof, porch and patio will be included within the allowed 720 square feet.
- 2) That there be no additional sidewalk installed nor any other impervious surface added to the lot.
- 3) The guest house will not be a rental unit or used as a VRBO.
- 4) That a rain garden be added to offset the impervious surface based on the MN Department of Natural Resources recommendation.
- 5) That no additional screening be required as the existing screening is sufficient and will not be removed or affected with the construction of the guest house.
- 6) And, that the applicant will indemnify and hold the City of Elysian harmless from any and all claims, causes of action, injuries, and damages which may be brought by any party against the City of Elysian by virtue of the City's granting of the permit recommended herein.

Upon vote being taken:

Council members voting in favor: Houlihan, McBroom, Opsahl, Schnoor, Stoen

Opposed or abstained: None.

Adopted by the City Council of the City of Elysian this 10th day of December, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

(#9 Request from the Waseca County Hockey Association for a Lawful Charitable Gambling License for gambling to be conducted at Tuckers Tavern – A representative was not present at the meeting. They will appear before the Council at the January 14, 2019 meeting.)

An election for the office of two Councilmembers (four-year term) was held on November 6, 2018. The result of the 2nd office of Council was Bryan Suemnick – 163 votes and Bobby Houlihan – 162

votes. Candidate Bobby Houlihan did request a recount. An official recount was performed on November 26, 2018 and the votes tabulated at the recount remained unchanged.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 645/18

A RESOLUTION CERTIFYING THE RESULTS OF THE
MONDAY, NOVEMBER 26, 2018 RECOUNT
(Canvass Recount)

WHEREAS, The City of Elysian held an election for the office of Mayor and two Councilmembers (four-year term) on Tuesday, November 6, 2018, during the General Election with approximately 385 persons voting including absentee votes; and

WHEREAS, a losing candidate for election to a municipal office may request a publicly funded recount of the votes cast if the difference between the votes cast for that candidate and the winning candidate is ten votes or less if the number of votes cast is 400 or less; and

WHEREAS, the result of the 2nd office of Councilmember 4-year term was Bryan Suemnick - 163 votes and Bobby Houlihan - 162 votes; and

WHEREAS, on November 13, 2018, Bobby Houlihan did request a recount for the office of Councilmember; and

WHEREAS, on November 26, 2018, an official recount of the votes cast for Bryan Suemnick and Bobby Houlihan was held, and

WHEREAS, on this 10th day of December, 2018 the City Council has met to canvass said recount results;

WHEREAS, the votes tabulated at said recount were unchanged:

COUNCILMEMBER 4- year term	VOTES
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Bryan Suemnick 163

Bobby Houlihan 162

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN MINNESOTA, that the official recount results for the 2nd office of Councilmember for the term of 2019-2022 shall be Bryan Suemnick.

Upon vote being taken:

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

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 10th day of December, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

Chris Cavett, SEH Engineering, Inc. presented Resolution No. 650/18 which will approve modification of the existing 2018 Street and Utility Improvement Project with James Bros through said Change Order Nos. 2, 3, and 4 as a contract increase in the amount of \$9,306. The revised contract amount is \$1,581,940.85.

Cavett explained that Change Order No. 3 is for the Sakatah Trail realignment at Third Street SW: pavement removal, additional grading and restoration work. This work was previously approved by the Council and in the agreement with the DNR. This is a cost that will be paid for by the DNR. The total amount of the change order is proposed at \$5,136.

Change Order No. 4 is for the additional time, materials and work required to grade and prepare the areas along the added sidewalk on Third Street and for the Tourism Center parking lot which were not part of the original bid or bid quantities. The total amount of this change order is proposed at \$2,930.

Change Order No. 2 was necessary work for which there were no associated bid items. The first was the time and materials for offsetting (2) sanitary sewer services that were in conflict with the new storm sewer being installed. The second item is associated with the need to install rock at the end of the storm channel near the beach. Both of these items are environmental utility fund (storm water) cost. The total amount of this change order is proposed at \$1,240.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 650/18

DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT
2018 STREET AND UTILITY IMPROVEMENT PROJECT, CHANGE ORDER NOS. 2, 3 & 4

WHEREAS, the City Council of Elysian, Minnesota, has heretofore ordered made the 2018 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 Nos. 2, 3 & 4 as an increase to said contract by an amount of \$9,306.00, such that the new contract amount is now and hereby established as \$1,581,940.85.

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 Nos. 2, 3 and 4 as a contract increase in the amount of \$9,306.00. The revised contract amount is \$1,581,940.85.

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 this 10th day of December, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

Public Works Director Greenwald reported that he had attended the Le Sueur County Park Board Meeting regarding Ray's Lake Park. There was concern regarding garbage collection at the Park. He asked if the Council would approve West Central Sanitation placing one container at Ray's Lake Park similar to what they do at Lake Tustin Park. Le Sueur County could pay for the container through our garbage billing. Greenwald stated that the container at Tustin Park is used and this will help keep Ray's Lake Park a lot cleaner. Although it is a county park there are a lot of City of Elysian residents that use it.

There was Council consensus to check with West Central Sanitation and place a container at Ray's Lake Park with the services being paid for by Le Sueur County.

Greenwald encouraged Councilmembers to contact Tyler Luethje, Le Sueur County Parks Director with any concerns or amenities they would like to see included at Ray's Lake Park. He explained that the way things were left at the last meeting there will be few changes made to that Park and it will be left mostly native.

Greenwald reported the lift pump at Lift Station #2 is in need of repair. He will have a quote for consideration at the next Council meeting.

Greenwald reported they are working on replacing the 550 truck but at this point delivery will be months out as Ford and Dodge are behind in production.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 646/18

A RESOLUTION DIRECTING DELINQUENT UTILITY CHARGES BE PLACED
ON THE PROPERTY TAXES PAYABLE IN 2019

WHEREAS, Elysian City Code provides for the City to place utility charges on the succeeding year property tax rolls for the specified properties; and

WHEREAS, the City Council has scheduled the consideration of the certification of such charges and has caused notice to be mailed to the affected property owners; and

WHEREAS, the City Council has considered such charges at its regular council meeting of December 10, 2018 and has made a determination that delinquent utility charges exist for the specified properties set forth in "Exhibit A" attached hereto and made a part hereof.

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

That the Le Sueur County Auditor-Treasurer's Office is hereby authorized to place the delinquent utility charges on the property taxes payable in 2019, against the specified properties as set forth in "Exhibit A".

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 10th day of December, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

Resolution No. 646/18 "Exhibit A"			
Date: December 10, 2018			
Subject: Delinquent Utility Bills Year 2018			
	Address	PID#	Amount to Certify
	106 Second St NE	R16.440.0690	\$110.80
	203 Park Ave NE	R16.440.0680	\$200.91
	300 Maple Ave SW	R16.410.0930	\$195.22
	207 Third St SW	R16.410.0870	\$272.85
	401 First St N	R16.035.0600	\$119.78
	112 Park Ave NE	R16.440.0480	\$209.68
	151 Shoreview Drive	R16.411.0840	\$119.27
	206 Fifth St SW	R16.410.1030	\$230.99

	309 First St N	R16.035.0500	\$527.36
	202 Fifth St NW	R16.410.0552	\$307.22
	205 Fourth St NW	R16.410.0560	\$527.36
	304 Park Ave NW	R16.410.0510	\$280.00
	307 Frank Ave NW	R16.410.0540	\$219.96
		Total	\$3,321.40

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 647/18

A RESOLUTION DIRECTING UNPAID MOWING CHARGES
BE PLACED ON THE PROPERTY TAXES PAYABLE IN 2019

WHEREAS, Elysian City Code Ordinance 16 provides that all grass or weeds on private property or commercial property in the City limits of the City of Elysian shall be cut at regular intervals in order to maintain a continuity of order and benefit to property owners and to all property owners surrounding effective property; and

WHEREAS, property owners whose grass or weeds on private or commercial property that is longer than six (6) inches have been noticed and have a five (5) day window to have the grass or weeds cut or removed. If property owner ignores order, the City of Elysian has proceeded with the cutting or removal of grass or weeds and costs have been billed to the property owner; and

WHEREAS, the specified properties as set for in "Exhibit A" have ignored the order, the grass or weeds have been cut or removed, the property owner has been billed and received final notification that unpaid amounts will be assessed on the respective property tax rolls.

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

That the Le Sueur County Auditor-Treasurer's Office is hereby authorized to place the delinquent mowing charges on the property taxes payable in 2019, against the specified properties as set forth in "Exhibit A".

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 10th day of December, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

RESOLUTION NO. 647/18
"EXHIBIT A"
DESCRIPTION OF PROPERTY BENEFITTED AND PROPERTY TO BE ASSESSED

LAST NAME	FIRST NAME	ADDRESS	PID #	AMOUNT TO CERTIFY
SMITH	JASON	309 FIRST ST N	16.035.0500	\$300.00
GILBERTSON	JEFFREY	6 LYNÆE CIRCLE	16.411.0550	\$100.00
		Total for Certification		\$400.00

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO 651/18

A RESOLUTION DIRECTING WATER SHUT OFF REPAIR
BE PLACED ON THE PROPERTY TAXES PAYABLE IN 2019

WHEREAS, Elysian City Code Ordinance No. 2-18 provides that: It is additionally the responsibility of the consumer or owner to maintain, and be solely responsible for, the individuals service pipe from the main to, and including, the curb stop and box. In case of failure upon the part of any consumer or owner to repair any leak occurring in the service pipe or curb stop within twenty-four (24) hours after verbal or written notice thereof, the water will be shut off.; and

WHEREAS, the property owner in question, had a curb stop and box failure, the City caused the same to be repaired, the property owner has been noticed of this requirement, demand for payment of the repair has been to the property owner, and the same remains unpaid and owed to the City of Elysian; and

WHEREAS, the property described on the Attached Exhibit A has received a special benefit to it inasmuch as the City paid for the subject repair which consisted of critical and essential infrastructure, billed the property owner for the same, and that the same has gone unpaid and is now in need of collection;

WHEREAS, the specified properties as set for in "Exhibit A" has been billed and received final notification that unpaid amounts will be assessed on the respective property tax rolls as Ordinance No. 2-18 authorizes.

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

That the Le Sueur County Auditor-Treasurer's Office is hereby authorized to place the charge for shut-off repair on the property taxes payable in 2019, against the specified properties as set forth in "Exhibit A".

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 10th day of December, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

RESOLUTION NO. 651/18
"EXHIBIT A"

DESCRIPTION OF PROPERTY BENEFITTED AND PROPERTY TO BE ASSESSED

Parcel Identification Number: 16.410.0460

Address: 207 Third Street NW, Elysian, Le Sueur County, Minnesota

Property Owner: Jeffrey Coon

Legal Description:

Lot One (1) in Block Twelve (12) in the City of Elysian, formerly Townsite of Elysium
And

Lot Two (2) and the North One-Half of Lot Three (3) in Block Twelve (12), in the Village of Elysian, formerly Townsite of Elysium, according to the plat thereof on file and of record in the office of the Register of Deeds in and for said Le Sueur County, Minnesota.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve On Sale, Off Sale, Sunday, 3.2 On Sale, 3.2 Off Sale, and Soft Drink Licenses for 2019 as per following list:

2019 Licenses for Approval

Fischer's Corner Bar Inc.	On Sale, Off Sale, Soft Drink, Sunday
Tom's Bar Inc.	
dba Thirsty Beaver Bar	On Sale, Off Sale, Soft Drink, Sunday
Tuckers Tavern Inc.	On Sale, Off Sale, Soft Drink, Sunday
The Knotty Bar & Grill	On 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	3.2 Off Sale, Soft Drink, Off Sale
Casey's	Soft Drink
Elysian Chamber	Soft Drink
Alley Scoops LLC	Soft Drink
Ellie Gails Bakery & Deli	Soft Drink
Fire Department	Soft Drink

On motion by Stoen, seconded by McBroom, all voting in favor, to approve to NOT WAIVE the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 for the covered year of 2019.

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

RESOLUTION NO. 648/18
RESOLUTION ADOPTING FINAL 2018 TAX LEVY, PAYABLE 2019
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 2019, upon taxable property in the City of Elysian, for the following purposes:

General Fund	\$404,851
Fire Relief	\$ 11,708
Maintenance Replacement Eq.	\$ 10,000
Storm Sewer	\$ 5,000
Kaplan	\$ 12,000
City Hall Debt	\$ 25,738
2012 Local Improvement Levy	\$ 50,000
2016 Local Improvement Levy	\$ 6,000
2018 Local Improvement Levy	\$111,127
2016 Fire Truck Debt	\$ 20,496
Total Final Levy	\$656,920

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

Voting in the negative: None.

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

Adopted by the Elysian City Council on December 10, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

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

RESOLUTION NO. 649/18
RESOLUTION ADOPTING THE 2019 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 2019;
and

WHEREAS, the 2019 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 year 2019 marked as "Exhibit A" is hereby adopted.

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 10th day of December, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

(See Exhibit A – Final Budget Year 2019 Expenditures and Revenues at end of minutes)

On motion by Schnoor, seconded by McBroom, all voting in favor, to approve the health insurance contributions for full-time employees for the year 2019 as follows:

<u>Single Coverage</u>	Total Annual Premium	Total Monthly Premium	City Portion		Employee Monthly Cost	Per Pay Period Cost	Annual Employee Cost
Advantage HSA Option	\$4,024.32	\$335.36	\$335.36		\$0.00	\$0.00	\$0.00
<u>Family Coverage</u>	Total Annual Premium	Total Monthly Premium	City Portion		Employee Monthly Cost	Per pay Period Cost	Annual Employee Cost
Advantage HSA Option	\$10,736.40	\$894.70	\$400.00		\$494.70	\$228.32	\$5936.40

HSA Contribution

The City of Elysian will contribute \$3500 into the TASC HSA account for both single and family insurance.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to schedule the 2018 Year-End Meeting for Thursday, December 27, 2018 at 6:00 pm.

Governor Mark Dayton has approved State Disaster Assistance (75% Public Infrastructure reimbursement) for Le Sueur County for the costs during the response and recovery of the September 20, 2018 Storm Event.

Thank you to Lake Area Women for the trees in the pots on Main Street. Thank you to Lake Area Women, the Fire Department, all the volunteers, businesses and the City staff that contributed to the holiday celebration on December 1, 2018.

The City Attorney has reviewed the report from American Legal Publishing Corporation in regard to the codification of City of Elysian Ordinances and his responses have been returned to them. The codification is in the final process. There will be some changes to be acted on by the City Council in 2019.

Mayor Stoen noted this is his last official meeting as Mayor. “It was a tough decision to not run for office again. This group – Mary, Bobby, Dennis, Tom – we got a lot of stuff done. This whole side of town now has curb and gutter, upgraded the park and the park bathrooms. Things have really gotten changed around in town and I couldn’t have done it without the Council. It has been a whirlwind six years.” Stoen thanked the City employees. He thanked City Engineer Cavett for all he has taught the Council and for helping to make the street project a reality. Stoen stated, “He has learned a lot and

couldn't have done it without the group. Thank you all."

On motion by McBroom, seconded by Schnoor, all voting in favor, bills, payroll, and transfers were approved in the amount of \$194,346.63.

Public Comment: None.

On motion by Stoen, seconded by Schnoor, all voting in favor, to adjourn the meeting at 6:38 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL
SPECIAL YEAR END MEETING
DECEMBER 27, 2018**

The Elysian City Council met in special session on Thursday, December 27, 2018, at City Hall at 6:00 pm.

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

On motion by Schnoor, seconded by Opsahl, all voting in favor, to approve the agenda of the December 27, 2018 Special Year End Meeting as presented.

Based on balances in the reserve funds and the projected 2019 expenses and revenues in the water and sewer accounts, there will be no changes to the water and sewer rates for 2019.

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 652/18

RESOLUTION SETTING WATER AND SEWER
UTILITY RATES FOR 2019

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 and sewer 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 2019 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:	\$ 7.00 per 1,000 gallons

NOW THEREFORE BE IT FURTHER RESOLVED: that these rates will become effective on January 1, 2019.

Upon vote being taken:

Council Members 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 27th day of December, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

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

CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION NO. 653/18

RESOLUTION SETTING ENVIRONMENTAL
UTILITY FUND RATES FOR 2019

WHEREAS, the City is required to establish utility rates such that revenues generated are sufficient to offset the cost of improvements and make provision for debt repayment, and

WHEREAS, the City has undertaken storm sewer utility projects that require additional storm sewer system debt repayment.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELYSIAN: that the environmental utility rates for 2019 are set as follows:

Residential	\$5 per month
Rate	\$15 per month
Commercial	(Fee = REF x Acreage x Rate)

NOW THEREFORE BE IT FURTHER RESOLVED: that these rates will become effective on January 1, 2019.

Upon vote being taken:

Council Members 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 27th day of December, 2018.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

The Council considered the proposed 2019 Fee Schedule. Changes include the updated garbage prices as effective October 1, 2018, the updated Building Permit fee schedule as per contract, and an increase to Rental Property License and Inspection Fees of \$5.00.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the 2019 Fee Schedule as presented.

Public Works Director Greenwald presented a quote from Minnesota Pump Works in the amount of \$3,875.79 to rebuild the pump and repair the impeller in Lift Station #2. Greenwald stated the cost for the cord in the amount of \$953.75 seems extremely high. He has asked for additional quotes on the cord from area electricians and will purchase the cord separately if he can find a better price. Greenwald has also requested a quote to replace rather than repair the pump and that cost is \$8,858 which is considerably higher than repairing.

On motion by Schnoor, seconded by McBroom, all voting in favor, to approve Quote #3546 from Minnesota Pump Works in the amount of \$3,875.79 to repair the pump and impeller in Lift Station #2 and that if a lower price quote is obtained for the cord (ABS Cable), the cord will be purchased separately.

Greenwald then presented a quote through State Bid from Crysteel Truck Equipment for a 2019 F-550 4x4 Regular Cab truck. The new truck has been quoted with similar features as the current F-550 truck. The only differences in the proposed truck from the current are that the proposed truck has a diesel engine rather than a gas engine, it has (2) two hooks on the front and some additional lights. The approximate trade in offer for the current F-550 truck is \$10,000. If the truck is ordered in January it will not be built and available until May of 2019.

There was Council consensus to request the salesperson from Crysteel Truck Equipment to attend the January 2019 Council meeting to discuss options and answer questions.

On motion by Schnoor, seconded by Stoen, all voting in favor, to solicit bids for a (3) three-year lease of the tillable acres surrounding the waste water treatment plant and the 1.6 tillable acre EDA property on State Highway 60.

On motion by Opsahl, seconded by McBroom, all voting in favor, to approve a 3% cost of living adjustment to all full-time employees effective January 1, 2019.

On motion by McBroom, seconded by Opsahl, all voting in favor, to approve year-end bills and transfers in the amount of \$39,481.99

There was no further business to be considered.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 6:30 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator

**ELYSIAN CITY COUNCIL
BUDGET WORKSHOP MEETING
NOVEMBER 26, 2018**

The Elysian City Council held a budget workshop meeting on Monday, November 26, 2018 at City Hall at 6:00 pm.

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

Councilmembers considered the 2018 Fee Schedule to determine areas that need to be updated. The Building Permit section will be updated to include the fixed fee permit schedule and the 1997 Uniform Building Code as presented by the Building Inspector as part of his contract approved August 13, 2018. The residential refuse collection fees will be updated to reflect the 2% increase as per West Central Sanitation contract. The rental license fees will all be increased by \$5 to reflect the building inspection fee increase.

Councilmembers considered the proposed budget numbers and levy worksheet. A slight modification has been made to the General Fund levy amount due to a change in the required Fire Relief contribution. The budget figures in that fund have been adjusted to reflect the change. The budget and levy as presented will be considered for approval at the December 10, 2018 City Council meeting.

Health insurance premium costs and City contributions were also discussed.

On motion by Stoen, seconded by McBroom, all voting in favor, meeting adjourned at 6:50 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator