

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
DECEMBER 11, 2017**

The Elysian City Council met in regular session on Monday, December 11, 2017, at City Hall at 6:00 pm.

Roll Call: Mayor Clinton Stoen; Councilmembers Robert Houlihan, Tom McBroom (arrived at 6:10 pm), Mary Opsahl, and Dennis Schnoor; City Administrator Lorri Kopischke; Public Works Director Ron Greenwald; City Utility Clerk Nicole Lamont; and City Attorney Jason Moran. Absent: None.

On motion by Stoen, seconded by Houlihan, all voting in favor, to close the Regular Meeting and open the Truth in Taxation Public Hearing at 6:01 pm.

The purpose of the hearing is to receive input on the final budget and tax levy for 2017 payable 2018.

The Council has held three budget workshops – August 8, August 29, and November 28, 2017, to discuss the budget and resulting levy for 2017 payable in 2018. The total levy to be certified is \$561,002 which is up \$17,559 or an increase of 3% from last year. The main increases are \$15,500 in the general fund and \$3,090 for Fire Relief. The increase in Fire Relief is due to an anticipated \$100 increase to the annual benefit amount. Other increases include a 2.5% salary increase to full-time employees, beginning the process to codify the City Ordinances, a new yearly fee to Le Sueur County for election equipment, and the anticipated purchase of a truck.

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

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

Le Sueur County Chief Deputy Nick Greenig reported it has been fairly quiet in the City except for some area break ins. Headway has been made on those crimes and some property has been returned to the owners.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the minutes of the November 13, 2017 Regular Meeting and November 28, 2017 Workshop Meeting as presented.

On motion by Stoen, seconded by Houlihan, all voting in favor, to approve the agenda of the December 11, 2017 Regular Meeting with the following addition:

Add: Update on the tax forfeiture property – 301 Sixth Street NW.

Public Comment: None.

Chris Cavett, SEH Engineering, reported the construction contract for the 2016 Street and Utility Improvement project is complete and ready for final payment. Most of the work was completed last season with the exception of final wear paving, saw and seal, pavement markings and some warrantee items. The City is currently holding 5% in retainage from the last pay estimate plus some additional minor work items. The final payment due to the contractor, RAW Construction, LLC, is \$69,471.02.

Cavett stated that all final documentation has been received and the project is recommended for acceptance with the release of the final payment. In accordance with Article SC-15.08 of the Supplementary Conditions, the correction period, (warranty period) for RAW Construction, LLC shall

extend two years after final payment. Thus, if final payment is approved tonight, the warranty period will extend until December 11, 2019.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION #602/17

ACCEPTING WORK  
2016 STREET AND UTILITY IMPROVEMENT PROJECT

WHEREAS, pursuant to the written contract signed with the City of Elysian on April 11, 2016, RAW Construction, LLC of Faribault, Minnesota, has satisfactorily completed the 2016 Street and Utility Improvement Project in accordance with such contract,

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF ELYSIAN, MINNESOTA, that the work completed under said contract, is hereby accepted and approved, and,

BE IT FURTHER RESOLVED: That the City Administrator and Mayor are hereby directed to issue a proper order for the final payment on such contract, in exchange for the contractor's receipt evidencing payment in full, and,

In accordance with Article SC-15.08 of the Supplementary Conditions, the correction period, (warranty period), shall extend two years and end on December 11, 2019.

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 11<sup>th</sup> day of December, 2017.

Approved:

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

Attested:

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

An updated Agreement for Law Enforcement Services from Le Sueur County was presented for review. The new document includes updated language regarding liability and indemnification as

requested by the League of Minnesota Cities. There is not a request for increase in the hourly rate but there may be a request for increase for the 2019 service year.

City Attorney Moran stated he had reviewed the agreement and approves of the language and content.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the updated Agreement for Law Enforcement Services from Le Sueur County effective January 1, 2018.

A Special Election will be held in Le Sueur County on Monday, February 12, 2018, for the purpose of filling the vacancy in House District 23B State of Minnesota. Elysian City Hall is a polling place for this election. The February Elysian City Council Meeting is scheduled for this date and will need to be changed.

On motion by Houlihan, seconded by Schnoor, all voting in favor, to change the February Elysian City Council meeting from February 12, 2018, to February 13, 2018 at 6:00 pm due to the special election being held for the purpose of filling the vacancy in House District 23B State of Minnesota.

Councilmember McBroom arrived at 6:10 pm.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 597/17

A RESOLUTION DIRECTING DELINQUENT UTILITY CHARGES BE PLACED  
ON THE PROPERTY TAXES PAYABLE IN 2018

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 11, 2017 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 2018, 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 11<sup>th</sup> day of December, 2017.

Approved:

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

Attested:

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

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 598/17

A RESOLUTION DIRECTING DELINQUENT AUTO READ METER CHARGES  
BE PLACED ON THE PROPERTY TAXES PAYABLE IN 2018

WHEREAS, Elysian City Code provides that all property owners must purchase and be serviced by an auto read (remote) water meter; and

WHEREAS, property owners have been noticed of this requirement and said required auto read meters have been installed and property owners billed for meter; and

WHEREAS, the specified properties as set for in "Exhibit A" have 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 auto read meter charges on the property taxes payable in 2018, 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 11<sup>th</sup> day of December, 2017.

Approved:

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

Attested:

\_\_\_\_\_

Lorri Kopischke, City Administrator

On motion by McBroom, seconded by Stoen, all voting in favor, to approve the 2018 licenses as follows:

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
Zimbrich Properties dba Tuckers Tavern Inc.	On Sale, Off Sale, Soft Drink, Sunday
American Legion 311	Club, Soft Drink, Sunday
Trostem's Shady Shores	3.2 On Sale, Soft Drink
S&K Roemhildt LLC dba Pit Stop	3.2 Off Sale, Soft Drink, Off Sale
Casey's	3.2 Off Sale, Soft Drink
Elysian Chamber	Soft Drink
Alley Scoops LLC	Soft Drink
Ellie Gails Bakery & Deli	Soft Drink
Fire Department	Soft Drink

On motion by 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.

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

RESOLUTION 599/17  
RESOLUTION ADOPTING FINAL 2017 TAX LEVY, PAYABLE 2018  
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 2018, upon taxable property in the City of Elysian, for the following purposes:

General Fund	\$413,855
Fire Relief	\$ 14,651
Maintenance Replacement Eq.	\$ 10,000
Storm Sewer	\$ 5,000
Kaplan	\$ 15,000
City Hall Debt	\$ 26,000
2012 Local Improvement Levy	\$ 50,000
2016 Local Improvement Levy	\$ 6,000
2016 Fire Truck Debt	\$ 20,496
Total Preliminary Levy	\$561,002

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 11, 2017.

Approved:

---

Clinton Stoen, Mayor

Attested:

---

Lorri Kopischke, City Administrator

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

RESOLUTION NO. 600/17  
RESOLUTION ADOPTING THE 2018 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 2018;  
and,

WHEREAS, the 2018 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 2018 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 11<sup>th</sup> day of December, 2017.

Approved:

---

Clinton Stoen, Mayor

Attested:

---

Lorri Kopischke, City Administrator

On motion by Stoen, seconded by McBroom, all voting in favor, to set the 2017 year end City Council meeting for Tuesday, December 26, 2017 at 6:00 pm.

The Council discussed holding a meeting with MnDOT Representatives regarding the Highway 60 2020 project. The proposed changes included in the project have been explained to Planning and Zoning and the EDA, and members of those boards would like to be involved in the next work session. It also was suggested that business owners along Highway 60 be specially invited to attend.

On motion by Schnoor, seconded by McBroom, all voting in favor, to set a meeting with MnDOT Representatives regarding the Highway 60 2020 project for Tuesday, January 16, 2018 at 6:00 pm.

On motion by Stoen, seconded by Houlihan, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:18 pm.

The purpose of the hearing is to receive public input on the request of John H Carpenter, Ramona M Carpenter, and Barbara C Nelson, the property owners of a property located at, and adjacent to, 411 Sixth Street NW, Elysian, Le Sueur County, Minnesota, to close and vacate the platted alley located on Block 005 Elysium Townsite, Amended Plat, City of Elysian, PID # R16.410.1000.

John H Carpenter, Ramona M Carpenter, and Barbara C Nelson have submitted a request that the City of Elysian officially close and vacate the alley located on Block 005 Elysium Townsite, Amended Plat, City of Elysian, PID # R16.410.1000. This alley has never been physically opened. They are requesting it be vacated to allow them to combine the two parcels into one developable parcel. The City does have a water main that crosses this property. There is wording included in the Resolution to retain any and all easements on the property.

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

On motion by Stoen, seconded by Houlihan, all voting in favor, to close the Public Hearing at 6:21 pm and open the Regular Meeting.

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

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION 601/17

A RESOLUTION VACATING A PORTION OF A PUBLIC ALLEY

THE CITY COUNCIL FOR THE CITY OF ELYSIAN, MINNESOTA, DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, a petition signed by the majority of property owners abutting the platted alley located in Parcel ID# 16.410.1000 running east to the west between Sixth Street NW and PID #16.460.0100 was received by the City Clerk on the 6<sup>th</sup> day of November, 2017; and

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

WHEREAS, the portion of the platted alley subject to vacation is a public alley lying west of Sixth Street NW and described as follows: that alley platted and measuring approximately 336' x 20' lying within Block Five (5), in the Townsite of Elysium, now known as the Village of Elysian, according to the plat on file in the Office of the Register of Deeds of Le Sueur County, Minnesota and between Sixth Street NW and PID # 16.460.0100 (Commencing at the Northwest Corner of Government Lot eight (8), Section Thirty-Five (35), Township One Hundred Nine (109) North of Range Twenty-Four (24) West: thence running South along the section line between Section Thirty-Four and Section Thirty-Five of said Township to a point directly West from the South line of the street known as Lake Street according to the present plat of the Village of Elysian: thence East parallel with the South line of said street to the West line of said plat of the Village of Elysian: thence North to the shore of Lake Francis: thence Westerly along the shore of said Lake Francis to the place of beginning, containing Eight (8) acres more or less; Except: The West Five Hundred Eighty (580) feet and the South Three Hundred (300) feet thereof), as is illustrated on the attached map; and

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

WHEREAS, a public hearing to consider the vacation of said portion of public alley was held on December 11, 2017 before the City Council at City Hall located at 110 West Main Street, Elysian, Minnesota at approximately 6:00 pm. Further, all property owners adjacent to said portion of public alley and all affected persons were given notice of said Public Hearing, and all were given an opportunity to be heard and voice their concerns regarding the vacation of the subject portion of the public alley. Finally, said notice was published in the City's legally designated newspaper for the requisite time parameters called for in Minnesota Statutes §412.851; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF ELYSIAN, LE SUEUR COUNTY, MINNESOTA, that portion of an alley platted and lying west of Sixth Street NW and measuring approximately 336' x 20' lying within Block Five (5), in the Townsite of Elysium, now known as the Village of Elysian, according to the plat on file in the Office of the Register of Deeds of Le Sueur County, Minnesota and between Sixth Street NW and PID # 16.460.0100 (Commencing at the Northwest Corner of Government Lot eight (8), Section Thirty-Five (35), Township One Hundred Nine (109) North of Range Twenty-Four (24) West: thence running South along the section line between Section Thirty-Four and Section Thirty-Five of said Township to a point directly West from the South line of the street known as Lake Street according to the present plat of the Village of Elysian: thence East parallel with the South line of said street to the West line of said plat of the Village of Elysian: thence North to the shore of Lake Francis: thence Westerly along the shore of said Lake Francis to the place of beginning, containing Eight (8) acres more or less; Except: The West Five Hundred Eighty (580) feet and the South Three Hundred (300) feet thereof), as is illustrated on the attached map shall be, and hereby is vacated.



BE IT FURTHER RESOLVED, any and all recorded easements of record remain in full force and effect and shall continue on in full force and effect notwithstanding the passage of this Resolution.

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

Upon vote being taken:

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

Councilmembers voting in the negative: None.

Adopted by the Council this 11<sup>th</sup> day of December, 2017.

Approved:

---

Clinton Stoen, Mayor

Attested:

---

Lorri Kopischke, City Administrator

The property owners of 118 East Main Street have requested to donate the property and building located on the property to the City of Elysian. The Planning and Zoning Commission has discussed this, and consensus was that obtaining this property would comply with the comprehensive plan. The Commissioners suggested it might best be accomplished via the EDA and that the property could possibly be given or sold at a very low cost, to a prospective business owner who would be interested in repairing the building. The EDA discussed this at their December 7, 2017 meeting and voted unanimously to accept the donation. A special EDA meeting has been called for December 14, 2017 to consider a resolution accepting the donation and the property owners will have until December 31, 2017 to remove their personal belongings.

Information was provided on the True Transit public transportation program. The transit system has been developed by VINE Faith in Action and will serve Blue Earth, Nicollet, and Le Sueur Counties. A brochure will be included with this month's utility bill.

The Council thanked Lake Area Women for the trees in the pots on Main Street. They also expressed appreciation to Lake Area Women, the Fire Department, the Horizon Group, all the volunteers, businesses, and city staff that contributed to the Holiday celebration in Elysian on December 2, 2017.

The City has received the deed for the tax forfeit property at 301 Sixth Street NW. Public Works will move any items of value from the shed into the house and secure all doors and windows on the house.

On motion by McBroom, seconded by Stoen, all voting in favor, bills, payroll, and transfers were approved in the amount of \$163,221.71. The final payment to RAW Construction, LLC of Faribault, Minnesota, in the amount of \$69,471.02 is included in this total.

Public Comment – None.

On motion by Stoen, seconded by Houlihan, all voting in favor, meeting adjourned to closed session to discuss Attorney Client Matter and Land Acquisition at 6:30 pm.

On motion by Stoen, seconded by Houlihan, all voting in favor, to reopen the meeting at 6:50 pm.

Mayor Stoen reported that while in closed session the Council discussed various legal strategies. The City Attorney and City Administer will continue to work with the issues at hand.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 6:52 pm.

Approved:

---

Clinton Stoen, Mayor

Attested:

---

Lorri Kopischke, City Administrator