

**ELYSIAN CITY COUNCIL
REGULAR MEETING
FEBRUARY 13, 2017**

The Elysian City Council met in regular session on Monday, February 13, 2017, 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; City Utility Clerk Nicole Lamont (arrived at 6:02 pm); and City Attorney Jason Moran. Absent: Public Works Director Ron Greenwald.

On motion by McBroom, seconded by Houlihan, all voting in favor, to approve the minutes of the January 9, 2017 Regular Meeting as presented.

City Utility Clerk Lamont arrived at 6:02 pm.

On motion by Stoen, seconded by McBroom, all voting in favor, to approve the agenda of the February 13, 2017 meeting with the following addition:

1. Brent Kavitz and son Dillon Kavitz attending for a scouting achievement requirement.

Public Comment: None.

The Council welcomed Dillon Kavitz to the meeting. Dillon introduced himself and shook hands with all Councilmembers, City Administrator, and City Attorney.

Jeff Bertram and James Handt, West Central Sanitation, were present to discuss city clean-up options. The Council would have the choice of providing a curbside clean-up or a clean-up where items are brought to a central location. They could offer one or two clean-ups per year.

It was noted that the 2016 fall clean-up at the Lake Francis Park by West Central cost the City approximately \$352. West Central did not charge for their services. The only cost was for disposal of the waste, appliances, electronics, etc. The cost for a curbside clean-up may be as high as \$1,200 to \$1,500 but there is a chance of better participation. One option to offset the cost is to charge all who participate a flat fee of \$25. Residents would also purchase a tag for their appliances, electronics, etc.

The Council suggested polling the residents to determine the interest in a curbside clean-up. The options will be considered and a decision will be made at the March 13, 2017 Council Meeting.

On motion by Stoen, seconded by Schnoor, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:20 pm.

The purpose of the public hearing is to discuss changes and address all comments related to an amendment to Ordinance #2 – Amended: An Ordinance Relating to the City of Elysian Water System, Regulating the Use and the Manner of Use of the City Waterworks, and Regulating Excavations in Public Street for Water Connections and for Various Other Water Related Purposes.

Kopischke explained the proposed changes to Ordinance #2 are as follows:

Section 20. Water Policy

#6. During the months of April through October, any utility bill that is considered delinquent for three (3) months will receive a ten (10) day notice by mail stating that one-third of the bill must be paid by the stated time or the water service to the property will be shut off at the curb stop. If payment is not received by the due date, the water service is shut off. The water service will remain disconnected until such time as one-third of the balance due is received plus a \$50 reconnection fee.

In November, any utility bill that is considered delinquent for three (3) months will receive a ten (10) day notice by mail stating the bill must be paid by the stated time or the bill will be placed on the property taxes of the following year, after City Council approval.

And:

#8. All residences or businesses wishing to have their water service temporarily stopped in the Fall shall contact the City Administrator for shut off of the water service at least five (5) business days prior to the desired shut off day. The City will then turn the service off at the curb stop. The homeowner is fully responsible and liable for the service line and any infrastructure from the curb stop to the home and additionally responsible for all infrastructure inside the home. The city will not be responsible for draining pipes or the winterizing of lines. In the event of freezing conditions, the homeowner is fully and completely liable and responsible for any damage done to the service line and any infrastructure from the curb stop to the home. In the Spring, when the homeowner desires to have the water service restored to the home, the homeowner shall contact the City Administrator at least five (5) business days prior to the turn on date. The City will then send out a public works worker to have the utility service restored, however, the homeowner must be on site for the turn on event or have a licensed plumber there to verify completion in the event that the homeowner is unavailable to attend. Anyone tampering with the City Water Works are in violation of Ordinance #2 Regulating the Use and the Manner of Use of City Water Works.

Kopischke reported that the City Council had approved the change to item #6 in 2014 but the Ordinance had never been formally amended. The change to #8 was discussed by the City Council in-depth at the December 28, 2016 meeting and was approved at that time.

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

On motion by Stoen, seconded by McBroom, all voting in favor, to close the Public Hearing at 6:25 pm and open the Regular Meeting.

Mayor Stoen presented the Ordinance Amendment with Summary Publication and was seconded by Councilmember Houlihan.

CITY OF ELYSIAN
ORDINANCE #2
Amended

AN ORDINANCE RELATING TO THE CITY OF ELYSIAN WATER SYSTEM, REGULATING THE USE AND THE MANNER OF USE OF THE CITY WATERWORKS, AND REGULATING EXCAVATIONS IN PUBLIC STREETS FOR WATER CONNECTIONS AND FOR VARIOUS OTHER WATER RELATED PURPOSES.

THE CITY COUNCIL OF THE CITY OF ELYSIAN, LESUEUR AND WASECA COUNTIES, MINNESOTA, HEREBY ORDAINS AS FOLLOWS:

SECTION 1. MUNICIPAL WATER SYSTEM.

The City of Elysian municipal water system, hereinafter called the water system, shall be operated as a public utility and convenience, from which revenue will be derived, subject to the provisions of this ordinance.

SECTION 2. USE OF WATER RESTRICTED TO AUTHORIZED PERSONS.

No person, firm or corporation shall make, construct or install any water service installation or make use of any water service which is connected to the water system except in the manner provided in this ordinance.

SECTION 3. CONNECTION PERMIT REQUIRED

No connection shall be made to the city water system, or any repair or modification of the connection, unless the City of Elysian has issued a permit therefore. Application for a permit shall be made at the office of the City Administrator on a form furnished by the city by the owner of the premises sought to be connected. The application shall, among other things, state the name of the owner, the street address, the kind of service desired and the application must bear the signature of the applicant. The duly completed and signed application must be accompanied by payment of all connection fees and charges before the same shall be considered by the City Administrator's Office.

SECTION 4. CODE REQUIREMENTS.

All piping, connections and appurtenances shall be installed and performed strictly in accordance with the Minnesota Plumbing Code. Failure to install and maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the city, be grounds for termination of water service to any water consumer.

SECTION 5. DEFICIENCY OF WATER AND SHUTTING OFF WATER.

The City shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs of connections, or from any other cause whatsoever. In case of fire, or alarm of fire, or in making repairs, or construction of new works, water may be shut off at any time and kept shut off as long as is necessary.

SECTION 6. SINGLE METERED SERVICE

No more than one residence or business building shall be supplied from one service connection or lead for either water or sewage services; any garage portion of the residence or business building may be serviced from the connection or lead and the same shall then continue to constitute a single metered service. In the case of multiple dwelling units where the owner desires more than one meter installed on a single service, written request shall be made for approval to the City Administrator with the Department of Public Works inspecting and approving the multiple meters.

SECTION 7. TAPPING OF MAINS.

No person except persons employed or authorized by the City shall tap any distributing main or pipe of the water system, unless approval is given by the City Water Supervisor.

SECTION 8. REPAIR OF LEAKS AND INSTALLATION AND MAINTENANCE OF SERVICE.

It shall be the responsibility of the consumer or owner to install, under the supervision of the City, or to pay for all installation costs from the main, and to maintain the service pipe from main to the shut off. In case of failure upon the part of any consumer or owner to repair any leak occurring in the pipe within twenty four (24) hour 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 the leak, the water may be turned off immediately pending repairs.

SECTION 9. SERVICE PIPES.

Every service pipe must be laid sufficiently waving 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 feet below the surface and in all cases so arranged as to prevent rupture by freezing. 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 which it is intended to supply. Type K Copper tubing shall be used up to and including two inch service. All underground joints to be mechanical joints on copper tubing shall be kept to a minimum, which not more than one joint used for service up to 70 feet in length. All joints and connections shall be left uncovered until inspection by the City Water Supervisor and tested at normal water line pressure. All services over two inch shall be ductile iron or water main PCV pipe. Connections with the mains for domestic supply shall be at least one (1) inch.

SECTION 10. PRIVATE WATER SUPPLIES.

No water pipe of the water system shall be connected with any pump, well, tank, or piping that is connected with any other source of water supply.

SECTION 11. USE CONFINED TO PREMISES.

No person shall permit water from the water system to be used for any purpose except upon his own premise unless written consent is obtained from neighbors being affected.

SECTION 12. CONNECTIONS BEYOND CITY BOUNDARIES.

The City of Elysian will not supply any unmetered water as of date of acceptance of ordinance, no additional water users will be serviced outside the city limits.

SECTION 13. RESTRICTIONS AGAINST SPRINKLING AND OTHER LIMITATIONS OF WATER USE.

All water customers and regulations promulgated by the City Council as limitations in the time and manner of using water and such other applicable regulations promulgated by the City Council affecting the preservation, regulation, and protection of the water supply. At no time may the Elysian Fire Department use or provide water to any property in city limits or outside city limits without prior approval from City Hall. In case of a fire emergency, Fire Department Personnel have the authority to obtain water from city hydrant for purposes of firefighting.

SECTION 14. DAMAGE TO THE WATER SYSTEM

No person shall remove or damage any structure, appurtenance, or property of the water system. It is unlawful for any person to willfully or carelessly break, injure, mar, deface, disturb, or in any way interfere with any buildings, attachments, machinery, apparatus, equipment, fixture, or appurtenance of any municipal utility or municipal utility system, or commit any act tending to obstruct or impair the use of any municipal utility.

SECTION 15. EXCAVATIONS AND WATER CONNNECTIONS.

No excavation for the purpose of water connection, or for any other purpose whatsoever, shall be made except upon application to City Hall and after a permit has been duly issued therefore. Any such excavation and any water connection, tapping or curb box installation, shall be made only by persons who have been approved by the City Administration and all costs thereof from the main, including taping, shall be paid for by the person requiring such excavation, either for water use or otherwise. Restoration of any street or public way in which any such excavation is applied for or is made, will be paid by the person requiring the excavating. Restoration quotes will be obtained by the Water Supervisor in order to meet qualifications set by the City Council. For those who desire to be approved for such work may be required to obtain a bond before any person or firm is designated. Each curb stop shall be placed at the city property line.

SECTION 16. WATER METERS AND HYDRANTS.

Except for extinguishment of fires, no person, except authorized city employees shall use water from the water system or permit water to be drawn therefrom, unless the same be metered by passing through a meter supplied or approved by City personnel. No person, shall connect, disconnect, take apart, or in any manner change, or cause to be changed, or interfere with any such meter or the action thereof. Water Hydrants will be flushed monthly during the summer months on the authority of the Water Superintendent.

SECTION 17. WATER RATES AND CHARGES.

The Council may, from time to time, set rates by resolution. Such rates shall become effective upon publication of such resolution once in the official newspaper. Water billings will be billed monthly. Payment must be made by the fifth day of each month, except when those occasions on which the fifth day of the month falls on a weekend or legal holiday whereupon the due date shall then be extended to the end of the next working business day.

Payment of all municipal utility service and charges shall be the primary responsibility of the owner of the premises served and shall be billed to him or her unless otherwise contracted for and authorized in writing by the owner and the tenant, as agent for the owner, and consented to by the City.

Each account is hereby made a lien upon the premises served. All accounts which are past due may be certified by the City Administrator to the County Auditor, when authorized by resolution of the City Council, for certification against the tax rolls of the premises for collection of the same. The City Administrator in so certifying shall specify the amount thereof, the description of the premises served, and the name of the owner thereof.

SECTION 18. RIGHT OF ENTRY.

By applying for or receiving a municipal water service, a customer irrevocably consents and agrees that any city employee acting within the course and scope of his or her employment may enter into and upon the private property of the customer, including dwellings and other buildings, at all reasonable times under the circumstances, for the purpose of inspecting, repairing, reading meters, connecting or disconnecting the municipal water service.

SECTION 19. DISCONTINUANCE OF SERVICE FOR VIOLATIONS.

Water service may be shut off at any stop box connection whenever:

1. The owner or occupants of the premises served or any person working on any pipes or equipment thereon which are connected with the water system has violated or threatens to violate any of the provisions of this ordinance.
2. Any charge for water service, meter or financial obligations imposed on the present or former owner or occupant of the premises served is unpaid.
3. Fraud or misrepresentation by the owner or occupant of the premises served in connection with an application for service.

SECTION 20. WATER POLICY.

1. All residences or businesses in or out of the City limits using the water service or with water service available must pay an availability charge even though their water may be turned off for any amount of time. The availability charge is the minimum water bill.

An availability charge is charged to all meter hookups. Availability charge rates will be updated periodically upon City Council approval. An availability charge is billed monthly to all meter hookups as part of the monthly utility billing. Availability charges are placed on billings whether meter is in the building or has been removed or whether or not water usage is occurring. If a business or home has been destroyed or removed, the availability charge will be discontinued until which time the house or business has been replaced. No availability charge will be made to developed property when water is not directly available to property.

2. All property owners serviced by the city water system, must purchase a remote meter. Charge will be made for the cost of the remote and for the installation. A second meter may be purchased at a rate set by the City Council. The Second Meter will be used for lawn watering, car washing and other uses not considered primary usage. The meter will be installed by a licensed plumber. Water usage will be charged at the regular rate, with gallonage being subtracted from sewer usage charge.
3. All meters must be kept in good working condition. If repairs are needed to the meters, due to neglect of owner or person occupying residence or business, said repairs will be billed to the owner of residence.
4. It is a violation to refuse entry to city personnel for the purpose of inspection of meters. Anyone refusing to allow the city employees entry shall be subject to having their water turned off.
5. Non-payment of sanitary sewer, garbage, and water on rental property is the responsibility of the property owner. All owners of rental property will receive a copy of the monthly billing sent to the renter.
6. During the months of April through October, any utility bill that is considered delinquent for three (3) months will receive a ten (10) day notice by mail stating that one-third of the bill must be paid by the stated time or the water service to the property will be shut off at the curb stop. If payment is not received by the due date, the water service is shut off. The water service will remain disconnected until such time as one-third of the balance due is received plus a \$50 reconnection fee.

In November, any utility bill that is considered delinquent for three (3) months will receive a ten (10) day notice by mail stating the bill must be paid by the stated time or the bill will be placed on the property taxes of the following year, after City Council approval.

7. Residences and businesses will be billed separately unless business and residence is housed within the same building.
8. All residences or businesses wishing to have their water service temporarily stopped in the Fall shall contact the City Administrator for shut off of the water service at least five (5) business days prior to the desired shut off day. The City will then turn the service off at the curb stop. The homeowner is fully responsible and liable for the service line and any infrastructure from the curb stop to the home and additionally responsible for all infrastructure inside the home. The city will not be responsible for draining pipes or the winterizing of lines. In the event of freezing conditions, the homeowner is fully and

completely liable and responsible for any damage done to the service line and any infrastructure from the curb stop to the home. In the Spring, when the homeowner desires to have the water service restored to the home, the homeowner shall contact the City Administrator at least five (5) business days prior to the turn on date. The City will then send out a public works worker to have the utility service restored, however, the homeowner must be on site for the turn on event or have a licensed plumber there to verify completion in the event that the homeowner is unavailable to attend. Anyone tampering with the City Water Works are in violation of Ordinance #2 Regulating the Use and the Manner of Use of City Water Works.

9. It is unlawful for any person to make any connection with any municipal utility system without first having applied for and received permission from the City Administrator to make the same.
10. It is unlawful for any person to turn on or connect a utility when the same has been turned off or disconnected by the city for non-payment of a bill, or for any other reason, without first having obtained a permit to do so from the City Administrator.
11. It is unlawful for any person to “jumper” or by means or device fully or partially circumvent a municipal utility meter, or to knowingly use or consume unmetered utilities or use the services of any utility system, the use of which the proper billing authorities have no knowledge.

SECTION 21. PENALTY

Any violation of this ordinance is a misdemeanor punishable by a fine of not more than \$1,000.00 and/or ninety days in jail.

The Ordinance was presented by Mayor Stoen, seconded by Councilmember Houlihan with the following vote being taken:

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

Voting No: None.

Adopted by the Elysian City Council of the City of Elysian, Minnesota, the 13th day of February, 2017 and will be in effect upon Summary Publication.

Clinton Stoen, Mayor

Attest:

Lorri Kopischke, Clerk Administrator

Kopischke reported Sheriff Tietz had provided information regarding the application process with MNDOT for placement of a Dynamic Speed Display Sign on State Highway #60. Sample pricing of the signs and also a study discussing the effectiveness of the signs was then presented to the Council. Council will take the information under consideration.

Kopischke provided an update on FEMA activities. The City has submitted request for reimbursement in five categories. Two of the five categories have been approved at this time. No firm dollar amounts are available but should be provided to the Council at the March Meeting.

On motion by Stoen, seconded by McBroom, all voting in favor, to set a goal setting workshop for Monday, February 27, 2017 at 6:00 pm.

A reminder that the Le Sueur County Governmental Officials Meeting will be held on Wednesday, February 22, 2017, at the Le Center American Legion – Meal 6:30 pm, Meeting 7:00 pm.

On motion by McBroom, seconded by Stoen, all voting in favor, bills, payroll and transfers were approved in the amount of \$244,994.68.

Public Comment: None.

On motion by Stoen, seconded by Schnoor, all voting in favor, meeting adjourned to closed session to discuss employee labor negotiations and purchase of property at 6:35 pm.

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

On motion by Stoen, seconded by McBroom, to appoint Richard Droog as Emergency Management Director.

McBroom stated he would like to see John Roessler stay on, possibly in an assistant role to help Droog with the training and making contacts for the position.

Stoen stated that Roessler had agreed to do that, he thought Roessler would be very good at that, and that the City does need him to do that.

A Co-director situation was suggested but this had not been discussed with Roessler or Droog.

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

Stoen stated it was unfortunate that the Council could not reach a consensus. Minnesota Statute 12.25 Local Organizations; Directors, Duties. Subdivision 1. Political subdivisions; director, responsibilities states: "...Each local organization for emergency management must have a director appointed forthwith: in a city by the mayor..."

That being said, Mayor Stoen then appointed Richard Droog as Emergency Management Director for the City of Elysian.

On motion by Stoen, seconded by McBroom, all voting in favor, to adjourn the meeting at 7:23 pm.

Approved:

Clinton Stoen, Mayor

Attested:

Lorri Kopischke, City Administrator