

**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