

**ELYSIAN CITY COUNCIL
JANUARY 11, 2010
REGULAR MEETING
MINUTES
6:00 P.M.**

The Elysian City Council met in regular session on Monday, January 11, 2010, at City Hall at 6:00 p.m.

Members present were: Mayor David Rager; Councilmembers Tiffani Atherton, Roger Hanson, Mary Opsahl, Clinton Stoen; Clerk Administrator Patricia Nusbaum; City Attorney Jason Moran, and Administrative Assistant Lorri Kopischke. and Public Works Director John Roessler.

Meeting was opened with the Pledge to the US Flag.

On motion by Hanson, seconded by Stoen, all voting in favor, minutes of the December 14; 15; 22; and 28, 2009 were approved with the following correction; minutes of December 28, 2009 stated the following: on motion by Atherton, seconded by Stoen, to approve the transfers in the amount of \$28,800 with the exception of the donation of \$1,000 to the Museum; Motion was amended by Hanson, seconded by Atherton, with all voting in favor, to now read: motion was made by Hanson, seconded by Stoen, to approve the transfers in the amount of \$28,800 with the exception of the donation of \$1,000 to the Museum. All voted in favor to the amendment and the motion.

On motion by Atherton, seconded by Opsahl, all voting in favor, the agenda was approved as presented.

AECOM Engineering – Chris Oelkers, Engineer presented to the Council documents explaining an example of a process of a comprehensive road maintenance plan for the dealing with the updating of Elysian city streets. He also indicated that he would be willing to bring a proposal to the council to begin the process. A request for proposals from Engineering firms will be considered at the March meeting.

John Roessler report:

1. Clerk Administrator Nusbaum presented information on recent material received from MPCA regarding the consideration of approving of a general stabilization pond permit versus an individual permit. The general permit would be a savings to the city in annual costs from \$1,500 per year to \$345 per year. The proposal being offered to Elysian was mainly due to the fact that the City of Elysian has been in good compliance and has been very timely in their reports and have been successful in meeting all completion standards crediting City Wastewater Operator John Roessler. After discussion, on motion by Stoen, seconded by Atherton, authorizing approval of the MN Pollution Control Agency general permit for City of Elysian wastewater facility. All voting in favor, motion declared carried.
2. Roessler again mentioned to the Council the consideration of a monthly fee to be billed in the water bills for storm sewer management.
3. Roessler again mentioned stimulus funds for consideration for various needs in the community. Clerk Administrator Nusbaum will continue to research and report at the next meeting.
4. Due to Roessler's request for considering a state approved retirement plan for opting for ½ time, which was approved at the past meeting, he had questions regarding a contract with the City as to vacation, sick leave, and salary. City Attorney will do a draft agreement from the City for Roessler for the next regular meeting.

No Clerk Administrator updates.

Councilmember Hanson, Chair of the Planning and Zoning Commission, gave a wrap up on the 2009 activates which included the amending of the zoning ordinance, vacant lot evaluation, golf cart ordinance created and approved, continuing to work on snowmobile ordinance and ATV update, park ordinance updated and approved, conditional use permits hearings and approved, presently reviewing land use plan. 2010 Commission will be working on reviewing of Subdivision Ordinance and Flood Ordinance.

Planning and Zoning Commissioner Juliane Jacobson is resigning from her position on the Commission, but will stay until a new commissioner has been appointed. On motion by Stoen, seconded by Opsahl, all voting in favor, to advertise for applicants to be considered for a three year term on Planning and Zoning Commission.

Councilmember Stoen, a member of the Personnel Committee, updated the Council on the progress of the Personnel Policy and will possibly have to the Council for the next meeting. Committee will be meeting with the employees on January 20, 2010.

Mayor Rager reported on a recent Joint Fire Board meeting. On motion by Hanson, seconded by Opsahl, all voting in favor, to call a special meeting of the Council to meet with the Joint Fire Board which is scheduled for March 15th. or 16th. at the fire hall. Joint Fire Board will be discussing their role as a member of the Joint Fire Board. Original signers of the agreement will also be invited to attend. A copy of the fire department financials from 2007 and 2008 will be sent to the Council.

On motion by Hanson, seconded by Opsahl, all voting in favor, to approve the following for 2010: Fire Chief – Jason James; 1st. Assistant Chief Mark Muellerleile, 2nd. Assistant Chief Eric Muellerleile.

Designations for 2010 are as follows:

On motion by Rager, seconded by Atherton, all voting in favor, to appoint Mary Opsahl as Mayor Pro Tem.

On motion by Atherton, seconded by Stoen, all voting in favor, to approve the following:

Official Depository – Elysian Bank and Northland Securities Inc.

Auditor – Burkhardt and Burkhardt, Mankato

Legal Counsel – Attorney Jason Moran, Christian Keogh Moran & King

Official Publication – Elysian Enterprise.

On motion by Atherton, seconded by Hanson, all voting in favor, to appoint Jeanette Cawmer to a three year position on the Elysian Planning and Zoning Commission.

On motion by Atherton, seconded by Hanson, to appoint Mayor Rager and Councilmember Opsahl to the Elysian Economic Development Authority for a one year term. Voting Yes: Atherton, Hanson, Opsahl, Rager. Voting No: Stoen. Motion declared carried.

On motion by Rager, seconded by Atherton, all voting in favor, to appoint Councilmember Opsahl as the City of Elysian representative on the WEM Community Service Advisory Board for a one year term.

On motion by Hanson, seconded by Stoen, all voting in favor, to appoint Mayor Rager and Councilmember Atherton to the Park Committee for a one year term.

On motion by Hanson, seconded by Opsahl, all voting in favor, to appoint Councilmember Stoen and Edna Thayer to the Personnel Committee.

On motion by Atherton, seconded by Opsahl, all voting in favor, to appoint Councilmember Hanson, Attorney Moran, Katy Anttila, Wayne Unke, and John Stephanie for a one year term to the Finance and Budget Committee.

On motion by Rager, seconded by Stoen, all voting in favor, Councilmember Hanson was appointed to the Planning and Zoning Commission for a one year term.

On motion by Atherton, seconded by Opsahl, all voting in favor, to set the 2010 regular council meetings for the 2nd. Monday of each month at City Hall starting at 6:00 p.m. unless otherwise designated.

The following resolution was presented by Councilmember Atherton, seconded by Councilmember Hanson as follows:

**CITY OF ELYSIAN
ELYSIAN, MINNESOTA
RESOLUTION 344-10
RESOLUTION ACKNOWLEDGING A DONATION FROM**

**Elysian Fire Department Relief Association
Tax Relief**

WHEREAS, the City of Elysian has received a donation in the amount of \$11,000 from the Elysian Fire Department Relief Association for tax relief, and upon Council approval would like to have the consideration to be used as follows: \$7,400 to be placed toward the fire hall building debt payment and \$3,600 for the Elysian Fire Relief Association to be placed in fire fighters pension funds.

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 Fire Department Relief Association.

BE IT FURTHER RESOLVED THAT: The Elysian City Council expresses its thanks and appreciation for the donation.

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

Council Members voting in the affirmative: Atherton, Opsahl, Hanson, Stoen, Rager.

Council Members voting in the negative: None

Adopted by the City Council of the City of Elysian this 11th day of January, 2010.

ATTEST:

Patricia Nusbaum, Clerk Administrator

David Rager, Mayor

Discussion was held on the consideration of the approval of \$1,000 to Le Sueur County Historical Society to be used and designated for use specifically to the Elysian Museum for 2009. A discussion was held as to whether or not the litigation surrounding the Elysian Museum had been resolved. Last year, the Council was advised by Jason Coon that it was resolved and as fact, it is still ongoing to today's date. On motion by Hanson, seconded by Stoen, to table the 2009 donation to the Museum until legalities could be addressed. Vote being taken: Yes: Hanson, Stoen. Voting No: Atherton, Opsahl, Rager. Motion failed.

Council member Atherton mentioned the good that the Museum is to the community.

Brian Ziemer then spoke of certain issues involving the legalities which the Museum is involved with at present. He indicated that he felt since Councilmember Hanson was involved in the litigation from the other side, he should abstain from voting on the issue. Ziemer asserted that Councilmember Hanson was a named defendant in the litigation. Hanson responded that he was not a named Defendant.

Attorney Moran went to the office computer and returned stating that he had just checked the Le Sueur County Administration data base and that Hanson was not a named Defendant in the legal matter. Ziemer continued to insist that Hanson was a named Defendant.

Jason Coon then addressed the Council and stated that he did not say anything in April about the necessary documents being signed. Nusbaum indicated that if that was the case, why is there still a legal matter pending and that the council approved the donation from last year based upon his representation that the litigation had been resolved?

Clerk Administrator Nusbaum then addressed Ziemer who was still insisting that Hanson was a named defendant. Nusbaum stated Hanson was not a named defendant in the legal matter. The only named defendant was Nusbaum, representing EAHM and herself.

Marge Pribyl spoke as to getting the truth out.

On motion by Opsahl, seconded by Rager, to allow \$1,000 to the Museum for 2009. Voting Yes: Opsahl, Rager, Stoen. Voting No: None. Abstaining: Atherton, Hanson. Motion declared carried.

On motion by Hanson, seconded by Stoen, all voting in favor, to allow bills, payroll, and transfers in the amount of \$123,806.43.

No comments from Attorney Moran.

Mayor Comments:

Many people have asked me how City officials and appointees are compensated, and I am happy to provide that information. The mayor is paid \$150 a month and council members are paid \$100. Members of the EDA are paid \$50 a month. Planning and Zoning members are paid \$50 per meeting. All are also paid \$50 for each special meeting of their respective organization. Members of committees such as Personnel, Parks, Budget & Finance, and WEM Advisory are not paid for their services.

The City managed to keep water and sewer rates the same for 2010 as they were in 2009. The Water and Sewer Departments are stand-alone funds and are required to pay for themselves from usage fees, not taxes.

Many things enter into the setting of the rates. Water usage has a big impact. Additional homes bring in additional income. Expenses, however, are a bigger factor. For example, the City sold bonds to pay for the water tower, the new well and to provide water and sewer to the new housing developments. Some of this debt will be paid off over the next eight years, but some extend 13-17 years. Several of these bonds were refinanced in 2009 at a lower interest rate for estimated savings of \$50,000 over the term of the bonds.

Wages are also a big part of the water rates and sewer rates. For example, 80% of the billing clerk's wages, 30% of the clerk-administrator's wages, 60% of the public works director's wages, and 35% of public works assistant's wages are attributed to the Water and Sewer Departments.

Water treatment supplies to keep our water safe and chemicals to treat sewage are a very costly part of the budget. Other operating expenses include insurance, maintenance of vehicles and buildings, engineering/professional services, electricity, fuel, and training. In addition, new or replacement equipment is sometimes necessary, such as the generator being considered to keep sewers from backing up in case of a power failure.

The City Council is responsible for providing safe water and sewer services, setting an appropriate budget and keeping costs contained. I would like the Council, the Budget and Finance committee and the City staff work to see what we can do for 2011. I believe that if we all work together that we can definitely make a difference.

Best

David

Visitors Comments:

1. Brian Ziemer – 138 Willow Point Drive – suggestion to the Council to downsize the number of employee, cut hours, reduce jobs. Questioned why the fourteen items in the state audit are not answered.
2. Wayne Unke – 124 Willow Point Drive – He has looked at the Audit and has marked it up as to what he thinks need to be considered.
3. Gordon Kritzer – 310 East Main Street – wanted to know when the council got there meeting packets and why it was only posted on the bulletin board in City Hall? Clerk Nusbaum responded that the snow was too deep in front of the Kiosk to place the agenda. The agenda was posted in the regular city hall bulletin board. A suggestion was to place on window in city hall. (Clerk Administrator's note: the legality of posting is that the meeting date, time and place be posted, an agenda does not have to be posted. The agenda is posted as a courtesy to the citizens. The posting was done on the official bulletin board. At 2:30 p.m. on Friday, January 8, 2010.)

On motion by Atherton, seconded by Stoen, all voting in favor, meeting adjourned at 7:55 p.m.

Attest:

Patricia Nusbaum, Clerk Administrator

David Rager, Mayor