

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
JANUARY 27, 2014

Pursuant to due call and notice thereof, the second meeting of the City Council of the City of La Crescent for the month of January was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Monday, January 27, 2014, followed by the Pledge of Allegiance.

Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Bernie Buehler, John Graf, Greg Husmann, Dale Williams, and Mayor Mike Poellinger. Members absent: None. Also present was City Administrator Bill Waller and City Attorney Skip Wieser.

Mayor Poellinger asked if anyone wished to take action to change the agenda as presented. There were no changes requested.

ITEM 1 – CONSENT AGENDA

At this time, the Mayor read the following items to be considered as part of the Consent Agenda, including additional bills, for this regular meeting:

- 1.1 MINUTES – JANUARY 14, 2014
- 1.2 BILLS PAYABLE THROUGH JANUARY 23, 2014

At the conclusion of the reading of the Consent Agenda, Mayor Poellinger asked if the Council wished to have any of the items removed from the Consent Agenda for further discussion. Member Buehler made a motion, seconded by Member Graf, as follows:

A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.1 – RESOLUTION TO ACCEPT DONATION

Tom Ready presented to Council a \$3,000.00 donation to the La Crescent Fire Department for the purchase of personal fire protection gear. Following discussion, Member Buehler introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 01-14-04

RESOLUTION ACCEPTING DONATION FROM TOM READY

WHEREAS, Tom Ready wishes to donate \$3,000.00 to the La Crescent Fire Department for the purchase of personal fire protection gear.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of La Crescent hereby approves the donation from Tom Ready in the amount of \$3,000.00.

ADOPTED this 27th day of January, 2014.

SIGNED:

Mayor

ATTEST:

City Administrator

The foregoing motion was duly seconded by Member Husmann and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the resolution duly passed and adopted.

ITEM 3.2 – EVENT CENTER CONCEPT PLAN REVIEW

Representatives were present at the Council Meeting to review concept plans for the proposed event center project. Council reviewed the concept plans. Brian Guthrie of Vantage Architects reviewed with Council the event center concept. The event center could include a 400 seat banquet hall. Joe Thesing inquired whether the parking area would encroach into the park. Following discussion, Member Williams made a motion, seconded by Member Graf, as follows:

MOTION TO AUTHORIZE THE CITY ADMINISTRATOR AND CITY ATTORNEY TO REVIEW PROCESS FOR CONVEYING PARK LAND AND CONTINUE DISCUSSIONS WITH THE COMMUNITY EVENT CENTER.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.3 – ECONOMIC DEVELOPMENT COMMITTEE REPORT

Council reviewed recommendations from the Economic Development Committee regarding alternatives for the City. Larry Stryker of the committee gave an extensive overview to Council regarding these alternatives. Representatives of the committee, Eileen Krenz and Judy Storlie, also gave comments. The recommendations include authorizing a part-time trained Economic Development Director to be the specific contact for economic development related matters; establishment of an Economic Development Authority (EDA); and that the structure of the EDA be a board of seven commissioners (which includes two council members by statute) to operate the EDA. It was recommended that the request be forwarded to the Personnel Committee to review and make a recommendation regarding staffing the position. Following discussion, Member Williams made a motion, seconded by Member Buehler, as follows:

MOTION TO AUTHORIZE THE CITY PERSONNEL COMMITTEE TO REVIEW THE RECOMMENDATION FOR THE FUNDING AND STAFFING OF A PART-TIME TRAINED ECONOMIC DEVELOPMENT DIRECTOR TO BE THE SPECIFIC CONTACT FOR ECONOMIC DEVELOPMENT RELATED MATTERS REGARDING THE CITY.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

Regarding the structure of the EDA, another option for the Council to consider is to designate itself as the EDA, and set the third Monday of each month as the regular EDA meeting as opposed to a board of seven commissioners to operate the EDA. Following discussion, Member Williams made a motion, seconded by Member Buehler, as follows:

MOTION TO INCLUDE DISCUSSION REGARDING THE STRUCTURE OF THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) TO BE INCLUDED ON THE NEXT MEETING AGENDA.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.4 – REQUEST TO ADOPT ORDINANCE

Council reviewed a request from Bruce Shores regarding the possible adoption of an Ordinance regarding the issue of vehicle parking in front of residential mailboxes. Mr. Shore was in attendance at the meeting to address Council regarding this issue. Following discussion, it was the consensus of Council to refer the matter to the City Attorney for interpretation. No action taken.

ITEM 3.5 – ENGINEERING AGREEMENT – 2014 STREET PROJECT

Council reviewed a professional services agreement with WHKS for the 2014 street and infrastructure improvement project. This is the project that as originally proposed included South 14th Street from Lancer Blvd to Oak Street, and Oak Street from South 14th Street to South 4th Street. City Administrator Waller gave an overview and proposed to split the project into two projects, with South 14th Street being reconstructed in 2014, and South Oak Street being reconstructed in 2015. It was proposed to use Municipal State Aid funds to pay for the costs associated with the 2014 project, and for the City to utilize funds from the City's 2014 general fund budget for the balance of the project costs. Following an extended discussion, Member Husmann made a motion, seconded by Member Graf, as follows:

MOTION TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT WITH WHKS FOR THE SOUTH 14TH STREET PORTION OF THE PROJECT IN THE AMOUNT OF \$66,000 IN 2014, TO EVALUATE REPAIR OF OAK STREET IN FRONT OF THE SCHOOL BETWEEN 4TH STREET AND 6TH STREET AND TO HAVE THE OAK STREET PORTION OF THE PROJECT CONSTRUCTED IN 2015 WITH FUNDING TO BE DETERMINED.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.6 – CALL FOR PUBLIC HEARING – 2014 STREET PROJECT

Due to the action taken to split the street project and no bond, a resolution for a public hearing is unnecessary. No action taken.

ITEM 3.7 – TRANSPORTATION ALTERNATIVE PROGRAM RESOLUTION

City Administrator Waller gave an overview of the second phase of the Wagon Wheel project. Council reviewed two Resolutions as part of the Transportation Alternative Program application for funding for the second phase of the Wagon Wheel project. The resolutions are a sponsoring agency resolution and a resolution agreeing to maintain the facility. Following discussion, Member Buehler introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 01-14-05

RESOLUTION OF SPONSORSHIP FOR THE SECOND PHASE OF THE WAGON WHEEL PROJECT

WHEREAS, the City of La Crescent has agreed to act as the sponsoring agency for a “Transportation Alternatives” project identified as the Second Phase of the Wagon Wheel Project;

WHEREAS, the City of La Crescent has accepted a willingness to secure and guarantee the local share of costs associated with this project and responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules and regulations.

BE IT RESOLVED, that the City of La Crescent agrees to act as sponsoring agency for a “Transportation Alternatives” project identified as the Second Phase of the Wagon Wheel Project and has reviewed and approved the project as proposed. Sponsorship includes a willingness to secure and guarantee the local share of costs associated with this project and responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules and regulations.

BE IT FURTHER RESOLVED THAT the Sponsoring Agency will make available sufficient funds to cover the estimated local share of costs plus any additional project costs in the event that the project exceeds the estimated total cost of the project as reflected in the project application.

BE IT FURTHER RESOLVED THAT the City of La Crescent is hereby authorized to act as agent on behalf of this sponsoring agency.

CERTIFICATION

I hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted by the La Crescent City Council.

SIGNED:

WITNESSED:

(Signature)

(Signature)

(Title) (Date) (Title) (Date)

The foregoing motion was duly seconded by Member Williams and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler Yes
John Graf Yes
Greg Husmann Yes
Dale Williams Yes
Mike Poellinger Yes

and none voted against the same. The motion was declared duly carried and the resolution duly passed and adopted.

Following discussion, Member Buehler introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 01-14-06

RESOLUTION AGREEING TO MAINTAIN FACILITY FOR THE SECOND PHASE OF THE WAGON WHEEL PROJECT

WHEREAS, the Federal Highway Administration (FHWA) requires that states agree to operate and maintain facilities constructed with federal transportation funds for the useful life of the improvement and not change the use of right of way or property ownership acquired without prior approval from the FHWA; and

WHEREAS, Transportation alternatives projects receive federal funding; and

WHEREAS, the Minnesota Department of Transportation (MnDOT) has determined that for projects implemented with alternative funds, this requirement should be applied to the project proposer; and

WHEREAS, the City of La Crescent is the sponsoring agency for the Transportation Alternatives project identified as the Second Phase of the Wagon Wheel Project.

THEREFORE BE IT RESOLVED THAT the Sponsoring Agency hereby agrees to assume full responsibility for the operation and maintenance of property and facilities related to the aforementioned Transportation Alternatives project.

BE IT FURTHER RESOLVED THAT the Sponsoring Agency has received assurance that the Agency receiving the facility will retain responsibility for maintenance. Failure to adequately maintain the facility will result in the Recipient Agency being ineligible for further funding under this or similar federal or state funded programs.

CERTIFICATION

I hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted by the La Crescent City Council.

SIGNED:

WITNESSED:

(Signature)

(Signature)

(Title)

(Date)

(Title)

(Date)

The foregoing motion was duly seconded by Member Williams and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the resolution duly passed and adopted.

ITEM 3.8 – ASH TREE REMOVAL PROJECT – RFP

Council reviewed a request for proposal to remove ash trees within the City of La Crescent. Funding for the costs associated with the project will come from a grant that the City received from the Minnesota Department of Natural Resources. It was recommended that Council approve the request for proposal and authorize its distribution. The items included in the request for proposal are as follows:

1. The intent is to remove the largest diameter ash trees first, and then continue to proceed to smaller diameters trees until all of the grant funds have been expended. This approach will leave the smaller ash trees for the City to address in the future, when the work will most likely be performed utilizing City labor.
2. The contractor will be required to dispose of all wood products at either the Xcel Energy French Island Generation Plant or the La Crosse County Solid Waste Site.

Following discussion, Member Buehler made a motion, seconded by Williams Graf, as follows:

MOTION TO APPROVE THE REQUEST FOR PROPOSAL TO REMOVE ASH TREES WITHIN THE CITY OF LA CRESCENT AND AUTHORIZE ITS DISTRIBUTION.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.9 – SOLID WASTE ORDINANCE AND UPDATE

City Attorney Wieser reviewed with Council in detail the proposed Solid Waste Ordinance and the proposed changes since last reviewed by Council. This new Ordinance would repeal Ordinance No. 481 dated May 13, 2013 and amended by Ordinance No. 482 dated May 28, 2013. The following recommendations to the various sections are stricken if removed and additions or changes are italicized and underlined:

ARTICLE I. COLLECTION AND DISPOSAL

1. Section 1.2 Definitions.

Residential Property means property on which there is a single family home, a duplex, a triplex, *a four-plex, an apartment building*, a mobile home, a condominium, a townhouse, a cooperative housing unit, or any other residential building as determined by the City.

2. Section 1.7 Containers.

(2) purchase from a licensed Hauler one or more containers to receive and contain all Solid Waste that may accumulate between Collections, ~~or~~

C. *Standards.* Each Residential container shall be watertight, shall be impervious to insects and rodents, and shall not exceed 96 gallons in capacity. Residential mixed municipal solid waste bags shall not exceed 33 gallons in capacity. ~~Dumpsters, front-load and rear-load containers are not permitted at Residential Properties as defined by this Ordinance.~~ Special use containers ~~(1.5 to 6 yards in size)~~ for short term cleanup events, such as relocations (moving), and disaster cleanups are allowed for a maximum of two (2) weeks. Any commercial or business establishment having a Solid Waste volume exceeding two cubic yards per week shall provide bulk or box-type Solid Waste storage containers. Containers shall be maintained in good and sanitary condition. Any container not conforming to the requirements of this Article or having ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents shall be promptly replaced after notice by the City.

D. Prohibited Containers. Dumpsters, front-load and rear-load containers are prohibited at properties in which there is a single-family home, duplex or triplex.

E. Four-Plex Properties. Properties containing four-plex are permitted to have the above-referenced prohibited containers provided the property owners comply with all state fire code regulations. Further, the containers shall not exceed two (2) cubic yards and shall be properly shielded from view.

ARTICLE III. RESIDENTIAL MIXED MUNICIPAL SOLID WASTE BAG SYSTEM

3. Section 3.2 Residential Mixed Municipal Solid Waste Bag Distribution ~~Site Licensing~~.

A. *Required.* All locations in the City where Residential Mixed Municipal Solid Waste Bags are distributed and made available to residents in the City shall be required to be ~~licensed~~ approved by the City.

ARTICLE IV. REPEAL

4. Ordinance No. 481, an Ordinance providing for the orderly and efficient collection and management of solid waste dated May 13, 2013, and amended by Ordinance No. 482 dated May 28, 2013, are hereby repealed upon this Ordinance becoming effective.

ARTICLE V. EFFECTIVE DATE

5. This Ordinance shall become effective on ~~January 1, 2014~~ the date of publication or upon the publication of a summary ordinance.

After further discussion regarding the proposed changes, Member Husmann introduced the following Ordinance, which included the changes described above, and moved its passage and adoption:

ORDINANCE NO. 484

AN ORDINANCE OF THE CITY OF LA CRESCENT PROVIDING FOR THE ORDERLY AND EFFICIENT COLLECTION AND MANAGEMENT OF SOLID WASTE WITHIN THE CITY OF LA CRESCENT AND REPEALING ORDINANCE NO. 481 AND ORDINANCE NO. 482

AN ORDINANCE providing for the orderly and efficient collection and management of Solid Waste within the City of La Crescent. The City Council of La Crescent ordains as follows:

ARTICLE I. COLLECTION AND DISPOSAL

Section 1.1 Purpose and Goals.

The purpose of this Ordinance is to benefit the public health, safety, and welfare of the residents of the City. This Ordinance provides for the orderly and efficient collection and management of Solid Waste within the City, and allows the City to provide quality Solid Waste Management in a manner consistent with the Houston County Solid Waste Management Plan, and pursuant to the requirements of Minnesota Statutes § 115A.46, Subd. 5.

Section 1.2 Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Acceptable Waste means all Solid Waste generated and collected in the County except that Acceptable Waste shall not include Non-Processible Waste and Unacceptable Waste.

City means City of La Crescent, Minnesota.

Collection means the aggregation of Solid Waste from the place at which it is generated and includes all activities up to the time when the Solid Waste is delivered to a Solid Waste management facility.

Council means the La Crescent City Council.

County means Houston County, Minnesota.

Generator means any person who generates or aggregates Solid Waste.

Hauler means any person who Collects or Transports Solid Waste, Recyclable Materials or Yard Waste, but does not include a Self-Hauler.

Hazardous Waste means any refuse, sludge, or other waste material or combination of refuse, sludge or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may:

A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or

B. Pose a substantial present or potential harm to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of Hazardous Waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous Waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

La Crosse Facility means the refuse-derived fuel facility owned and operated by Xcel Energy in La Crosse, Wisconsin, and the landfill owned and operated by La Crosse County when the Xcel refuse-derived fuel facility is unavailable.

Mixed Municipal Solid Waste means:

A. Garbage, refuse, construction and demolition debris and other Solid Waste that the Generator of the waste aggregates for Collection, except as provided in paragraph B.

B. Mixed Municipal Solid Waste does not include: auto hulks, street sweeping, ash, mining waste, sludges, tree and agricultural wastes, waste tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and disposed of as separate waste streams.

Mixed Municipal Solid Waste Services means Collection, Transportation, processing, or disposal of Mixed Municipal Solid Waste Generated in the City, including but not limited to regularly scheduled service, on-call service, one-time service, rental and other use of equipment such as Solid Waste containers, compactors, compactor boxes, and the like, and any other service that involves or facilitates Collection, Transportation, processing, or disposal of Solid Waste materials as Mixed Municipal Solid Waste. It does not include the sale of equipment used for the Collection, Transportation, processing, or disposal of Mixed Municipal Solid Waste. It does not include Collection, Transportation, or management of Recyclable Materials, Yard Waste, source separated compostable materials, problem materials, or other waste materials when these materials are segregated by the Generator for the purpose of recycling or composting and are delivered to a recycling facility or compost facility, or the sale, rental, or other use of equipment necessary to facilitate Collection, Transportation, or management of these materials.

Multiple Dwelling means any building used for residential purposes consisting of more than four dwelling units with individual kitchen facilities for each.

Non-Processible Waste means Solid Waste generated and collected in Houston County that cannot be processed by the La Crosse Facility due to its physical characteristics or harmful impact on the La Crosse Facility, including: steel banding; baling wire; tree trunks or logs or other bulky waste greater than 6 inches in diameter, or 4 feet in length, or weighing over 100 pounds; propane tanks of any size; aerosol cans in quantity; pressurized tanks; fencing materials; plastics in significant quantity; major parts of motor vehicles, trailers, agricultural equipment, marine vessels or similar items; farm or other large machinery; asbestos or asbestos containing materials; contaminated soil; construction and demolition debris; and waste, except paper products, from the following establishments: service stations, auto paint shops, chemical plants, plastic processing plants and textile plants.

Nonresidential Property means all property not defined as Residential Property.

Recyclable Materials means paper, plastic, tin cans, aluminum, motor oil, glass, and other materials as determined by Houston County, each separated or otherwise prepared, which are intended for manufacturing reuse and recycling.

Residential Mixed Municipal Solid Waste Bags means Residential Mixed Municipal Solid Waste Collection bags sold by retailers licensed under Article III.

Residential Property means property on which there is a single family home, a duplex, a triplex, a four-plex, an apartment building, a mobile home, a condominium, a townhouse, a cooperative housing unit, or any other residential building as determined by the City.

Self-Hauler means a person who Transports their own Solid Waste for Solid Waste Management purposes.

Solid Waste means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, mining, and agricultural operations and from Residential and Nonresidential Property, and from community activities, but does not include Hazardous Waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under Section 402 of the federal Water Pollution Control Act, as amended; dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Solid Waste Management means activities that are intended to affect or control the Generation of Solid Waste and activities which provide for or control the Collection, Transportation, processing, treatment, and disposal of Solid Waste.

Solid Waste Management Plan means the Houston County Solid Waste Management Plan developed, adopted, and approved under Minn. Stat. § 115A.46.

Transportation or Transports means the conveying of Solid Waste from one place to another.

Unacceptable Waste means Solid Waste that is generated and collected in Houston County that may cause damage to or materially adversely affect the operation of the La Crosse Facility and/or landfill as determined by the La Crosse Facility, La Crosse County and Houston County, including, but not limited to:

- A. Cleaning fluids, crank case oils, cutting oils, paints, acids, caustics, poisons or drugs.
- B. Any Hazardous Waste or waste defined as hazardous in 40 C.F.R. Section 261.3 (as amended) or by the U.S. Environmental Protection Agency, or classified as toxic substance or toxic waste, or prohibited for incineration by any local, state or federal agency having jurisdiction over the Facility.
- C. Radioactive waste or materials or hazardous waste regulated under 52 U.S.C. Section 6921-6925 and regulations adopted thereunder, or any other Federal, state or local law.
- D. "Hazardous substances" defined in 42 U.S.C. 6901 et seq. and any regulations promulgated thereunder.
- E. Wastes requiring special handling to comply with applicable local, state or Federal law, including (i) pathological, biological, infectious, or explosive materials; (ii) oil sludges; (iii) cesspool or human Waste; (iv) human or animal remains or waste.
- F. Waste with excess moisture and any type of waste either smoldering or on fire or at its kindling point or in the process of initiating combustion.
- G. Other materials that may be established as Unacceptable from time-to-time by La Crosse County, Houston County or the La Crosse Facility.

Yard Waste means garden wastes, leaves, lawn cuttings, weeds, and prunings generated at Residential or Nonresidential Properties.

Section 1.3 Littering.

- A. No person shall place any Solid Waste in any street, alley, or public place or upon private property except in proper containers for Collection or other lawful disposal. No person shall throw or deposit Solid Waste in any stream or other body of water.
- B. No person shall deposit anywhere within the City any Solid Waste in such manner that it may be carried or deposited by the elements upon any public place or any other premises within the City.
- C. It shall be illegal to use another Generator's Solid Waste storage container, inspect its contents, or remove its contents unless provided prior authorization by the owner or lawful custodian of the container.

Section 1.4 Recyclable Materials.

- A. *Separation from Other Waste.* For all persons who are owners, lessees, or occupants of any residential building wherein there are four or fewer dwelling units, Recyclable Materials shall be separated from Mixed Municipal Solid Waste in accordance with rules, regulations and procedures as adopted by the City for separation of Recyclable Materials from Mixed Municipal Solid Waste.

B. *Multiple Dwellings.* Occupants of Multiple Dwelling properties shall have the same opportunity to recycle afforded to occupants of other residential dwelling units. It is unlawful after January 1, 2014, for any Multiple Dwelling owner, association or joint management entity to negotiate, execute, or maintain a contract for Multiple Dwelling Solid Waste Collection unless it includes, as part of that contract or as part of a separate contract, a minimum of biweekly Collection of Recyclable Materials or is deemed adequate by the City.

Section 1.5 Open Burning, Burying Solid Waste; Composting.

No person shall burn or bury any Solid Waste in the City. This section does not prevent anyone from composting Yard Waste on their premises.

Section 1.6 Proper Storage, Collection and Disposal Required.

Every person shall, in a sanitary manner, dispose of Solid Waste that may accumulate upon property they own or occupy in accordance with the terms of this Article. Mixed Municipal Solid Waste shall be collected or otherwise lawfully disposed of on an as needed basis. Every occupant and owner of any Residential Property shall use the Residential Collection service(s) contract or licensed by the City.

Section 1.7 Containers.

A. *Required.* Every occupant or owner of any Residential Property shall:

(1) purchase Residential Mixed Municipal Solid Waste Bags from a retailer under Article III, or

(2) purchase from a licensed Hauler one or more containers to receive and contain all Solid Waste that may accumulate between Collections.

B. *Use of Containers and Residential Mixed Municipal Solid Waste Bags.*

(1) All normal accumulations of Mixed Municipal Solid Waste shall be deposited in such containers or Residential Mixed Municipal Solid Waste Bags, except that Yard Waste may be stored in closed containers not meeting the requirements of this section.

(2) Solid Waste shall be drained of liquid and Mixed Municipal Solid Waste shall be wrapped before being deposited in a container. Highly flammable or explosive material shall not be placed in containers or Residential Mixed Municipal Solid Waste Bags.

C. *Standards.* Each Residential container shall be watertight, shall be impervious to insects and rodents, and shall not exceed 96 gallons in capacity. Residential mixed municipal solid waste bags shall not exceed 33 gallons in capacity. Special use containers for short term cleanup events, such as relocations (moving), and disaster cleanups are allowed for a maximum of two (2) weeks. Any commercial or business establishment having a Solid Waste volume exceeding two cubic yards per week shall provide bulk or box-type Solid Waste storage containers. Containers shall be maintained in good and sanitary condition. Any container not conforming to the requirements of this Article or having ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents shall be promptly replaced after notice by the City.

D. *Prohibited Containers.* Dumpsters, front-load and rear-load containers are prohibited at properties in which there is a single-family home, duplex or triplex.

E. *Four-Plex Properties.* Properties containing four-plex are permitted to have the above-referenced prohibited containers provided the property owners comply with all state fire code regulations. Further, the containers shall not exceed two (2) cubic yards and shall be properly shielded from view.

F. *Recycling Containers.* The City shall provide to the owner or occupant of each Residential or Non-Residential Property a container for the separation and Collection of Recyclable Materials. The owner or occupant of each Residential or Non-Residential Property shall leave the recycling containers at the premises upon relocation and shall maintain the recycling containers in good condition.

G. *Placement for Collection.* Each container or Residential Mixed Municipal Solid Waste Bag for premises abutting the alley shall be placed at the rear of the property next to the alley. Alleys are to be passable at all times. Where no alley exists, the container or Residential Mixed Municipal Solid Waste Bag shall be placed near the rear door of the building to which it relates and shall be placed at the front property lines for Collection, but it shall not be so placed before 4:30 p.m. the night before Collection and shall be removed by 6:30 p.m. the day of Collection. The day of collection shall be Wednesday between the hours of 7:00 a.m. and 6:00 p.m.

ARTICLE II. HAULERS

Section 2.1 Residential Collection Services.

Authorization. The City shall provide Mixed Municipal Solid Waste Bag Collection and Recycling Services for Residential Property by contracting with one hauler to provide such Services in the City.

A. Nothing in this Ordinance shall prohibit the City from directly providing Residential Mixed Municipal Solid Waste Services and to engage in the billing and collection of fees for the rendition of such services.

B. *Procedures and Criteria.* The City shall enter into one or more Residential Mixed Municipal Solid Waste Collection contracts after issuing a request for proposals (RFP) from Haulers interested in contracting with the City to perform such services. The City shall not contract with any Hauler to provide Services that does not comply with this Ordinance, including the licensing criteria. The City shall contract only with Haulers that are in compliance with the Houston County Solid Waste Ordinance and County Solid Waste Plan, and that have a Waste Delivery Agreement with Houston County.

C. *Service Charges.*

(1) *Generally.* The owner or occupant of all Residential Property receiving Mixed Municipal Solid Waste Services or Recycling Services within the City shall pay to the City a service charge assessed in accordance with rates set forth by resolution of the Council and any service charges collected by the City on behalf of the County.

(2) *Billing and Payment.* The service charges for each Residential Property shall be paid on a periodic basis. If the occupant does not pay the service charges, the fee owner of each Residential Property will be responsible for payment. The Council by resolution may make services charges:

(a) payable at the same time as bills for other City services and subject to the same conditions of payment; or

(b) payable as part of retail price of Residential mixed Municipal Solid Waste Bags.

(3) *Collection of Unpaid Charges.* If any charge is unpaid and overdue by more than 30 days on September 1 of any year, the Council shall levy an assessment against the property equal to the unpaid charges as of that date plus interest at a rate set by the Council from that date. The clerk shall certify the assessment to the County Auditor for collection in the same manner as local assessments.

(4) *Disposition of Funds.* All service charges shall be deposited in a separate account in the general fund and be used for Solid Waste Management purposes.

Section 2.2 Nonresidential Collection Services.

A. The City may contract with one or more licensed Haulers to provide Nonresidential Mixed Municipal Solid Waste Collection Services in the City in the same manner prescribed in this Ordinance for Residential Mixed Municipal Solid Waste Collection Services. In such event, no license shall be issued for Nonresidential Collection except to Haulers contracted with the City, and no person shall collect Nonresidential Solid Waste, Mixed Municipal Solid Waste or Recyclable Materials within the City except persons holding a City license and contract to do so. No person shall permit Solid Waste, Mixed Municipal Solid Waste or Recyclables to be picked up from his or her Nonresidential premises except by a licensed Hauler.

Section 2.3 Collection Licenses.

A. *Procedure.*

(1) *Applications.* An applicant for such license shall make application to the City Administrator on a form prepared by the City. Such forms shall require accurate information including, but not limited to:

(a) The name of the owner or licensee.

(b) A description of the kind of services to be rendered.

(c) A description of each motor vehicle to be used for hauling, including the license number thereof.

(d) The manner and kind of service proposed to be given the customers and scheduled pickups.

(e) The City shall license one hauler for residential mixed municipal bags and recycling service for residential property.

(2) *Council Review of Applications.* The Council may by resolution order a public hearing to consider an application. The Council may by resolution request additional information from the applicant.

(3) *Suspension or Revocation of License.* The City Council may suspend or revoke the license of any licensee whose conduct is found to be in violation of this Ordinance upon ten (10) days written notice and a City Council hearing. Suspension or revocation may be based on health, safety, and welfare concerns arising out of the performance of the licensee, its employees or agents, and/or its vehicles and equipment.

B. *Additional Requirements.*

(1) *Insurance and Bonding.* No Collection license shall be issued until the applicant files with the City a certificate of insurance issued by an insurance company licensed to do business in the state currently covering all vehicles to be used by the applicant in the business. The minimum limits of coverage shall be set annually by resolution of Council.

(2) *Collection of Recyclable Materials.*

(a) The City will contract and license a Hauler to provide Recycling Services to Residential Property for: newsprint, corrugated cardboard, mixed paper, magazines, tin cans, aluminum cans, glass containers, plastic containers, boxboard, telephone books, and additional materials as from time to time mandated according to the terms of its contract with City, and the requirements of the County.

(b) As part of the licensing requirement, all Haulers serving Nonresidential Generators must offer recycling service for: newsprint, corrugated cardboard, mixed paper, magazines, tin cans, aluminum cans, glass containers, plastic containers, boxboard, telephone books, and additional materials as from time to time mandated by the City or County. The Hauler will be responsible for providing adequate containers as judgment by the City to store Recyclable Materials.

C. *Fees; Term.* The annual license fee shall be as duly set by the Council by resolution. Such license shall expire December 31 of each year.

Section 2.4 Vehicles.

All vehicles of licensees under this Article shall be operated in accordance with the following regulations:

A. Each Collection vehicle shall be marked on the outside so as to identify the contractor. Every vehicle used for hauling Solid Waste shall be covered, leakproof, durable, and of easily cleanable construction. Every vehicle used for hauling Solid Waste shall be sufficiently airtight so as to prevent unreasonable quantities of dust, paper, or other collected materials to escape. Every vehicle shall be kept clean to prevent nuisances, pollution or insect breeding, and shall be maintained in good repair.

B. Vehicles operated pursuant to the provisions of this Ordinance shall be excepted from the seasonal weight restrictions placed upon City roads except that:

(1) No vehicle shall be operated on any road at any time where special postings specifically prohibit Collection vehicles; and

(2) During any period of time when weight restrictions are imposed, each Collector shall make provisions for operation or conformance with such restrictions so that service is not interrupted.

Section 2.5 Collection Times.

The collection day shall be Wednesday between the hours of 7:00 a.m. and 6:00 p.m.

ARTICLE III. RESIDENTIAL MIXED MUNICIPAL SOLID WASTE BAG SYSTEM

Section 3.1 Residential Mixed Municipal Solid Waste Bag System.

The City may implement a Residential Mixed Municipal Solid Waste Bag System in which licensed and approved retailers make Residential Mixed Municipal Solid Waste Bags available to residents to be used as waste containers for certain Mixed Municipal Solid Waste Collection services provided by licensed Haulers.

Section 3.2 Residential Mixed Municipal Solid Waste Bag Distribution.

A. *Required.* All locations in the City where Residential Mixed Municipal Solid Waste Bags are distributed and made available to residents in the City shall be required to be approved by the City.

B. *City Council to Establish Fee Schedule.* The City Council may by resolution establish a fee schedule for the issuance of licenses for the distribution of Residential Mixed Municipal Solid Waste Bags.

ARTICLE IV. REPEAL

Ordinance No. 481, an Ordinance providing for the orderly and efficient collection and management of solid waste dated May 13, 2013, and amended by Ordinance No. 482 dated May 28, 2013, are hereby repealed upon this Ordinance becoming effective.

ARTICLE V. EFFECTIVE DATE

This Ordinance shall become effective on the date of publication or upon the publication of a summary ordinance.

ARTICLE VI. VIOLATIONS AND PENALTIES.

Section 6.1 Violations as Nuisances.

All violations of the provisions of this Ordinance are deemed public nuisances. The City may seek the assistance of the County in enforcing the provisions of this Ordinance.

Section 6.2 Penalty.

Any person violating the provisions of this Ordinance shall, upon conviction, be guilty of a petty misdemeanor. A second or more frequent violation within a period of two years of an initial violation shall be deemed a misdemeanor. Criminal prosecution for violations shall not preclude, where indicated, forfeiture of performance bond and revocation of a Collection license. Since all violations are hereby deemed a public nuisance, the City may enforce compliance by seeking injunctive relief without the election of such remedy affecting the City's right to enforce these provisions by any one or more other of the foregoing remedies.

Passed and enacted by the City Council of La Crescent on this 27th day of January, 2014.

SIGNED:

Mayor

ATTEST:

City Administrator

The foregoing motion was duly seconded by Member Buehler and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The ordinance was declared duly passed and adopted.

City Attorney reviewed with Council the Summary Ordinance for publication. The Council made the following findings of facts: that publication of the summary informs the public of the intent and effect of the Ordinance.

Member Graf then made a motion, seconded by Member Buehler as follows:

MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 484 BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE CITY AND WITH “OFFICIAL COPY” SO MARKED BE KEPT ON FILE IN THE OFFICE OF THE CITY ADMINISTRATOR

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.10 – AUTHORIZE CAPITAL EQUIPMENT EXPENDITURE

The 2013 capital equipment certificate included \$14,000 to replace computers at City Hall and the Fire Station. This is due to the Windows XP operating system no longer being supported after April of 2014. As part of the upgrade, it is proposed that the City would move to Windows 7. The current computers which are proposed for

replacement were purchased in August of 2008. Locknet/EO Johnson, who provides computer support services to the City, is proposing to provide the following equipment and service: Hardware - \$16,406.14; Software - \$7,523.82; and Labor - \$8,340.00. It was recommended to Council to authorize Locknet to provide this equipment and service. Funds in the capital equipment certificate would be used to offset a portion of the cost, and that the 2014 general fund budget be amended to reflect the additional expense. Following discussion, Member Graf made a motion, seconded by Member Williams, as follows:

MOTION TO AUTHORIZE THE CAPITAL EQUIPMENT EXPENDITURE TO REPLACE COMPUTERS AT CITY HALL AND THE FIRE STATION DUE TO OPERATING SYSTEM SUPPORT ISSUES AND ACCEPT THE PROPOSAL FROM LOCKNET/EO JOHNSON FOR THE FOLLOWING EQUIPMENT AND SERVICES: HARDWARE - \$16,406.14; SOFTWARE - \$7,523.82; AND LABOR - \$8,340.00; WITH FUNDS OF \$14,000 IN THE 2013 CAPITAL EQUIPMENT CERTIFICATE BEING USED AND THE 2014 GENERAL FUND BUDGET BEING AMENDED TO REFLECT THE ADDITIONAL EXPENSE.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.11 – TENTATIVE LABOR AGREEMENT – AFSCME UNION

It was recommended to Council by the Personnel Committee to approve the tentative labor agreement with AFSCME union. The agreement is as follows:

1. A change in sick leave language consistent with Minnesota State law.
2. An increase in severance compensation to 60% for a retirement occurring during 2014. Requires a binding letter of retirement to the City by February 28, 2014, in order to be eligible for the benefit.
3. A change in leave of absence language consistent with Minnesota State law.
4. Effective January 1, 2014, an increase in the family insurance contribution of \$26.00 per month, and an increase in the single insurance contribution of \$14.00 per month.
5. Effective January 1, 2014, a 1.0% wage increase; and effective July 1, 2014, a 1.0% wage increase.
6. A one year agreement for 2014.

Following discussion, Member Graf made a motion, seconded by Member Williams, as follows:

MOTION TO APPROVE THE TENTATIVE LABOR AGREEMENT WITH AFSCME UNION AS PRESENTED.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.12 – REVIEW AGENDA – FEBRUARY 6, 2014 SPECIAL MEETING

Council reviewed the proposed agenda for the February 6 joint meeting of the La Crescent City Council, La Crescent-Hokah School District Board, and the La Crescent Planning Commission. No action taken.

ITEM 3.13 – 2014 LICENSE RENEWALS

Council reviewed a listing for additional license renewals for 2014. All licenses appear to be in order and it is recommended the City Council approve the licenses as presented. Following discussion, Member Buehler made a motion, seconded by Member Williams, as follows:

MOTION TO APPROVE THE PRESENTED LIST OF LICENSE RENEWALS FOR 2014 FOR MASSAGE BUSINESS TO SIMPLE PLEASURES YOGA AND CHRISTINA FARRELL; AND GAS INSTALLERS TO SCHNEIDER HEATING & AIR.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 7.1 – CORRESPONDENCE – ACE TELEPHONE

Council reviewed the January 16, 2014 correspondence from Ace Communications Group regarding extending their fiber network out to their customer’s homes. No action taken.

ITEM 8 – CHAMBER OF COMMERCE

No comments from the Chamber of Commerce.

County Commissioner, Judy Storlie, commented on establishment of EDA.

There being no further business to come before the Council at this time, Member Graf made a motion, seconded by Member Williams, to adjourn the meeting. Upon a roll call vote taken and tallied by the City Administrator, all Members voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the meeting duly adjourned at 7:15 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator