

MINUTES, REGULAR MEETING  
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA  
FEBRUARY 27, 2017

Pursuant to due call and notice thereof, the second meeting of the City Council of the City of La Crescent for the month of February was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Monday, February 27, 2017, 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, Brian Krenz, Dale Williams and Mayor Mike Poellinger. Members absent: Ryan Hutchinson - Excused. Also present was City Administrator Bill Waller, City Attorney Skip Wieser and City Engineer Tim Hruska.

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 for this regular meeting:

- 1.1 MINUTES – FEBRUARY 13, 2017
- 1.2 BILLS PAYABLE THROUGH FEBRUARY 23, 2017

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 Williams, 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
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 3.4 – PLANNING COMMISSION MINUTES**

Don Smith, Planning Commission Chairman, reviewed with City Council the Planning Commission Minutes for the February 7, 2017 meeting. The Planning Commission recommended that the conditional use permit submitted for the property located at 754 Shore Acres Road to allow for an “Alternative elevation method other than the use of fill to elevate a structure’s lowest floor above the Regulatory Flood Protection Elevation” in a flood fringe area in an R-1A zoned district be approved. The Planning Commission referenced the following conditions and findings of fact for City Council to consider:

Conditions:

1. The homeowner sign the non-conversion form allowing City Staff to inspect the flood openings to insure they are operational.
2. The lower level only be used for storage.

Findings of Fact:

1. The enclosed area is above grade on at least one side of the building.
2. The enclosed area is designed to internally flood.
3. The enclosed area is constructed with flood resistant material.
4. The enclosed area is used solely for storage.
5. Complies with FEMA and DNR designs and regulation.

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

**MOTION TO APPROVE THE CONDITIONAL USE PERMIT SUBMITTED FOR THE PROPERTY LOCATED AT 754 SHORE ACRES ROAD TO ALLOW FOR AN “ALTERNATIVE ELEVATION METHOD OTHER THAN THE USE OF FILL TO ELEVATE A STRUCTURE’S LOWEST FLOOR ABOVE THE REGULATORY FLOOD PROTECTION ELEVATION” IN A FLOOD FRINGE AREA IN AN R-1A ZONED DISTRICT WITH THE ABOVE STATED CONDITIONS AND TO ADOPT THE FINDINGS STATED ABOVE AND AS STATED IN THE FEBRUARY 7, 2017 PLANNING COMMISSION MINUTES.**

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

Bernie Buehler	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

Chairman Smith also reviewed with City Council the Downtown Development Meeting from the previous week and the impact of a proposed housing development. No action taken.

**ITEM 2.0 – PUBLIC HEARING – ANNEXATION – 1327 VALLEY LANE**

At 5:35 PM the City Council held a public hearing to consider input on the proposed annexation of the property located at 1327 Valley Lane that the owners had requested to be annexed and the adoption of Ordinance No. 511 annexing this property. City Attorney Wieser reviewed the map and findings for the Ordinance. Mayor Poellinger opened the meeting for public comment. There were no public comments. Following further discussion, Member Williams introduced the following Ordinance, and moved its passage and adoption:

**ORDINANCE NO. 511**

**AN ORDINANCE OF THE CITY OF LA CRESCENT, MINNESOTA ANNEXING LAND LOCATED IN LA CRESCENT TOWNSHIP, HOUSTON COUNTY, MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(3), PERMITTING ANNEXATION BY ORDINANCE**

**WHEREAS**, a petition signed by all the property owners, requesting that property legally described herein be annexed to the City of La Crescent, Minnesota, was duly presented to the Council of the City of La Crescent on the 23<sup>rd</sup> day of January, 2017; and

**WHEREAS**, said property is unincorporated and abuts the City of La Crescent on its easterly and westerly boundaries; is less than 120 acres; is not presently served by public sewer facilities or public sewer facilities are not otherwise available; and

**WHEREAS**, said property is currently residential and annexation is requested to facilitate the extension of city services for the residential development of the property; and

**WHEREAS**, the City of La Crescent held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on February 27, 2017, following thirty (30) days written notice by certified mail to the Town of La Crescent and to all landowners within and contiguous to the area legally described herein, to be annexed; and

**WHEREAS**, provisions of Minnesota Statutes § 414.033 Subd. 13 are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the territory to the municipality.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA CRESCENT HEREBY ORDAINS AS FOLLOWS:**

1. The City Council hereby determines that the property as hereinafter described abuts the city limits and is or is about to become urban or suburban in nature in that residential use is being proposed for said property which requires or will need city services, including public sewer facilities.
2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statute § 414.0325.
3. The corporate limits of the City of La Crescent, Minnesota, are hereby extended to include the following described property, said land abutting the City of La Crescent and being 120 acres or less in area, and is not presently served by public sewer facilities or public sewer facilities are not otherwise available, and the City having received a petition for annexation from all the property owners of the land, to wit:

**LOT THIRTEEN (13), BLOCK TWO (2), CRESCENT VALLEY FIRST ADDITION TO THE TOWNSHIP OF LA CRESCENT, HOUSTON COUNTY, MINNESOTA.**

The above described property consists of a total of 0.53 acres, more or less. Copies of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and all appropriate plat maps are attached hereto.

4. The City of La Crescent, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described herein, hereby annexed, shall make a cash payment to the Town of La Crescent in accordance with the following schedule:

- a. In the first year following the year in which the City of La Crescent could first levy on the annexed area, an amount equal to \$705.60; and
- b. In the second and final year, an amount equal to \$705.60.

5. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town to the annexed property and any portion of debt incurred by the Town prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described herein there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

6. That the City Administrator of the City of La Crescent is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Houston County Auditor, and the La Crescent Township Clerk.

7. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

**PASSED AND ADOPTED** by the City Council of the City of La Crescent, Minnesota, this 27<sup>th</sup> day of February, 2017.

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Mayor

ATTEST:

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City Administrator

In approving the above Motion, the City Council made the following findings of facts:

1. The property owners signed a Petition requesting that the property be annexed to the City of La Crescent;
2. The property is not presently served by public sewer facilities and public sewer facilities are not otherwise available;
3. The property is currently residential;
4. Minnesota Statutes § 414.033 Subd. 13 is not applicable as there will be no change in the electric utility service provider; and
5. More than 30 days written notice was provided to La Crescent Township and to contiguous landowners by certified mail.

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
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

City Attorney Wieser then 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 Williams then made a motion, seconded by Member Buehler as follows:

**MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 511 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
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

After the adoption of the Ordinance, the Council reconvened with the schedule of the Regular City Council Meeting.

**ITEM 3.1 – COUNTY ROAD #6 PLANNING REPORT**

City Attorney Wieser reviewed with City Council information with regard to the County Road #6 planning report. Attorney Wieser reviewed a map which shows which properties have been annexed and the status of the proposed orderly annexation agreement. City Engineer Tim Hruska gave an extended review of the preliminary engineering report and the various scenarios from his memorandum. This item was informational and no action was taken.

**ITEM 3.2 – SOUTH THIRD STREET – ENGINEERING REPORT**

City Engineer Tim Hruska reviewed with City Council the preliminary work performed for the reconstruction of 3<sup>rd</sup> Street South and the alternative cost opinions that were developed. This item was informational and no action was taken.

### **ITEM 3.3 – NORTH FOURTH STREET – ENGINEERING REPORT**

City Engineer Tim Hruska gave an extended overview to City Council regarding the feasibility of extending sanitary sewer service to 7 homes located on North 4<sup>th</sup> Street in the northwest portion of the City. Following discussion, it was the consensus of City Council that the City Administrator and City Attorney come back to City Council with a recommendation. This item was informational and no action was taken.

### **ITEM 3.5 – POWER PURCHASE/FACILITY LEASE AGREEMENT – SOLAR PROJECT AT COMMUNITY BUILDING**

City Attorney Wieser reviewed with City Council the Facilities Lease Agreement and the Power Purchase Agreement regarding the solar panel project at the Community Building (Fire Department). A thirty day extension to the end of July has been granted to the solar developer for the submission of the grant. This item was informational and no action was taken.

### **ITEM 3.6 – WELL UPDATE**

City Administrator Waller reviewed with City Council a well update. The water transmission line from Well #2 to the water transmission line on Stoney Point is complete, and Well #2 is now in service. Well #4 is currently out of service so repairs to the well casing can be completed. This item was informational and no action was taken.

### **ITEM 3.7 – PERSONNEL COMMITTEE RECOMMENDATION**

City Administrator Waller gave an overview to City Council regarding the following recommendations from the Personnel Committee:

1. That the City Council authorize that the position of Utility Maintenance Worker #1 be advertised. This is the position in the City Utility/Maintenance Department that has been vacant since Mike Albrecht retired in 2013. A hiring recommendation would be presented to the City Council at a future meeting.
2. That the City Council authorize that the position of Groundskeeper at Pine Creek Golf Course be advertised. This is the position that has been vacant since Mike Wilson retired in May of 2016. A hiring recommendation would be presented to the City Council at a future meeting.

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

**MOTION TO AUTHORIZE THAT THE POSITION OF UTILITY MAINTENANCE WORKER #1 BE ADVERTISED WITH A HIRING RECOMMENDATION TO BE PRESENTED TO CITY COUNCIL AT A FUTURE MEETING.**

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

Bernie Buehler	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

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

**MOTION TO AUTHORIZE THAT THE POSITION OF GROUNDSKEEPER AT PINE CREEK GOLF COURSE BE ADVERTISED WITH A HIRING RECOMMENDATION TO BE PRESENTED TO CITY COUNCIL AT A FUTURE MEETING.**

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

Bernie Buehler	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 3.8 – 2017 LICENSE RENEWALS**

City Council reviewed an additional list of proposed license renewals for 2017. The application appears to be in order and it was recommended to City Council to approve the license renewal application. Following discussion, Member Krenz made a motion, seconded by Member Williams, as follows:

**MOTION TO APPROVE THE PRESENTED LIST OF LICENSE RENEWALS FOR 2017 FOR THE FOLLOWING:**

**GAS INSTALLERS – PRIME SOURCE PLUMBING/HTG.**

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

Bernie Buehler	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 3.9 – AUTHORIZE BUILDING EXPENDITURE**

City Council reviewed a memo from Shawn Wetterlin, Building and Zoning Official, regarding the authorization to replace the rear alley door at the Library. City Council reviewed a proposal from Glass Service

Center Inc. in the amount of \$1,616.55. There are funds available in the 2017 General fund budget for the building improvement. Following discussion, Member Williams made a motion, seconded by Member Buehler, as follows:

**MOTION TO AUTHORIZE THE REPLACEMENT OF THE REAR ALLEY DOOR AT THE LA CRESCENT LIBRARY AND TO ACCEPT A PROPOSAL FROM GLASS SERVICE CENTER INC. IN THE AMOUNT OF \$1,616.55 FOR THIS REPLACEMENT WITH FUNDS AVAILABLE IN THE 2017 GENERAL FUND BUDGET FOR THIS EXPENDITURE.**

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

Bernie Buehler	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 3.10 – LIQUOR LICENSE APPLICATION**

City Council reviewed a liquor license application from 3 River Throwdown XI for an event to be held at the Community Arena on April 22, 2017. The application appears to be order and it was recommended to City Council for approval. Following discussion, Member Krenz made a motion, seconded by Member Williams, as follows:

**MOTION TO APPROVE A LIQUOR LICENSE FOR 3 RIVER THROWDOWN XI FOR AN EVENT TO BE HELD AT THE COMMUNITY ARENA ON APRIL 22, 2017.**

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

Bernie Buehler	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 6.1 – STAFF CORRESPONDENCES/COMMITTEE UPDATES – DEVELOPMENT COMMISSION MINUTES – DECEMBER 12, 2016**

City Council reviewed the Minutes from the December 12, 2016 La Crescent Economic Development Commission meeting. No action taken.

**ITEM 8 – CHAMBER OF COMMERCE**

The La Crescent Chamber gave an update on their annual meeting and the April Trivia event.



There being no further business to come before the Council at this time, Member Buehler 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
Brian Krenz	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 6:33 PM.

APPROVAL DATE: \_\_\_\_\_

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator