

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
MARCH 9, 2015

Pursuant to due call and notice thereof, the first meeting of the City Council of the City of La Crescent for the month of March was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Monday, March 9, 2015, 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, Ryan Hutchinson, Brian Krenz, 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 – FEBRUARY 23, 2015
- 1.2 MINUTES – MARCH 3, 2015
- 1.3 BILLS PAYABLE THROUGH MARCH 5, 2015
- 1.4 CASH BALANCE/ACTIVITY REPORT – JANUARY 2015
- 1.5 LIBRARY REPORT – JANUARY 2015

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 Hutchinson, 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
Ryan Hutchinson	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.1 – RICK FRANK – HOUSTON COUNTY

Rick Frank, Environmental Service Director for Houston County, gave an overview to City Council on the Drop/Dump site operation. He discussed changes in electronic recycling/disposal, about updated mattress recycling coming in the future and about florescent bulb collection. There will be three (3) household waste

collections in 2015. This was informational and no action was taken. Mr. Frank also reviewed the Notice of Decision, Minnesota Wetland Conservation Act and its effect on the Canadian Pacific Railway going through La Crescent.

ITEM 3.2 – VETSCH PARK REQUEST

Brian Dobeck and Rhoda Winsky submitted an Agenda Request Form to City Council to request approval for allowing the use of Vetsch Park for a wedding reception and tent placement on June 27, 2015 from 3:00 PM to 9:00 PM for around 200 people. There will be no band or DJ present and they would like to place the tent up across from the 2nd Street entrance. They have spoken with residents on both 1^s and 2nd Streets N with overwhelming support. Ms. Winsky currently resides across the street from the park. Following discussion, Member Buehler made a motion, seconded by Member Krenz, as follows:

MOTION TO APPROVE THE USE OF VETSCH PARK FOR A WEDDING RECEPTION AND TENT PLACEMENT ON JUNE 27, 2015 FROM 3:00 PM TO 9:00 PM FOR AROUND 200 PEOPLE WITH PLACEMENT OF THE TENT ACROSS FROM THE 2ND STREET ENTRANCE.

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

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

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

City Council also discussed the need for a policy authorizing use of Vetsch Park. Following discussion, Member Buehler made a motion, seconded by Member Williams, as follows:

MOTION TO AUTHORIZE THE CITY ATTORNEY TO DEVELOP A POLICY FOR AUTHORIZED USE OF VETSCH PARK.

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

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

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

ITEM 3.3 – TRUSS SPECIALISTS – LEASE AGREEMENT

ITEM 3.4 – TRUSS SPECIALISTS – TEMPORARY STRUCTURES

City Attorney Wieser reviewed with City Council a lease agreement and temporary structure agreement with Truss Specialists pertaining to the “old dump property” that is owned by the City. These agreements have been in place for a number of years and it was recommended to City Council to approve the agreements as proposed. The new lease agreement is for a three year period from June 15, 2015 through June 15, 2018. Following discussion, Member Williams made a motion, seconded by Member Hutchinson, as follows:

MOTION TO APPROVE A THREE YEAR LEASE AGREEMENT BETWEEN THE CITY OF LA CRESCENT AND TRUSS SPECIALISTS THAT ALLOWS FOR THE PLACEMENT OF TEMPORARY STRUCTURES ON THE CITY OWNED LAND THAT IS LEASED TO TRUSS SPECIALISTS.

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

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

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

ITEM 3.5 – PLANNING COMMISSION MINUTES – FEBRUARY 19, 2015

ITEM 3.6 – PLANNING COMMISSION MINUTES – MARCH 3, 2015

City Administrator Waller reviewed with City Council the Minutes from the February 19 and March 3, 2015 Planning Commission Meetings. City Council was reminded that the Comprehensive Plan Kick-off Meeting is on March 31, 2015. The Minutes were informational and no action was taken.

ITEM 3.7 – CELL TOWER MODIFICATIONS

City Administrator Waller gave an overview to City Council information regarding two alternatives for modifications to the existing cell tower adjacent to Abnet Field. Option B does not taper and is 2’ 10” from top to bottom and Option C does taper and is 2’ 10” at top and is 3’ 8 1/8” on bottom. It was recommended to Council to approve Option B. Following discussion, Member Krenz made a motion, seconded by Member Hutchinson, as follows:

MOTION TO APPROVE MODIFICATIONS PRESENTED IN OPTION B TO THE CELL TOWER ADJACENT TO ABNET FIELD.

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

Bernie Buehler	Yes
Ryan Hutchinson	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 – CELL TOWER LEASE PURCHASE

City Administrator Waller reviewed with City Council proposals and interest he has received from companies regarding a perpetual easement to the cell tower located on property that is owned by the City. It was recommended that Council set March 16, 2015 at 12:00 Noon for companies to submit proposals to the City with the results to be presented at the March 23, 2015 Council meeting. It was also noted that the outstanding bond for the ice arena is \$285,000 and it was suggested that a portion of the proceeds be used to satisfy this obligation. Following discussion, Member Hutchinson made a motion, seconded by Member Buehler, as follows:

MOTION TO SET A DEADLINE OF MARCH 16, 2015 AT 12:00 NOON FOR COMPANIES TO SUBMIT PROPOSALS TO THE CITY REGARDING A PERPETUAL EASEMENT TO THE CELL TOWER LOCATED ON PROPERTY THAT IS OWNED BY THE CITY WITH THE RESULTS TO BE PRESENTED AT THE MARCH 23, 2015 CITY COUNCIL MEETING.

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

Bernie Buehler	Yes
Ryan Hutchinson	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 – RESOLUTION TO CALL FOR PUBLIC HEARING – TIF AMENDMENT

City Administrator Waller reviewed with City Council the consideration of a Resolution to call for a public hearing on the proposed modification to the Wieser Brothers tax increment financing district. Council also reviewed a proposed site plan regarding the parcel of property which Wieser Brothers intend to exchange with the City. In addition to the original parcel, the exchange has been expanded to include 30’ of the adjoining parcel. This area is proposed to be used as a canoe/kayak launch. It was also recommended that the time of the public hearing be changed to 6:15 p.m. After discussion, Member Buehler introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 03-15-05

RESOLUTION CALLING PUBLIC HEARING ON THE PROPOSED MODIFICATION OF MUNICIPAL DEVELOPMENT DISTRICT NO. 1 AND THE PROPOSED MODIFICATION OF TAX INCREMENT FINANCING DISTRICT NO. 1-7 WITHIN THE DEVELOPMENT DISTRICT AND THE PROPOSED ADOPTION OF THE MODIFIED DEVELOPMENT PROGRAM AND THE PROPOSED ADOPTION OF THE MODIFIED TAX INCREMENT FINANCING PLAN RELATING TO THERETO AND APPROVAL OF BUSINESS SUBSIDY

BE IT RESOLVED by the City Council (the "Council") of the City of La Crescent, Minnesota (the "City"), as follows:

1. Public Hearing. This Council shall meet on Monday, April 13, 2015, at approximately 6:15 p.m., to hold a public hearing on the following matters: (a) the proposed modification of Municipal Development District No. 1 (the "Development District"); (b) the proposed modification of Tax Increment Financing District No. 1-7 (the "TIF District") within the Development District; (c) the proposed adoption of the modified Development Program for the Development District; (d) the proposed adoption of the modified Tax Increment Financing Plan relating to the TIF District; and (e) the proposed adoption of a of business subsidy all pursuant to Minnesota Statutes, Sections 469.124 through 469.133 and Minnesota Statutes, Sections 469.174 through 469.1794, both inclusive, as amended (the "Act"), and Minnesota Statutes, Sections 116J.993 to 116J.995.

2. Notice of Hearing; Filing of Program and Plan. The City Administrator is hereby authorized to cause a notice of the hearing, substantially in the form attached hereto as Exhibit A, to be published as required by the Act and by Minnesota Statutes, Section 116J.994, and to place a copy of the proposed modified Development Program, the proposed modified Tax Increment Financing Plan and the proposed business subsidy on file in the City Clerk's Office at City Hall and to make such copies available for inspection by the public.

3. Consultation with Other Taxing Jurisdictions. The City Administrator is hereby directed to mail a notice of the public hearing and a copy of the proposed modified Development Program and the proposed modified Tax Increment Financing Plan to Houston County and Independent School District No. 300 informing those taxing jurisdictions of the estimated fiscal and economic impact of the establishment of the proposed TIF District.

Adopted by the City Council of the City of La Crescent, Minnesota, this 9th day of March, 2015.

Mayor

ATTEST:

City Administrator

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	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 3.10 – ANNEXATION AGREEMENT

City Attorney reviewed with City Council the Settlement Agreement that was reached with La Crescent Township during mediation on February 24, 2015 regarding the three (3) contested annexation matters. As part of the settlement, the City agreed to the following:

1. The City will reimburse the Township for three (3) years of real estate taxes. The statutory minimum is two (2) years.
2. The City will not require mandatory sewer connections for a period of six (6) years. This would generally coincide with the current agreement regarding the properties in Crescent Valley.

In exchange for the above, 33 homes would be annexed to the City of La Crescent. Following discussion, Member Buehler made a motion, seconded by Member Williams, as follows:

MOTION TO APPROVE THE SETTLEMENT AGREEMENT THAT WAS REACHED WITH LA CRESCENT TOWNSHIP DURING MEDIATION ON FEBRUARY 24, 2015 REGARDING THE THREE (3) CONTESTED ANNEXATION MATTERS.

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

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

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

City Council also reviewed the need to publish notices regarding the meeting when the Resolutions for Orderly Annexations would be discussed. Following discussion, Member Krenz made a motion, seconded by Member Williams, as follows:

MOTION TO APPROVE THE PUBLICATIONS OF THE THREE (3) NOTICES OF INTENT TO DESIGNATE ORDERLY ANNEXATION.

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

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

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

ITEM 3.11 – MEDICAL MARIJUANA

At the request of Member Krenz, Attorney Wieser gave an overview to City Council regarding the municipal zoning/licensing issues to consider regarding Minnesota’s new medical cannabis law. It was recommended that this matter be referred to the City Attorney and Police Chief to formulate a recommendation that would be presented at a future City Council Meeting. Following discussion, Member Williams made a motion, seconded by Member Buehler, as follows:

MOTION TO DIRECT THE CITY ADMINISTRATOR, CITY ATTORNEY AND POLICE CHIEF TO FORMULATE A RECOMMENDATION THAT WOULD BE PRESENTED AT A FUTURE CITY COUNCIL MEETING REGARDING THE MUNICIPAL ZONING/LICENSING ISSUES TO CONSIDER REGARDING MINNESOTA’S NEW MEDICAL CANNABIS LAW.

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

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

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

ITEM 3.12 – ASH TREE PROJECT – WOOD CHIPPER

At the request of Member Buehler, City Council discussed the cost of a wood chipper regarding the ash tree project. City Administrator Waller explained the process of eliminating trees in road right-of-way. No action taken.

ITEM 3.13 – PERSONNEL COMMITTEE RECOMMENDATION

The Personnel Committee made the following recommendations to City Council:

1. The LELS Union contract currently pays all Police Officers \$1.50 per hour for maintaining a first responder and CPR certificate. The Police Chief currently maintains a basic EMT certificate, but does not receive the compensation provided in the LELS contract. It is proposed that effective March 9, 2015, provide \$1.50 per hour pay increase to the Police Chief, subject to maintaining the basic EMT certificate.

2. Debbie Shimshak was hired in April of 1995, became the Finance Director in July of 2001, and is currently at step 3 in the wage schedule. It is proposed that effective March 9, 2015, move Debbie Shimshak to step 4 in the wage schedule.
3. Recommend that Lisa Olson be hired as the Police Department Administrative Secretary, and that Ms. Olson be started at step 4 in the union contract.

Following discussion, the following Motions were made:

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

MOTION TO APPROVE A \$1.50 PER HOUR PAY INCREASE TO THE CITY OF LA CRESCENT POLICE CHIEF, SUBJECT TO MAINTAINING THE BASIC EMT CERTIFICATE, EFFECTIVE MARCH 9, 2015.

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

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

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

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

MOTION TO APPROVE TO MOVE DEBBIE SHIMSHAK, CITY OF LA CRESCENT FINANCE DIRECTOR, TO STEP 4 IN THE WAGE SCHEDULE EFFECTIVE MARCH 9, 2015.

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

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

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

Member Hutchinson made a motion, seconded by Member Krenz, as follows:

MOTION TO APPROVE THE HIRING OF LISA OLSON AS THE POLICE DEPARTMENT ADMINISTRATIVE SECRETARY AND THAT MS. OLSON BE STARTED AT STEP 4 IN THE UNION CONTRACT.

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

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

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

ITEM 3.14 – TENTATIVE AGREEMENT – OPERATING ENGINEERS

City Administrator Waller gave an overview to City Council regarding the tentative agreement with the Operating Engineers Union. The agreement is as follows:

1. Minor language changes and the addition of an existing memorandum of understanding.
2. Add Veteran’s Day to the holiday schedule.
3. An increase to vacation based on pro-rated hours worked the previous year.
4. A two year agreement.
5. A 1.5% wage increase for 2015, and a 2.0% increase for 2016.

It was recommended to Council to approve the agreement as proposed. Following discussion, Member Williams made a motion, seconded by Member Buehler, as follows:

MOTION TO APPROVE THE TENTATIVE AGREEMENT WITH THE OPERATING ENGINEERS UNION AS PROPOSED.

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

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

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

ITEM 3.15 – YOGA IN THE PARK

Council reviewed a request from Christina Farrell to offer free yoga classes in Veteran’s Park this summer. The classes would be on Saturdays starting May 30 to August 29, 2015. Following discussion, Member Husmann made a motion, seconded by Member Buehler, as follows:

MOTION TO AUTHORIZE FREE YOGA CLASSES TO BE HELD IN VETERAN’S PARK ON SATURDAYS BEGINNING MAY 30 AND ENDING AUGUST 29, 2015.

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

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

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

ITEM 3.16 – ANIMAL RESCUE

Member Hutchinson reviewed with City Council cost estimates for improvements to the animal rescue facility. One of the items was to have the floor sealed. Following discussion, Member Williams made a motion, seconded by Member Krenz, as follows:

MOTION TO AUTHORIZE CITY BUILDING OFFICIAL, SHAWN WETTERLIN, TO REVIEW THE FLOORS OF THE ANIMAL RESCUE FACILITY AND IF HE IS IN THE OPINION THE FLOORS ARE IN NEED OF SEALING, AUTHORIZE THE CITY BUILDING OFFICIAL TO PROCEED WITH THE WORK AND TO AMEND THE 2015 GENERAL FUND BUDGET FOR THE COSTS ASSOCIATED WITH THIS IMPROVEMENT.

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

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

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

ITEM 3.17 – TEMPORARY LIQUOR LICENSE APPLICATION

Council reviewed a temporary liquor license application from the Church of the Crucifixion for an event to be held on May 9, 2015. The application appears to be order and it was recommended to Council for approval and to authorize that it be forwarded to the Minnesota Department of Public Safety. Following discussion, Member Krenz made a motion, seconded by Member Hutchinson, as follows:

MOTION TO APPROVE A TEMPORARY LIQUOR LICENSE APPLICATION FROM THE CHURCH OF THE CRUCIFIXION FOR AN EVENT TO BE HELD ON MAY 9, 2015 AND TO AUTHORIZE THAT IT BE FORWARDED TO THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY.

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

Bernie Buehler	Yes
Ryan Hutchinson	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 – FEBRUARY 11, 2015

City Council reviewed the Minutes from the February 11, 2015 La Crescent Development Commission Meeting. No action taken.

ITEM 7.1 – CORRESPONDENCE – NOTICE OF DECISION – WETLAND CONSERVATION ACT

City Council reviewed the Minnesota Wetland Conservation Act – Notice of Decision dated February 17, 2015. No action taken.

ITEM 7.2 – CORRESPONDENCE – DAVE BAUMGARTNER

City Council reviewed a correspondence dated February 24, 2015 from David Baumgartner regarding the removal of the Emerald Ash Trees. No action taken.

ITEM 7.3 – CORRESPONDENCE – POPULATION DATA

City Council reviewed the population data for the total allocation for cities that fell below 5,000 population in the 2010 census for the state of Minnesota. No action taken.

ITEM 8 – CHAMBER OF COMMERCE

Eileen Krenz of the La Crescent Chamber of Commerce reported on upcoming Chamber events including the Lion’s Fish Boil, the Bed & Breakfast Ribbon Cutting on March 17 at 6:00 PM and Bonnie McGowan’s retirement.

There being no further business to come before the Council at this time, Member Buehler made a motion, seconded by Member Hutchinson, 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
Ryan Hutchinson	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 6:25 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator