

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
MARCH 25, 2024

Pursuant to due call and notice thereof, the second meeting of the City Council of the City of La Crescent for the month of March was called to order by Acting Mayor Dale Williams at 5:00 PM in the La Crescent Community Building, La Crescent, Minnesota, on Monday, March 25, 2024.

Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Ryan Hutchinson, Cheryl Jostad, Teresa O'Donnell-Ebner, and Dale Williams. Members absent: Mayor Poellinger. Also present were, City Attorney Skip Wieser, City Administrator Bill Waller, Public Works Director Tyler Benish, Sustainability Coordinator Jason Ludwigson, and City Clerk Angie Boettcher.

Also present were Police Chief Luke Ahlschlager and Sergeant Mike Ernster.

ITEM 1 – CONSENT AGENDA

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

- 1.1 MINUTES – MARCH 11, 2024
- 1.2 BILLS PAYABLE THROUGH – MARCH 22, 2024
- 1.3

At the conclusion of the reading of the Consent Agenda, Acting Mayor Williams asked if the Council wished to have any of the items removed from the Consent Agenda for further discussion.

Member O'Donnell-Ebner 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, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cheryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes

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

ITEM 3.1 – AUTHORIZE EXPENDITURE – POLICE DEPARTMENT TASERS

City Administrator Bill Waller reviewed with City Council for approval a request from Police Chief Luke Ahlschlager to replace the Police Department's outdated tasers with the latest taser model. The total cost to outfit nine officers, with the Taser 10 model is approximately \$40,000. It was recommended that City Council approve the use of the remaining Public Safety Aid (PSA) funds and any remaining balance from

the 2024 operating budget for safety equipment to purchase the tasers. Police Chief Luke Ahlschlager and Sergeant Ernster were in attendance to answer any questions. Following discussion, Member Hutchinson made a motion, seconded by Member Jostad as follows:

MOTION TO APPROVE THE EXPENDITURE OF \$40,000 FROM THE REMAINING PUBLIC SAFETY AID (PSA) FUNDS AND ANY REMAINING BALANCE FROM THE 2024 OPERATING BUDGET FOR SAFETY EQUIPMENT TO PURCHASE NINE TASER 10 MODEL TASERS FOR THE POLICE DEPARTMENT TO REPLACE THE OUTDATED TASERS.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes

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

ITEM 3.2 – MN DEPARTMENT OF HEALTH – LEAD SERVICE LINE INVENTORY

Public Works Director Tyler Benish reviewed with City Council the United States Environmental Protection Agency Lead and Copper Rule Revision giving guidance and directing states and public water systems to prioritize developing lead service line inventories. The State of Minnesota's 2023 legislative session has allocated money to the Minnesota Department of Health (MDH) to provide technical assistance through consulting engineers. WHKS has been approved by MDH to provide services to the City of La Crescent. WHKS will enter into an agreement with MDH to assist the City with records review, visual inspections, digital record keeping, and replacement plan development. The work that will be done by WHKS will be paid for by MDH. The lead service line inventory must be submitted by October 16, 2024. It was recommended that City Council approve the engagement letter with WHKS and MDH. A copy of the Agreement was included. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Hutchinson as follows:

MOTION TO APPROVE THE ENGAGEMENT LETTER WITH WHKS AND MINNESOTA DEPARTMENT OF HEALTH (MDH) FOR WHKS TO PROVIDE THE CITY WITH TECHNICAL ASSISTANCE TO DEVELOP A LEAD SERVICE LINE INVENTORY TO INCLUDE RECORDS REVIEW, VISUAL INSPECTIONS, DIGITAL RECORD KEEPING, AND REPLACEMENT PLAN DEVELOPMENT WITH THE COST OF WHKS SERVICES TO BE PAID BY THE MINNESOTA DEPARTMENT OF HEALTH.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes

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

ITEM 3.3 – WELL #3 UPDATE

Public Works Director Tyler Benish reviewed with City Council that in December of 2023 city staff had found that Well #3, located at Veterans Park, water production was not keeping up with demand. Thein Well inspected the well and revealed the impellers were not spinning with the shaft and therefore not delivering water to the surface. Thein Well provided an estimate of \$26,235 to replace the bowl assembly, line shaft, column pipe, rubber bearings, and other parts with an additional \$15,000 for labor and other services. It was recommended that City Council approve the estimate from Thein Well to fix Well # 3 with the expenditure coming from the water operating fund. Following discussion, Member O’Donnell-Ebner made a motion, seconded by Member Jostad as follows:

MOTION TO APPROVE THE ESTIMATE FROM THEIN WELL OF \$26,235 TO REPLACE THE BOWL ASSEMBLY, LINE SHAFT, COLUMN PIPE, RUBBER BEARINGS, AND OTHER PARTS WITH AN ADDITIONAL \$15,000 FOR LABOR AND OTHER SERVICES TO REPAIR WELL #3 LOCATED AT VETERANS PARK WITH THE EXPENDITURE COMING FROM THE WATER OPERATING FUND.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes

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

ITEM 3.4 – BEEKEEPING ORDINANCE AMENDMENT

Sustainability Coordinator Jason Ludwigson reviewed with City Council for approval an amendment to the Beekeeping Ordinance that was originally adopted in July of 2023. The requested amendment is to allow for the locating of hives in the front yard of a property. The hive located in a front yard would have to meet the same setback requirements including being twenty (20) feet from the lot line, twenty-five (25) feet from an adjacent dwelling, and twenty-five (25) feet from a trail/sidewalk/patio. Sections IV – paragraphs 2 and 3 have been added to allow for this change. Following discussion, Member Hutchinson introduced the following ordinance and moved its passage and adoption:

ORDINANCE NO. 581

**AN ORDINANCE OF THE CITY OF LA CRESCENT,
MINNESOTA AMENDING THE REGULATING OF (HONEY
BEES) BEEKEEPING IN THE CITY OF LA CRESCENT,
MINNESOTA**

Ordinance No. 570 adopted on July, 24th 2023 and titled “ AN ORDINANCE OF THE CITY OF LA CRESCENT REGULATING (HONEY BEES) BEEKEEPING IN THE CITY OF LA CRESCENT, MINNESOTA” is amended to read as follows: the City Council of the City of La Crescent, Houston County, Minnesota, hereby ordains:

SECTION I – FINDINGS. The La Crescent City Council hereby finds and declares as follows:

1. Pollinators are a necessary component of a healthy ecosystem and food system, providing essential pollination of plants in order to grow vegetables, herbs, and fruits.
2. Pollinator populations are in sharp decline due to an ongoing loss of habitat as a result of human land use practices, coupled with a simultaneous large-scale expansion of pesticide use by homeowners, landscapers, property managers, and farmers.
3. Local food production is needed to improve the health and food security of La Crescent residents and insect pollination is an essential component of local food production.

SECTION II – PURPOSE. The purpose and intent of this ordinance is to permit and establish requirements for the keeping of honey bee colonies, hives, and equipment within the City of La Crescent.

SECTION III - DEFINITIONS.

1. Apiary: The assembly of one or more colonies of bees on a single lot.
2. Beekeeper: A person who owns or has charge of one or more colonies of honeybees.
3. Colony: An aggregate of honey bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.
4. Flyway Barrier: A solid fence, wall, or dense vegetation at least 6’ in height that continues parallel to the apiary site lot line at least 10’ in each direction from the colony, that requires bees to fly over, rather than through the barrier. Depending on the barrier type and construction, or location, additional permitting may be required prior to installation.
5. Hive: The receptacle inhabited by a colony.
6. Undeveloped property: A lot adjacent to an apiary where residential dwellings, commercial buildings, trails, sidewalks, or streets do not currently exist, or are greater than 25’ from an existing hive.

SECTION IV- LOCATION REQUIREMENTS.

1. Beekeeping is permitted in all zoning districts in accordance with this code section. In the C-1 – Commercial District, CBD 1 – Commercial Business District, CBD 2 Commercial Business District, and I – Industrial District, hives must be kept on the roof of a building at least 12’ in height.
2. Hives may be located in the front yard. Hives located in the front yad must meet the hive setback requirements. For the purpose of this section, a corner lot has two front yards.
3. Hive setback must be in accordance with the following requirements:

Hive Setback	Distance	Hive Setback	Distance
Lot Line	20'	Adjacent Dwelling	25'

Lot Line with A Flyway Barrier	15'	Trail/Sidewalk/Patio	25'
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SECTION V – COLONY DESIGN.

1. Colonies must be kept in removable frame hive bodies no more than 9 5/8” deep with no more than 10 frames.
2. An adequate and convenient water source must be within 10' of active hives.
3. Hives must not exceed 6' in total height.
4. Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees is left exposed outdoors. Such materials must be stored in sealed insect-proof containers or placed within a building.

Maximum number of colonies permitted based on lot size:

Lot Size	# of Colonies	Lot Size	# of Colonies
Less than 0.50 acres	1 colonies	2.51 to 4.99 acres	8 colonies
0.51 to 1.0 acres	2 colonies	5.00 to 9.99 acres	16 colonies
1.01 to 2.50 acres	4 colonies	Greater than 10 acres	32 colonies

SECTION VI – GENERAL REGULATIONS:

1. All Beekeepers must register active hive sites with the Building Official or designee. Existing hives must register within 60 days of the publishing of this ordinance. All Beekeepers must register active hive sites annually.
2. Sale of honey or related bee products: Retail sales in residential zones must only be from hives on that property. Home occupations must meet all of the existing requirements in the La Crescent Municipal Code.
3. Provide written documentation that you have notified all of your immediate neighbors that you plan to keep bees on your property
4. If an undeveloped property adjacent to a colony is developed, the colony locations must comply with all sections of this code within 90 days of the development.
5. Hive bodies must be maintained in good condition, including maintenance of paint, and when not in use must be removed within 14 days if they are no longer occupied.
6. Beekeepers shall submit a written plan on how they intend to minimize or prevent swarming to the Building Official or designee. For swarm prevention purposes a beekeeper may exceed the maximum colony requirement for up to 35 days but must meet all other requirements of this section.
7. Hives shall be continuously managed to provide adequate living space for their resident honeybees in order to control swarming.
8. In any instance in which a colony exhibits unusual aggressive behavior, it shall be the duty of the beekeeper to promptly implement appropriate actions to address the behavior. Queens shall be selected from European stock bred for gentleness and non-swarming characteristics.
9. The city Building Official or designee shall have the right to inspect any apiary for the purpose of ensuring compliance with this ordinance between 8 a.m. and 5 p.m. once annually upon prior notice to the owner of the apiary property and more often upon complaint without prior notice. It shall be deemed a violation of this Section for any person to resist, impede, or hinder the Building Official or designee in the performance of their duties in inspecting any

apiary and apiary site.

SECTION VII - VIOLATION. A violation of this Ordinance is a petty misdemeanor subject to penalty not to exceed \$300.00.

SECTION VIII - These provisions shall become effective from and after due passage and enactment, and publication, according to law.

PASSED AND ENACTED this ____ day of _____, 2024.

Mayor

ATTEST:

City Administrator

The foregoing motion was duly seconded by Member O’Donnell-Ebner and upon a roll call vote taken and tallied by the City Administrator, the following Members present voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O’Donnell-Ebner	Yes
Dale Williams	Yes

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

Following discussion Member Hutchinson made a motion, seconded by Member O’Donnell-Ebner as follows:

**SUMMARY OF ORDINANCE NO. 581
AN ORDINANCE OF THE CITY OF LA CRESCENT, MINNESOTA AMENDING THE
REGULATING OF (HONEY BEES) BEEKEEPING IN THE CITY OF LA CRESCENT,
MINNESOTA**

The City Council of the City of La Crescent, Houston County, Minnesota, hereby ordains:

The full text of Ordinance No. 581 marked “OFFICIAL COPY” is on file in the Office of the City Administrator, City Hall, La Crescent, Minnesota 55947, along with a reference draft available and open for inspection to enable a convenient means to ascertain where in the voluminous enactments and in the voluminous regulations enacted/amended hereby are found.

Passed and enacted this 25th day of March, 2024.

APPROVED:
Dale Williams, Acting Mayor

ATTEST:
Bill Waller, City Administrator

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes

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

ITEM 3.5 ADOPT-A-DRAIN ANNUAL REPORT

Sustainability Coordinator Jason Ludwigson reviewed the Adopt-a-Drain program annual report. This was informational only, no action required.

ITEM 3.6 INSURANCE LIABILITY COVERAGE WAIVER

City Council reviewed a letter from Finance Director Kara Tarrence that each year, as part of the City renewing its general liability insurance coverage with the League of Minnesota Cities Insurance Trust, the City Council is required to adopt a liability coverage waiver form. City Council reviewed this form. Based on the recommendation of the City's insurance agent, the City Council has always NOT waived the statutory tort limits. This by MN Statute 466.04 limits the amount an individual or multiple claimants could recover from a single occurrence. It was recommended to City Council to continue with NOT waiving the statutory tort limits for the 2024/2025 renewal. Following discussion, Member Jostad made a motion, seconded by Member Hutchinson as follows:

MOTION TO ADOPT A LIABILITY COVERAGE WAIVER FORM TO CONTINUE WITH NOT WAIVING THE STATUTORY TORT LIMITS FOR THE 2024/2025 RENEWAL REGARDING ITS GENERAL LIABILITY INSURANCE COVERAGE WITH THE LEAGUE OF MINNESOTA CITIES INSURANCE TRUST.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes

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

ITEM 3.7 LIBRARY REQUEST – USE OF CITY LOT

City Council reviewed a letter from Library Assistant Emily Riley requesting the use of the City’s grassy lot space behind the library on Saturday, April 27th, 2024 from approximately 10:00 am to 12:00 pm to host their spring story time program. In the case of rain, the program would be rescheduled. Library staff will share stories and fun activities for all ages to interact with each other. Following discussion, Member Hutchinson made a motion, seconded by Member Jostad as follows:

MOTION TO APPROVE THE LIBRARY’S USE OF THE CITY GREEN SPACE BEHIND THE LIBRARY ON SATURDAY, APRIL 27TH, 2024 FROM APPROXIMATELY 10:00 AM TO 12:00 PM TO HOST THEIR SPRING STORY TIME PROGRAM.

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

Ryan Hutchinson	
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes

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

ITEM 3.8 BICYCLE/PEDESTRIAN COMMISSION APPOINTMENTS

City Administrator Bill Waller reviewed with City Council the recommendation to appoint Tim Peterson and Nathan Delarwelle to the City’s Bicycle and Pedestrian Advisory Committee. Following discussion, Member O’Donnell-Ebner made a motion, seconded by Member Hutchinson as follows:

MOTION TO APPROVE THE APPOINTMENT OF TIM PETERSON AND NATHAN DELARWELLE TO THE CITY’S BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes

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

ITEM 3.9 DONATION RESOLUTIONS

City Council reviewed two Resolutions regarding the acceptance of donations made to the City of La Crescent in March 2024. Following review and discussion, Member Jostad introduced the following Resolutions and moved their passage and adoption as follows:

RESOLUTION NO. 03-24-11

**RESOLUTION ACCEPTING DONATIONS MADE TO THE
CITY OF LA CRESCENT DOG PARK PROJECT**

WHEREAS, the La Crescent Eagle Scout Troop 33 received the following donations to the City of La Crescent Dog Park Project:

1. Marine Credit Union wishes to donate \$1900.00
2. Thorson Graphics wishes to donate \$50.00
3. Kaddy's Kafe wishes to donate \$50.00
4. Swing Bridge Pub wishes to donate \$300.00
5. State Farm Insurance wishes to donate \$250.00
6. Al's Concrete Products wishes to donate \$500.00
7. Merchants Bank wishes to donate \$100.00
8. Chiropractic First of La Crescent wishes to donate \$200.00
9. Wieser Law Office wishes to donate \$50.00
10. Tri State Bait & Tackle wishes to donate \$50.00
11. Septic Pros wishes to donate \$500.00
12. Classic Rock Products wishes to donate \$100.00
13. Impact Nutrition wishes to donate \$200.00
14. Home Federal Savings Bank wishes to donate \$100.00

WHEREAS, \$244.21 of these funds have been expended for the original dog park site on South 7th Street.

WHEREAS, the remaining balance for the project totaling \$4105.79 is to be expended at the Chestnut St. site.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of La Crescent hereby accepts the donations stated above.

ADOPTED this 25th Day of March.

SIGNED:

Mayor

ATTEST:

City Clerk

RESOLUTION NO. 03-24-12

**RESOLUTION ACCEPTING DONATIONS MADE TO THE
CITY OF LA CRESCENT IN MARCH 2024**

WHEREAS, the following donations were made to the City of La Crescent in the month of March 2024:

1. Lions Club of La Crescent wishes to donate \$5,000.00 to the Kayak Launch/Fishing Dock Project.
2. Zenke, Inc. wishes to donate \$100.00 to the La Crescent Fire Department.
3. Troop 33, La Crescent wishes to donate \$250.00 to the Kayak Launch/Fishing Dock Project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of La Crescent hereby accepts the donations stated above.

ADOPTED this 25th Day of March 2024.

SIGNED:

Mayor

ATTEST:

City Clerk

The motion for the adoption of the foregoing resolutions was duly seconded by Member Hutchinson and upon a roll call vote taken and tallied by the City Administrator, the following Members present voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes

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

6. STAFF CORRESPONDENCE/COMMITTEE UPDATES

- 6.1 City Council reviewed the 2023 Natural Resource Advisory Group Summary of Activity.
- 6.2 City Council reviewed the news stories regarding the Pine Creek Improvement Project.
- 6.3 City Council reviewed the March 18, 2024, Park and Recreation Commission Meeting Minutes.
- 6.4 City Council reviewed the March 6, 2024, Bicycle/Pedestrian Committee Meeting Minutes.
- 6.5 City Council reviewed the Explore La Crosse March 19, 2024, Board Meeting Agenda and the February 20, 2024, Meeting Minutes.

9. CHAMBER OF COMMERCE

Chamber of Commerce representative Jon Wilson was in attendance and provided an update.

There being no further business to come before the Council at this time, Member Hutchinson made a motion, seconded by Member O'Donnell-Ebner to adjourn the meeting. Upon a roll call vote taken and tallied by the City Administrator, the following Members present voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes

and none voted against the same. The motion was declared duly carried and the meeting duly adjourned at 5:27 P.M.

APPROVAL DATE: _____.

SIGNED:

Mayor

ATTEST:

City Administrator