

*City of La Crescent*  
*Planning Commission*  
*Meeting Notice*



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*April 4th, 2023 - 5:30 P.M.*  
**LA CRESCENT CITY HALL**  
**315 MAIN STREET**

***Agenda***

1. Call To Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of January 10th, 2023 Meeting Minutes
5. Review Beekeeping Ordinance
6. Review Chicken Ordinance
7. Walnut Street Planning Project
8. Planning commission related updates from planning commission appointed city council member
9. Adjourn



MINUTES, REGULAR MEETING  
PLANNING COMMISSION, CITY OF LA CRESCENT, MINNESOTA  
JANUARY 10<sup>th</sup> 2023

The Planning Commission met at 5:30 p.m., on January 10<sup>th</sup>, 2023 in the City Council Chambers at City Hall. Upon a roll call taken and tallied by the Sustainability Coordinator, the following members were present: Greg Husmann, Dave Coleman, Ryan Stotts, Dave Hanifil, Chris Langen, and Jerry Steffes. City Sustainability Coordinator, Jason Ludwigson and City Attorney Skip Wieser were also present. Member Mike Welch was absent. City Council representative Cheryl Jostad was present.

Members recited the Pledge of Allegiance.

**Item 4. Approval of November 1st 2022 Meeting Minutes**

Jerry Steffes noted that his votes for the EV ordinance were missing and the motion to table the draft ordinance regulating mobile food units. Jerry Steffes made a motion to accept the minutes from the November 1<sup>st</sup> meeting with the corrections listed above. Chris Langen seconded the motion.

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

Greg Husmann	Yes
Ryan Stotts	Yes
Chris Langen	Yes
Jerry Steffes	Yes
Dave Coleman	Yes
Dave Hanifil	Yes

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

**Item 5. Election of Chair and Vice Chair**

Dave Hanifil made a motion to nominate Greg Husmann as chair of the planning commission.

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

Ryan Stotts	Yes
Chris Langen	Yes
Jerry Steffes	Yes
Dave Coleman	Yes
Dave Hanifl	Yes

and none voted against the same. Greg Husmann abstained from the vote. The motion was declared duly carried.

Greg Husmann made a motion to nominate Dave Coleman as vice-chair of the planning commission. Dave Coleman declined the nomination. Chris Langen nominated Jerry Steffes for vice-chair of the planning commission. Jerry Steffes declined the nomination. Jerry Steffes nominated Mike Welch as the vice-chair of the planning commission.

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

Greg Husmann	Yes
Ryan Stotts	Yes
Chris Langen	Yes
Jerry Steffes	Yes
Dave Coleman	Yes
Dave Hanifl	Yes

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

**Item 6. Review of bylaws, code of conduct, and social media policy**

Attorney Wieser reviewed the bylaws, code of conduct, and social media policy.

**Item 7. Public Hearing on Conditional Use Permit for 1120 South Oak Street**

At 5:45 Chair Husmann opened the public hearing for the on the Conditional Use Permit application for 1120 South Oak Street. Jason Ludwigson reviewed the staff report for the conditional use permit with the planning commission. South Oak Street Properties and the La Crescent Montessori Academy would like to rent additional space from South Oak Street Properties. The Montessori Academy currently occupies approx. 75% of 1116 South Oak Street and approx. 40% of 1120 South Oak Street. Currently the property at 1120 South Oak Street is zoned C-1 commercial. The proposed Conditional Use Permit would allow the use

of the space as a school. The Montessori Academy would like to rent approx. 2,600 sq.ft. from South Oak Street. Public comments were received by Paul Siegresma related to the CUP for 1120 South Oak Street. Chair Husmann closed the public hearing at 5:56. Discussion by the commission followed.

Dave Hanifil made a motion to recommend granting a Conditional Use Permit for 1120 South Oak Street with the conditions and findings listed below. Chris Langen seconded the motion.

Conditions:

- 1) This CUP is conditionally approved pursuant to Chapter 12, ZONING ORDINANCE of the City of La Crescent, Minnesota, Section 12-06, Conditional Use Permits and the use shall be as set forth in accordance with the application and plans attached and associated to this case and all the provisions of the zoning ordinance and city codes applicable to this case.
- 2) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
- 3) The Fire Marshall approves use of the building.
- 4) The applicant shall obtain any necessary building permits for construction in the rented space.

Findings:

- 1) The use will not cause traffic hazards or congestion.

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

Greg Husmann	Yes
Ryan Stotts	Yes
Chris Langen	Yes
Dave Coleman	Yes
Dave Hanifl	Yes
Jerry Steffes	No

**Item 8. Review Draft Ordinance Regulating Mobile Food Units and Short-Term Rentals**

Attorney Wieser reviewed a draft ordinance regulating mobile food units and short-term rentals. The city council provided input on the ordinances. The council directed the city administrator and city attorney to updated the two ordinances and bring them back for review at a later date. Discussion by the commission

followed. Attorney Wieser will provide the updated copies of the ordinances to the planning commission for review and comment.

Jerry Steffes made a motion to close the public meeting from November 1<sup>st</sup> 2022 on short-term rentals and recommend the city council move forward with review of the short-term rental ordinance. Chris Langen seconded the motion.

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

Greg Husmann	Yes
Ryan Stotts	Yes
Chris Langen	Yes
Dave Coleman	Yes
Dave Hanifl	Yes
Jerry Steffes	Yes

**Item 9. Updates from the city council by Cherryl Jostad**

Cherryl provided an update on city council actions that would be relevant to the planning commission.

Members agreed to the next Planning Commission meeting date of February 7th, 2023 at 5:30 p.m. The meeting duly adjourned at 6:16 PM.

TO: Planning Commission Members

FROM: Jason Ludwigson, Sustainability Coordinator

DATE: March 30<sup>th</sup>, 2023

RE: Beekeeping Ordinance

The GreenStep committee has reviewed and recommended the draft ordinance language included that allows beekeeping within the city. The ordinance was reviewed by the city building official changes he recommended were incorporated. The ordinance was also reviewed by past predicant of the Minnesota Beekeepers Association Gary Ruetler. It's consistent with GreenStep BP 27.2 which states "facilitate the creation of home/community gardens, chicken & bee keeping, and incorporation of food growing areas/access in multifamily and residential developments.





**ORDINANCE NO. XXX**  
**AN ORDINANCE OF THE CITY OF LA CRESCENT**  
**REGULATING BEEKEEPING IN THE CITY OF LA CRESCENT,**  
**MINNEOTA**

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 must not be located in the front yard, unless on a lot greater than 5 acres. 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	15'	Adjacent Dwelling	25'
Lot Line with A Flyway Barrier	10'	Trail / Sidewalk / Patio	25'

**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	2 colonies	2.51 to 4.99 acres	16 colonies
0.51 to 1.0 acres	4 colonies	5.00 to 9.99 acres	24 colonies
1.01 to 2.50 acres	8 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.
2. Sale of honey or related bee products: Retail sales in residential zones must only be from hives on that property. Home occupations are allowed without permit in residential districts if they meet the following conditions and are subject to all restrictions outlined for home occupations granted a conditional use permit
3. 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.
4. 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.
5. A Beekeeper that removes a hive or swarm from an unwanted area may exceed the maximum colony quantity requirements for up to 30 days, but must meet all other requirements of this section.
6. Hives shall be continuously managed to provide adequate living space for their resident honeybees in order to control swarming.
7. 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-swarmling characteristics.
8. 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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

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

DRAFT



TO: Planning Commission Members

FROM: Jason Ludwigson, Sustainability Coordinator

DATE: March 30<sup>th</sup>, 2023

RE: Chicken ordinance

Attached is correspondence from Attorney Wieser and Police Chief Ahlschlager in regard to the city's chicken ordinance. The ordinance is attached for your review and comment.





# WIESER LAW OFFICE, P.C.

ATTORNEYS AT LAW  
WIESER PROFESSIONAL BUILDING  
33 SOUTH WALNUT - SUITE 200  
LA CRESCENT, MN 55947

KELLY M. IVERSON  
AL "SKIP" WIESER, III

AL WIESER, JR.  
*Emeritus*

PHONE: (507) 895-8200  
FAX: (507) 895-8458

**TO:** Jason Ludwigson (via email)

**CC:** Bill Waller, City Administrator  
Shawn Wetterlin (via email)  
Luke Ahlschlager (via email)  
Mike Emster (via email)

**FROM:** Skip Wieser, City Attorney

**DATE:** March 30, 2023

**RE:** **Chicken Ordinance & Bee Keeping Regulation**

I was not planning on attending the April 4, 2023 Planning Commission Meeting, but if the City Administrator would like my attendance, please let me know.

Regarding the two (2) items in your last email:

Chicken Ordinance. This ordinance was drafted at the request of the Police Department. Attached find an email from the City Building Official regarding the side yard setback and whether the setback should be 15 feet not 25 feet. We have not changed this as we were waiting for further direction.

Bee Keeping Regulation. I have no comment regarding the bee legislation. I will refer to the Building and Zoning with respect to the proposed setbacks and zoning district regulations. However, I would note that there does not appear to be an enforcement or penalty provision. Under Minnesota law, a municipal ordinance requires a penalty provision for enforcement. In addition, I would suggest the position identified in Paragraphs 1 and 6 be the City Building Official or their designee.

If I can be of any further assistance, please do not hesitate to let me know.

**From:** Shawn Wetterlin <[SWetterlin@cityoflacrescent-mn.gov](mailto:SWetterlin@cityoflacrescent-mn.gov)>

**Sent:** Friday, March 17, 2023 11:07 AM

**To:** Bill Waller <[bwaller@cityoflacrescent-mn.gov](mailto:bwaller@cityoflacrescent-mn.gov)>; Skip Wieser <[swieser@wieserlaw.com](mailto:swieser@wieserlaw.com)>; Ahlschlager, Luke M. <[lahlschlager@cityoflacrescent-mn.gov](mailto:lahlschlager@cityoflacrescent-mn.gov)>

**Subject:** RE: Letter/Memo - Agenda Request - Chicken Ordinance

Glad to hear we are looking at updating this ordinance! I just received a complaint the other day on a rooster.

One thought on item d. we have many 50 feet wide lots within the original part of town. Requiring a 25 feet side and rear setback would eliminate the possibility of some residents having chickens. Not sure if that is by design, a 15 feet setback could be an option if we wanted. Whatever you decide I am fine with.

Thank you,

**Shawn Wetterlin**

*Building Official*

315 Main Street

La Crescent, MN 55947

Office (507) 895-4409



Growing from River to Ridge





# CITY OF LA CRESCENT

Department of Police  
Chief Luke M. Ahlschlager



March 17, 2023

Honorable Mayor and City Council Members

City Administrator Bill Waller

**RE: Proposal of ordinance regulating the limited keeping of Chickens - City of La Crescent**

This last year the La Crescent Police Department had an influx of complaints with residents possessing/raising chickens. The complaints ranged from the number of chickens being possessed/raised, waste produced by the chickens, odor(s) from the chickens and noise complaints (rooster). Officers did their best addressing each complaint but learned the ordinance(s) the city currently has on the books were outdated and did not address the number of key issues we were seeing, particularly when it came to the number of chickens a resident could possess/raise.

The police department began consulting with City Attorney Skip Wieser in regards to the issue and after legal review, a preliminary ordinance was drafted. See attachment.

The ordinance addresses many of the key issues, particularly with the number of hen chickens one can possess and not allowing possession of roosters (noise complaints).

While I understand the need for local food production and self-sustainability, I do believe there needs to be certain restrictions with this activity. The city requires a better-defined set of regulations so the police department will be able to resolve complaints more effectively and impartially when it comes to possessing and raising chickens within the city limits.

Thank you for considering adopting a new and better-defined chicken ordinance.

Sincerely,

Chief Luke M. Ahlschlager



## **ORDINANCE NO. XXX**

### **AN ORDINANCE OF THE CITY OF LA CRESCENT REGULATING THE LIMITED KEEPING OF CHICKENS IN THE CITY OF LA CRESCENT, MINNESOTA**

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

#### **SECTION I - PURPOSE.**

The La Crescent City Council finds it necessary to regulate the limited keeping of chickens within the City of La Crescent to protect the public health, safety, and welfare.

#### **SECTION II – LIMITED KEEPING OF CHICKENS.**

- A. The limited keeping of chickens may be permitted as an accessory use to a legally established single-family residence subject to the following:
1. The property shall be occupied with a single-family home. The owner of the chickens shall live in the dwelling on the property.
  2. No person shall keep more than five (5) total hen chickens.
  3. No person shall keep roosters or adult male chickens.
  4. Chickens shall be kept within a separate enclosed accessory building and fenced outdoor containment area subject to the following:
    - a. The accessory building shall be less than 120 square feet in size and not exceed six feet in height.
    - b. The accessory building shall comply with all setbacks and other standards for accessory buildings, unless otherwise stated herein.
    - c. Any outdoor containment areas shall be screened from view from all neighboring properties and rights-of-way. Outdoor containment areas shall not exceed 20 feet per bird and shall not have a fenced enclosure greater than six feet in height.
    - d. Any accessory building or containment area shall be located in the rear yard only and shall be at least 25 feet from any side or rear property lines.
    - e. Fencing used to contain chickens shall comply with applicable conditions of the City Code.
    - f. Chickens shall not be kept within the dwelling unit or garage.
    - g. The accessory building and/or containment area shall be maintained in good repair, in a clean and sanitary manner, free of vermin, and free of objectionable odors.
    - h. Chickens shall remain in the accessory building and/or containment area at all times and shall not run at large.
    - i. Chickens shall remain in the accessory building from sunset to sunrise each day to prevent nuisance noise and the attraction of vermin and predators.
    - j. Accessory buildings for the purpose of this ordinance shall not count towards the number of accessory building permitted or the size limitations as stated in § XXX.XX (will need to insert City Code).
    - k. The slaughter of chickens on site is prohibited.

- l. The raising of chickens for breeding purposes is prohibited.
- m. The sale of eggs or other commercial activity on the premises is prohibited.
- n. Feces and discarded feed shall be regularly collected and only stored temporarily on site in a leak-proof container with a tight-fitting cover to prevent nuisance odors and the attraction of vermin. Such waste shall not be composted on site.
- o. Chicken feed shall be stored in leak-proof containers with a tight-fitting cover to prevent attracting vermin.

B. The keeping of farm animals other than chickens or in greater numbers than permitted by division A. above shall comply with all other requirements of the City Code.

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

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

PASSED AND ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

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

TO: Planning Commission Members

FROM: Jason Ludwigson, Sustainability Coordinator

DATE: March 30<sup>th</sup>, 2023

RE: Walnut Street Corridor Planning

The Economic Development commission, representatives from MSA Professional Services, and staff will be discussing the Walnut Street Corridor Planning project April 5<sup>th</sup>. Information about the planning project timeline for April 5th is included.



*City of La Crescent*  
*Economic Development Commission*  
*Meeting Notice*



April 5, 2023 – 9:00 a.m.  
City of La Crescent – City Hall  
Council Chambers  
315 Main Street

**Regular Meeting Agenda**  
**Walnut Street Corridor Planning Agenda**

1. Call To Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Agenda
5. Approval of March 6, 2023 Meeting Minutes
6. Walnut Street Corridor Planning Project (EDC Project Committee) - Kickoff
  - a. Overview of the Planning Project (Larry Kirch, Brad Vowels-Katter, MSA Professional Services)
  - b. Walk the corridor – 9:30 – 11:00 a.m.
  - c. Wrap-up and next steps – 11:00 – 11:30 a.m.

**NOTE:** The Regular EDC Meeting will continue when the Walnut Street Corridor planning portion of the meeting is concluded.

7. Review Updated Project List/Workplan
8. Discussion Items
  - a. Member Reports
  - b. Other Items
9. May Meeting Date/Time
10. Adjourn

cc: Honorable Mayor, City Council Members, City Attorney, City Administrator

**CITY OF LA CRESCENT**  
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