

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
APRIL 10, 2017

Pursuant to due call and notice thereof, the first meeting of the City Council of the City of La Crescent for the month of April was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Monday, April 10, 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, Ryan Hutchinson, Brian Krenz, Dale Williams and Mayor Mike Poellinger. Members absent: None. 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, including additional bills, for this regular meeting:

- 1.1 MINUTES – MARCH 27, 2017
- 1.2 BILLS PAYABLE THROUGH APRIL 6, 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 Krenz, 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 – TRANSPORTATION ALTERNATIVE PROGRAM GRANT

City Engineer Hruska reviewed with City Council the authorized submittal of a \$1,000,000 transportation alternatives grant application to the Minnesota Department of Transportation for a portion of the costs associated with designing and constructing a bike/pedestrian bridge over US Highway 61. The total project cost is estimated to be \$2,700,000. City Council also reviewed a letter from the Minnesota Department of Transportation which awards the City a \$1,000,000 transportation alternatives program grant for the project.

The project is scheduled for completion in 2021. A preliminary bridge plan, along with a map that shows the phases of the wagon wheel improvement project were reviewed. This item was informational and no action was taken.

ITEM 3.2 – COUNTY ROAD #6 ENGINEERING REPORT

City Engineer Hruska reviewed with City Council an update to the County Road #6 planning report, along with the summary of the project that was presented at a previous meeting. Also reviewed was the water pumping and storage capabilities of the City's water system. Following an extended discussion, it was the consensus of City Council to have the City Engineer prepare engineering proposals for Phase I and Phase II and to draft a letter to home owners. City Council was also informed that this past week the City was contacted by the representative of the race track property to inquire whether he should lease the property and allow for a crop to be planted in 2017. He was told to lease the property. In the course of the discussion, he lowered the purchase price from \$780,000 to \$680,000. No discussion followed.

ITEM 3.3 – SUNDAY LIQUOR SALES

City Attorney Wieser reviewed with City Council that on March 6, 2017, Governor Dayton signed into law legislation permitting Off-Sale liquor sales on Sundays between the hours of 11:00 a.m. and 6:00 p.m. as of July 1, 2017. In 2012, the City Council adopted Ordinance No. 478 regulating the possession, sale and consumption of intoxicating liquor within the City limits. The Ordinance, as currently adopted, prohibits the sale of Off-Sale liquor on Sundays as stated in Section 19 of the Ordinance. Based on the change in legislation, this prohibition will become invalid on July 1, 2017. In order to be consistent with State Statute, it was recommended that Section 19(B)(1) be deleted in its entirety and amended to read as follows:

SECTION 19: HOURS AND DAYS OF SALE.

(B) Off-Sale. The sale of off-sale liquor is prohibited at the following times:

(1) On Sundays, except between the hours of 11:00 a.m. and 6:00 p.m.

Nothing in the new legislation requires a liquor store to be open on Sunday. Following further discussion, Member Hutchinson introduced the following Ordinance, and moved its passage and adoption:

ORDINANCE NO. 512

AN ORDINANCE OF THE CITY OF LA CRESCENT AMENDING ORDINANCE NO. 478 REGULATING THE POSSESSION, SALE AND CONSUMPTION OF INTOXICATING AND 3.2 PERCENT MALT LIQUOR WITHIN THE CITY OF LA CRESCENT, MINNESOTA

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

SECTION I. That Section 19(B)(1) of Ordinance No. 478 adopted on November 26, 2012 be deleted in its entirety and amended to read as follows:

SECTION 19: HOURS AND DAYS OF SALE.

(B) Off-Sale. The sale of off-sale liquor is prohibited at the following times:

(1) On Sundays, except between the hours of 11:00 a.m. and 6:00 p.m.

SECTION II. These provisions shall become effective from and after July 1, 2017 and publication, according to law.

PASSED AND ADOPTED by the City Council of the City of La Crescent, Minnesota, this 10th day of April, 2017.

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

MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 512 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
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 3.4 – POWER PURCHASE/FACILITY LEASE/ACCESS AGREEMENT – SOLAR PROJECT AT COMMUNITY BUILDING

City Attorney Wieser reviewed with City Council a supplement to the Lease and Power Purchase Agreement (PPA) for the solar project located at the Fire Station provided at the March 27, 2017 City Council Meeting. The addendum items reviewed were as follows:

1. That B&T Technical Services, LLC will be solely responsible for any real or personal property taxes imposed on the real property located at 336 S. 1st Street in the City of La Crescent.
2. That the guaranteed energy savings rate will remain at 20%.
3. That to the extent possible, the fair market value of the system in Year 10 will remain estimated at \$23,880.15.
4. The minimum guaranteed savings will be in compliance with Minnesota State Statute.

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

MOTION TO APPROVE THE ADDENDUM ITEMS TO THE LEASE AND POWER PURCHASE AGREEMENT (PPA) FOR THE SOLAR PROJECT LOCATED AT THE FIRE STATION AS STATED ABOVE.

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 – PUBLIC COMMENT AT MEETINGS

City Attorney Wieser reviewed with City Council public input at regularly scheduled meetings. Council reviewed the Agenda Request Form which requests that individuals wishing to address the Council submit the form by the Wednesday preceding the Council meeting. It was recommended to City Council to amend this procedure to permit a form to be submitted to the City Administrator by 5:15 p.m. on the date of the Council meeting. If a member of the public wishes to address the Council on a specific item, the City Administrator will notify the presiding officer of that during or before the meeting. If the Agenda Request Form is related to an item not on the current agenda, it will be placed on a subsequent meeting agenda. The City will continue to request that if individuals wish to circulate information to the Council that it be done in advance of the meeting and would be circulated with the Council packet. Following discussion, Member Buehler made a motion, seconded by Member Williams, as follows:

MOTION TO AMEND THE PROCEDURE FOR PUBLIC INPUT AT REGULARLY SCHEDULED CITY COUNCIL MEETINGS AS RECOMMENDED ABOVE.

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 3.6 – LIABILITY COVERAGE WAIVER

City Administrator Waller gave an overview to City Council regarding renewing its general liability insurance coverage with the League of Minnesota Cities Insurance Trust and adopting a liability coverage waiver form. The City’s insurance agent recommended the City Council not waive the monetary limits as it has done in the past. Following discussion, Member Williams made a motion, seconded by Member Buehler, as follows:

MOTION TO ADOPT THE LIABILITY COVERAGE WAIVER FORM NOT WAIVING THE MONETARY LIMITS FOR THE CITY OF LA CRESCENT’S 2017 GENERAL LIABILITY INSURANCE COVERAGE WITH THE LEAGUE OF MINNESOTA CITIES INSURANCE TRUST.

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.

ITEM 3.7 – ARBOR DAY PROCLAMATION

The City's green team has been working to complete the requirements to be designated as a Tree City USA. One of the requirements is that the City holds an Arbor Day event. As part of the process, it was recommended to City Council to adopt a proclamation. City Council reviewed the recommended proclamation. On April 28, the City maintenance department, along with volunteers from the Lions Club, will be planting trees at Frank J. Kistler Memorial Park and Valley South Park. The trees will replace diseased ash trees that have been removed from the parks. On April 29, there will be a community event held at the community building and Vetsch Park. Following discussion, Member Buehler made a motion, seconded by Member Hutchinson, as follows:

MOTION TO ADOPT THE ARBOR DAY PROCLAMATION REVIEWED PROCLAIMING APRIL 28 AND APRIL 29, 2017 AS ARBOR DAY IN THE CITY OF LA CRESCENT.

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 – LIQUOR LICENSE APPLICATION

City Council reviewed a liquor license application for Living for Liz which will be held on Saturday, August 12, 2017 at Veterans Park. The application appears to be order and it was recommended to Council for approval and authorize that it be forwarded to the Minnesota Department of Public Safety. Following discussion, Member Williams made a motion, seconded by Member Krenz, as follows:

MOTION TO APPROVE A LIQUOR LICENSE FOR LIVING FOR LIZ TO BE HELD AT VETERANS PARK ON AUGUST 12, 2017 AND 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 3.9 – PARK & RECREATION COMMISSION MINUTES – 3/21/17

City Council reviewed the Minutes from the March 21, 2017 Park & Recreation Commission meeting. Included as information for the City Council are the alternatives that have been developed regarding the proposed hotel/event center project adjacent to Veterans Park, and options regarding a reconfigured park property with a portion of the parking for the project on City property. The Park and Recreation Commission is recommending alternative three, and is working with MSA to prepare a revised conceptual plan that incorporates a few more recreational offerings into the park plan. This was informational and no action was taken.

City Council also reviewed a recommendation from the Park & Recreation Commission to accept a proposal from Flagship Recreation in the amount of \$10,221.70 for a new swing set and slide that would replace the existing playground equipment at John S. Harris Park. City Council reviewed examples of the equipment that is proposed to be purchased. The equipment would be purchased through the Minnesota State Contract, and would be installed by City maintenance staff and volunteers. In order to proceed, City Council would need to accept the proposal, and adopt a reimbursement resolution so that the cost of the equipment can be included in the 2017 capital equipment certificate. Following discussion, Member Williams made a motion, seconded by Member Buehler, as follows:

MOTION TO APPROVE THE PURCHASE OF A NEW SWING SET AND SLIDE THAT WOULD REPLACE THE EXISTING PLAYGROUND EQUIPMENT AT JOHN S. HARRIS PARK FROM FLAGSHIP RECREATION IN THE AMOUNT OF \$10,221.70.

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.

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

RESOLUTION NO. 04-17-07

A RESOLUTION FOR REIMBURSEMENT FROM 2017 CAPITAL EQUIPMENT CERTIFICATES

WHEREAS, the City of La Crescent authorized the purchase of a new swing set and slide that would replace the existing playground equipment at John S. Harris Park from Flagship Recreation in the amount of \$10,221.70.

WHEREAS, the City of La Crescent previously adopted capital equipment certificates for capital expenditures.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of La Crescent hereby approves to reimburse the City's general fund from said capital equipment certificates for the purchase of a new swing set and slide that would replace the existing playground equipment at John S. Harris Park from Flagship Recreation in the amount of \$10,221.70.

ADOPTED this 10th day of April, 2017.

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
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 9 – CHAMBER OF COMMERCE

The La Crescent Chamber did not have an update.

ITEM 10 – ITEMS FOR NEXT AGENDA

There will be a Special Meeting of the Planning Commission on April 18, 2017, to review items relating to Shore Acres.

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 6:50 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator