

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
APRIL 11, 2016

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, March 28, 2016, 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 – MARCH 28, 2016
- 1.2 BILLS PAYABLE THROUGH APRIL 7, 2016

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.

BOARD OF APPEAL AND EQUALIZATION

At 5:30 PM the City Council convened the annual Board of Appeal and Equalization meeting. Representatives from both Houston County and Winona County Assessor's office were present. Carl Ask of the Houston County Assessor's office reviewed the sales study. Perry Knopick was present from Winona County. Mayor Poellinger then opened the meeting to the public. Cheryl Jostad and Stan Johnson addressed the City Council. The Board of Appeal and Equalization meeting ended at 5:48 PM. No action taken.

ITEM 3.1 – ACCESS EASEMENT

City Attorney Wieser reviewed with City Council a proposed Easement Agreement between the City of La Crescent and Todd and Sandra Graves. Mr. and Mrs. Graves own real property located at 1200 North 1st Street, La Crescent. The Graves property was constructed in late 2004. At that time, the Graves property and the proposed easement area was located within the Town of La Crescent. Since that time, the property, where the driveway is located, has changed ownership on two (2) occasions before the City acquired the “Stoney Point” property in October 2014. The city was aware of the driveway prior to the City purchasing the City property. The Graves are requesting a twenty (20) foot wide easement. An aerial photograph illustrating the same was reviewed. The Graves would be solely responsible for all costs associated with the easement. The easement would be nonexclusive in nature. The Graves would not be permitted to pave or otherwise utilize an impervious surface area without the consent of the City. Following discussion, it was the consensus of City Council to delay a decision until completion of the Master Plan for Stoney Point property. No action taken.

ITEM 3.2 – PERSONNEL COMMITTEE RECOMMENDATIONS

City Administrator Waller gave an overview to City Council regarding the recommendation that the City Council grant firefighter Joe Thesing a waiver to the response time requirements of the La Crescent Fire Departments Rules and Regulations. City Council reviewed a letter from Fire Chief Paulson and the section from the Rules and Regulations regarding the response time requirements. The following findings were considered:

1. Joe Thesing has served as a firefighter since 1992, during which time his attendance and participation has exceeded the minimum requirements of the position.
2. Joe Thesing is trained to the EMT certification level, which exceeds the minimum requirements of the position.
3. Joe Thesing is available to respond to weekday emergency calls between the hours of 8:00 a.m. and 5:00 p.m.
4. That by granting the waiver, no undue hardship or hazard will result to the citizens of the La Crescent community.

In granting the waiver to the response time requirements, it was recommended that City Council adopt the following condition: that the Fire Chief would review the waiver at the end of each calendar year, and present a recommendation to the City Council as to whether the waiver should be extended or discontinued. It was also recommended that members of the City Council that are members of the Fire Department abstain from voting. Following discussion, Member Buehler made a motion, seconded by Member Williams, as follows:

MOTION TO APPROVE A WAIVER TO THE RESPONSE TIME REQUIREMENTS OF THE LA CRESCENT FIRE DEPARTMENTS RULES AND REGULATIONS TO LA CRESCENT FIREFIGHTER JOE THESING WITH THE ABOVE FINDINGS AND THE CONDITION.

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

Bernie Buehler	Yes
Brian Krenz	Yes
Dale Williams	Yes

and none voted against the same and Member Ryan Hutchinson and Mayor Mike Poellinger abstaining. The motion was declared duly carried.

ITEM 3.3 – ORDINANCE REVISIONS

City Attorney Wieser reviewed with City Council a memo from La Crescent Police Chief Doug Stavenau regarding the repeal of City Ordinance No. 130.23 – Application for Permit to Carry Firearms and No. 130.24 – Application for Permit to Carry Firearms Fees. These Ordinances are no longer applicable due to Minnesota State Statute § 624.714. Per Minnesota law, the authority to grant Permits to Carry Firearms is solely given to County Sheriff’s Offices throughout the State of Minnesota and no longer can be issued by municipal police departments. City Council reviewed Ordinance No. 503 Repealing Ordinance No. 287 Regulating Firearms. Following discussion, Member Williams introduced the following Ordinance and moved its passage and adoption:

ORDINANCE NO. 503

**AN ORDINANCE OF THE CITY OF LA CRESCENT REPEALING
ORDINANCE NO. 287 REGULATING FIREARMS USE**

WHEREAS, the La Crescent City Council received a correspondence dated April 5, 2016 from La Crescent Police Chief Stavenau regarding conflicts between Minnesota State Statutes and various City Ordinances and Codes:

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

SECTION I. That Ordinance No. 287, and any Ordinance or codification of an Ordinance inconsistent with MN State Statute § 624.714, as amended, are hereby repealed.

SECTION II. This provision shall become effective from and after due passage and enactment and publication, according to law.

Passed and enacted this 11th day of April, 2016.

SIGNED:

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 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.

ITEM 3.4 – BIKE SHOPPE LEASE AGREEMENT

City Council reviewed a lease agreement between the City of La Crescent and La Crescent Area Healthy Community Partnership which will allow the bike shoppe to be located in a portion of the community ice arena facility. It was recommended to City Council to approve the agreement as proposed. Following discussion, Member Hutchinson made a motion, seconded by Member Buehler, as follows:

MOTION TO APPROVE THE LEASE AGREEMENT BETWEEN THE CITY OF LA CRESCENT AND LA CRESCENT AREA HEALTHY COMMUNITY PARTNERSHIP WHICH WILL ALLOW THE BIKE SHOPPE TO BE LOCATED IN A PORTION OF THE LA CRESCENT COMMUNITY ICE ARENA FACILITY.

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 Administrator Waller informed City Council that the ribbon cutting for the bike shoppe would be on May 26, 2016 at 4:30 PM.

ITEM 3.5 – CALL FOR SPECIAL CITY COUNCIL /PLANNING COMMISSION MEETING

City Administrator Waller reviewed with City Council the provision in the conditional use permit application for the SpringBrook Village project that prior to the issuance of a building permit all plans related to the project would be reviewed at a joint meeting between the City Council and the Planning Commission. It was recommended that City Council call for a special City Council/Planning Commission meeting at 5:30 PM on Wednesday, May 4, 2016, at the La Crescent City Hall, for the purpose of reviewing the plans for the SpringBrook Village improvement project. Following discussion, Member Buehler made a motion, seconded by Member Hutchinson, as follows:

MOTION TO CALL FOR A SPECIAL CITY COUNCIL/PLANNING COMMISSION MEETING ON MAY 4, 2016, AT 5:30 PM AT THE LA CRESCENT CITY HALL, FOR THE PURPOSE OF REVIEWING THE PLANS FOR THE SPRINGBROOK VILLAGE IMPROVEMENT PROJECT.

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 – AUTHORIZE BUILDING IMPROVEMENT

City Administrator Waller gave an overview to City Council regarding the need for the replacement of the two rear doors at the library. It was recommended that City Council authorize the replacement of one of the doors, and that the cost for the replacement of the other door be added to the proposed 2017 budget. It was also recommended to City Council to accept a proposal from Glass Service Center Inc. in the amount of \$2,855.47, and amend the 2016 general fund budget to reflect this expenditure. Following discussion, Member Williams made a motion, seconded by Member Buehler, as follows:

MOTION TO AUTHORIZE THE REPLACEMENT OF ONE OF THE REAR LIBRARY DOORS, AND THAT THE COST FOR THE REPLACEMENT OF THE OTHER REAR DOOR BE ADDED TO THE PROPOSED 2017 BUDGET AND TO ACCEPT A PROPOSAL FROM GLASS SERVICE CENTER INC. IN THE AMOUNT OF \$2,855.47, AND AMEND THE 2016 GENERAL FUND BUDGET TO REFLECT 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
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 – MnDOT DETOUR

City Administrator Waller reviewed with City Council an email from Ames Construction regarding the detour plan for the temporary weekend shutdown of NB/SB 61 within the Dresbach Project for the I-90 bridges. The closure is expected to occur the weekend of April 29 – May 2. There will be the need for additional emergency services meetings prior to the proposed closing to coordinate the provision of services while the highway is closed. This was informational and no action taken.

ITEM 3.8 – ROTARY BIKE RIDE

Council reviewed a memo from Police Chief Stavenau for a request from the La Crescent Rotary Club for their annual Apple Blossom Bike Tour on August 13, 2016. The event will start at the La Crescent American Legion and the group plans to travel through the City of La Crescent continuing to ride on rural Houston County Highways. They are requesting permission for the La Crescent Police Department to lead and assist with traffic control while the riders pass through town. Disruption to traffic flow is anticipated to be minimal. Following discussion, Member Hutchinson made a motion, seconded by Member Krenz, as follows:

MOTION TO APPROVE THE LA CRESCENT POLICE DEPARTMENT TO LEAD AND ASSIST WITH TRAFFIC CONTROL WHILE BIKE RIDERS PASS THROUGH THE CITY OF LA CRESCENT FOR THE LA CRESCENT ROTARY CLUB’S APPLE BLOSSOM BIKE TOUR ON AUGUST 13, 2016.

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 – COMPREHENSIVE PLAN REVIEW/UPDATE

Planning Commission Chair Donald Smith gave an extended overview to City Council regarding the update to the City’s Comprehensive Plan. This was presented to receive input and answer questions as the planning process proceeds to the draft review and editing phases of the project. No action taken.

ITEM 5.1 – MAYOR’S COMMENTS – RECIPROCITY RESOLUTION

City Administrator Waller reviewed with City Council a Resolution supporting reinstatement of tax reciprocity for Minnesota and Wisconsin. Following discussion, Member Buehler introduced the following resolution and moved its passage and adoption:

CITY OF LA CRESCENT RESOLUTION NO. 04-16-07

RESOLUTION SUPPORTING REINSTATEMENT OF TAX RECIPROCITY FOR MINNESOTA AND WISCONSIN

WHEREAS, cities in the eight county region of the Southeastern Minnesota League of Municipalities include communities in counties of Houston, Winona, Wabasha, and Goodhue, with many residents in those counties and other nearby counties employed in Wisconsin.

WHEREAS, these Minnesota residents bear an unnecessary burden of duplicate tax filings for both states.

WHEREAS, a reasonable solution was used for decades in the past to relieve the tax filing burden for these citizens, and tax reciprocity between Minnesota and Wisconsin has been proven to work successfully in the past.

WHEREAS, the Southeastern Minnesota League of Municipalities membership voted on January 27, 2016 to support a legislative policy for 2016 asking Minnesota to reinstate tax reciprocity between Minnesota and Wisconsin.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LA CRESCENT, MINNESOTA, AS FOLLOWS:

The City of La Crescent supports the reinstatement of tax reciprocity between Minnesota and Wisconsin for the benefit of the residents of southeastern Minnesota.

Adopted by the City Council of the City of La Crescent on April 11, 2016.

Approved:

Mayor

Attested:

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 6.1 – STAFF CORRESPONDENCES/COMMITTEE UPDATES – GREENSTEP CITIES PRESS RELEASE

City Council reviewed a Press Release from Minnesota GreenStep Cities dated April 5, 2015 entitled “La Crescent Moves Forward with Environmental Sustainability Efforts.” No action taken.

ITEM 6.2 – STAFF CORRESPONDENCES/COMMITTEE UPDATES – DEVELOPMENT COMMISSION MINUTES – MARCH 14, 2016

City Council reviewed the Minutes from the March 14, 2016 La Crescent Economic Development Commission Meeting. No action taken.

ITEM 8 – CHAMBER OF COMMERCE

The La Crescent Chamber of Commerce did not have an update.

There being no further business to come before the Council at this time, Member Hutchinson made a motion, seconded by Member Krenz, 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 6:12 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator