

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
MAY 28, 2013

Pursuant to due call and notice thereof, the second meeting of the City Council of the City of La Crescent for the month of May was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Tuesday, May 28, 2013, 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, John Graf, Greg Husmann, 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. The following additions were requested: Update on Tennis Court, Item #3.6 on agenda; Street Repair, Item #3.7 on agenda; and Donation from American Legion, Item #3.8 on agenda. Member Husmann made a motion, seconded by Member Buehler, as follows:

A MOTION TO APPROVE AFOREMENTIONED CHANGE TO THE PRINTED AGENDA

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

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 1 – CONSENT AGENDA

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

- 1.1 MINUTES – MAY 13, 2013
- 1.2 BILLS PAYABLE THROUGH MAY 23, 2013
- 1.3 CASH BALANCE/ACTIVITY REPORT – APRIL, 2013
- 1.4 LIBRARY REPORT – APRIL 2013

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 Husmann made a motion, seconded by Member Buehler, 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
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.1 – PLANNING COMMISSION MINUTES – MAY 7, 2013

Council reviewed the Minutes of the May 7, 2013 Planning Commission meeting. No action taken.

ITEM 3.2 – SOLID WASTE ORDINANCE AMENDMENTS

Attorney Wieser reviewed with Council the proposed changes to the Solid Waste Ordinance. The proposed changes include:

Section 1.7, Section C, shall be amended as follows:

C. *Standards.* Each Residential container shall be watertight, shall be impervious to insects and rodents, and shall not exceed 96 gallons in capacity. Residential mixed municipal solid waste bags shall not exceed 33 gallons in capacity. Dumpsters, front-load and rear-load containers are not permitted at Residential Properties as defined by this Ordinance. Special use containers ~~(1.5 to 6 yards in size)~~ for short term cleanup events, such as relocations (moving), and disaster cleanups are allowed for a maximum of two (2) weeks. Any commercial or business establishment having a Solid Waste volume exceeding two cubic yards per week shall provide bulk or box-type Solid Waste storage containers. Containers shall be maintained in good and sanitary condition. Any container not conforming to the requirements of this Article or having ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents shall be promptly replaced after notice by the City.

Section 2.1, Section “Authorization” shall be amended as follows:

Authorization. The City shall provide Mixed Municipal Solid Waste Bag Collection and Recycling Services for Residential Property by contracting with one hauler to provide such Services in the City. ~~No person shall permit Mixed Municipal Solid Waste or Recyclable Materials to be picked up from his or her Residential premises except by a licensed Hauler.~~

Section 2.2, Section B, shall be amended as follows:

B. Properties that contain a four-plex can utilize containers exceeding 96 gallons in size, dumpsters, front-load and rear-load containers, provided the location of said containers complies with all applicable state fire codes and is properly shielded from view, ~~and does not exceed two (2) cubic yards in size.~~

Following discussion, Member Buehler made a motion, seconded by Member Graf, as follows:

MOTION TO APPROVE THE AMENDMENTS TO ORDINANCE NO. 481- SOLID WASTE ORDINANCE 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
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

Based on the above Motion to amend Ordinance No. 481, Member Buehler introduced the following Ordinance, and moved its passage and adoption:

ORDINANCE NO. 482

AN ORDINANCE AMENDING ORDINANCE NO. 481 ADOPTED ON MAY 13, 2013, AND TITLED “AN ORDINANCE PROVIDING FOR THE ORDERLY AND EFFICIENT COLLECTION AND MANAGEMENT OF SOLID WASTE WITHIN THE CITY OF LA CRESCENT

The City Council of La Crescent ordains as follows:

SECTION I: Section 1.7(C), Section 2.1 and Section 2.2(B) of Ordinance No. 481 adopted on May 13, 2013, and titled “An ordinance providing for the orderly and efficient collection and management of solid waste within the City of La Crescent” are amended to read as follows:

Section 1.7 (C)

C. *Standards.* Each Residential container shall be watertight, shall be impervious to insects and rodents, and shall not exceed 96 gallons in capacity. Residential mixed municipal solid waste bags shall not exceed 33 gallons in capacity. Dumpsters, front-load and rear-load containers are not permitted at Residential Properties as defined by this Ordinance. Special use containers for short term cleanup events, such as relocations (moving), and disaster cleanups are allowed for a maximum of two (2) weeks. Any commercial or business establishment having a Solid Waste volume exceeding two cubic yards per week shall provide bulk or box-type Solid Waste storage containers. Containers shall be maintained in good and sanitary condition. Any container not conforming to the requirements of this Article or having ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents shall be promptly replaced after notice by the City.

Section 2.1 (“Authorization”)

Authorization. The City shall provide Mixed Municipal Solid Waste Bag Collection and Recycling Services for Residential Property by contracting with one hauler to provide such Services in the City.

Section 2.2(B)

B. Properties that contain a four-plex can utilize containers exceeding 96 gallons in size, dumpsters, front-load and rear-load containers, provided the location of said containers complies with all applicable state fire codes and is properly shielded from view, and does not exceed two (2) cubic yards in size.

SECTION II: This Ordinance No. 482 becomes effective on January 1, 2014.

Passed by the City Council of La Crescent on May 28, 2013.

SIGNED:

Mayor

ATTEST:

City Administrator

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

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The ordinance was declared duly passed and adopted.

ITEM 3.3 – 2013 LOCAL STREET IMPROVEMENT BID RESULTS

City Administrator Waller gave an overview of the bids for the 2013 local street improvement project. The 2013 general fund budget includes approximately \$140,000 for this project which includes Juniper, Poplar and Willow Streets, between South 12th and South 14th Street; and South 12th Street, between Lancer Boulevard and Skunk Hollow Road. This project will coincide with the 14th Street project. The City received a bid from Mathy Construction for \$168,064.93. It was recommended that the 2013 General Fund budget be amended to reflect the additional cost. Following discussion, Member Graf a motion, seconded by Member Husmann as follows:

MOTION TO APPROVE THE BID OF \$168,064.93 FROM MATHY CONSTRUCTION FOR THE 2013 LOCAL STREET IMPROVEMENT PROJECT AND TO AMEND THE 2013 GENERAL FUND BUDGET TO REFLECT THE ADDITIONAL COST.

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

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.4 – CITY COMMUNICATION POLICY

City Attorney Wieser reviewed with Council the City of La Crescent Communications Policy which was adopted on March 24, 2003, and updated on January 29, 2009. It was recommended to update the Communications Policy to include language regarding social media, cellular technology, internet/e-mail, and increase the monthly per diem for cellular phone allowance to \$50.00 per month for eligible Department Head/Supervisors. City Attorney gave the Council the opportunity to defer action until the next Council meeting. Following discussion, Member Buehler a motion, seconded by Member Williams as follows:

MOTION TO APPROVE THE UPDATES TO THE CITY OF LA CRESCENT COMMUNICATIONS POLICY AS PRESENTED WHICH INCLUDES LANGUAGE REGARDING SOCIAL MEDIA, CELLULAR TECHNOLOGY, INTERNET/E-MAIL USE AND ALSO INCREASE THE MONTHLY PER DIEM FOR CELLULAR PHONE ALLOWANCE TO \$50.00 PER MONTH FOR ELIGIBLE DEPARTMENT HEAD/SUPERVISORS.

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

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.5 – AUTHORIZE CAPITAL EQUIPMENT EXPENDITURE

City Administrator gave an overview regarding the use of a trailer for mowers for the purpose of moving them around within the community. The 2008 capital equipment certificate included funds for a maintenance department trailer which to date a trailer has not been purchased. It was recommended to Council to authorize the purchase of a 7' x 12' trailer, at a cost of \$1,645.00. After an extended discussion, this issue will be included on the next meeting agenda. Council will be provided a picture of the existing trailer with recoil for this meeting. No action taken.

ITEM 3.6 – UPDATE ON TENNIS COURTS

An update on where the City is at regarding the tennis courts was requested to be added to the meeting agenda. City Administrator Waller informed Council that they are waiting for the Grant Application and he will report back on status. A time frame for improvements will be included on the next meeting agenda. No action taken.

ITEM 3.7 – STREET REPAIRS

Concerns regarding street repairs on various City streets was requested to be added to the meeting agenda. Various Members expressed concerns over the condition of Oak Street, Redwood Street, Larch Street and South 10th Street and the need for repairs. No action taken.

ITEM 3-8 – DONATION FROM AMERICAN LEGION

The City received a \$500.00 donation from the American Legion for the Apple Annies. It is recommended that City accept the donation and authorize the funds be transferred to the Apple Annies. Following discussion, Member Buehler introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 05-13-12

RESOLUTION ACCEPTING DONATION FROM THE AMERICAN LEGION IN THE AMOUNT OF \$500.00 TO BE TRANSFERRED TO THE APPLE ANNIES

WHEREAS, the American Legion wishes to donate \$500.00 to the City for the Apple Annies.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of La Crescent hereby approves the donation from the American Legion in the amount of \$500.00 to be transferred to the Apple Annies.

ADOPTED this 28th day of May, 2013.

SIGNED:

Mayor

ATTEST:

City Administrator

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

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	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 7.1 – CORRESPONDENCE – U.S. EPA – NATIONAL BROWNFIELDS PROGRAM

Council reviewed correspondence from the Environmental Protection Agency’s National Brownfields Program informing the City that their proposal for the grant competition was not selected. No action taken.

ITEM 8.1 – CHAMBER OF COMMERCE

The Chamber of Commerce gave an overview regarding support of the Rotary Bike Run and the June 22, 2013 Slice of Life event.

There being no further business to come before the Council at this time, Member Buehler made a motion, seconded by Member Husmann, 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
John Graf	Yes
Greg Husmann	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 6:05 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator