

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
JUNE 27, 2016

Pursuant to due call and notice thereof, the second meeting of the City Council of the City of La Crescent for the month of June was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Monday, June 27, 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 – JUNE 13, 2016
- 1.2 BILLS PAYABLE THROUGH JUNE 23, 2016
- 1.3 CASH BALANCE/ACTIVITY REPORT – APRIL 2016
- 1.4 LIBRARY REPORT – APRIL 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 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 – ANNEXATION PETITION

City Attorney Wieser reviewed with City Council a Petition requesting annexation by property owners at 102 Kinder Road. Before the adoption of an Ordinance the City will need to hold a public hearing and provide 30 days written notice to La Crescent Township and contiguous property owners. It was recommended that the Petition be accepted and that a Public Hearing be scheduled for August 8, 2016 at 5:35 p.m. City Attorney

Wieser also discussed with City Council the process to take over Kinder Road and deeding back to the City. No action was taken on deed back to the City. Following discussion, Member Krenz made a motion, seconded by Member Hutchinson, as follows:

MOTION TO ACCEPT THE PETITION FOR ANNEXATION FROM THE PROPERTY OWNERS AT 102 KINDER ROAD AND CALL FOR A PUBLIC HEARING ON AUGUST 8, 2016 AT 5:35 PM AT CITY HALL.

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 3.2 – INITIATE ANNEXATION - “RACE TRACK”/KINDER ROAD/HICKORY LANE

City Attorney Wieser reviewed with City Council a Resolution and Notice of Intent to annex real property currently located in La Crescent Township on County 6 known as “Race Track” property, Kinder Road and Hickory Lane, and also including part of County Road 6. It was recommended that the Resolution be passed and the Notice of Intent be served on La Crescent Township. After 30 days, the Notice of Intent is filed with the Minnesota Municipal Boundary Adjustment Unit. Following discussion, Member Buehler introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 06-16-10

RESOLUTION FOR ANNEXATION PROCEEDINGS

WHEREAS, on June 13, 2016 the City Council for the City of La Crescent viewed a map regarding annexation of unincorporated areas outside of the City limits commonly known as “Race Track” property, along with properties on Hickory Lane and Kinder Road, in La Crescent, Minnesota;

WHEREAS, on June 13, 2016, the City Council for the City of La Crescent authorized the City Administrator, City Attorney and City Engineer to move forward and commence an annexation proceeding for these properties; and

WHEREAS, the City Council for the City of La Crescent finds that it is in the best interest of the City to move forward with said annexation.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of La Crescent hereby approves the following:

1. That the Petition for Annexing Unincorporated Property by Chief Administrative Law Judge’s Order in the Matter of the Petition of the City of La Crescent for Annexation of Unincorporated Abutting

Property to the City of La Crescent, Minnesota Pursuant to Minnesota Statutes § 414.031, attached hereto, is hereby approved by the City Council.

2. Upon the expiration of the 30 day Notice of Intent, the City Administrator and City Attorney are hereby authorized to file the Petition for Annexation with the Office of Administrative Hearings, Municipal Boundary Adjustment Unit and to do all other things ancillary thereto to continue the annexation process.

ADOPTED this 27th day of June, 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 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.

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

MOTION TO APPROVE THE NOTICE OF INTENT FOR ANNEXATION AND TO AUTHORIZE THE CITY ATTORNEY AND CITY ADMINISTRATOR TO TAKE NECESSARY ACTION TO SERVE NOTICE OF INTENT ON LA CRESCENT TOWNSHIP.

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 3.3 – PLANNING COMMISSION MINUTES – JUNE 14, 2016

Don Smith, Planning Commission Chairman, reviewed with City Council the Planning Commission Minutes for the June 14, 2016 meeting. The Planning Commission recommended two items that require consideration by City Council. First, the Planning Commission recommended the approval of an administrative subdivision for the parcel located at 703 Oak Terrace. The Planning Commission referenced the following conditions and findings of fact for City Council to consider:

Conditions:

1. The applicant is responsible for utility hook ups and relocating any utility easements.
2. The driveway entrance shall enter from South 7th Street on the Northwest corner of the newly created lot.
3. The applicant shall coordinate with the City Engineer to reshape the grade, remove shrubs and trees so it does not block the view of oncoming vehicles, at the northeast corner at the applicant's cost.
4. The applicant shall work with the power company for a well-defined electrical easement and that the property description be recorded.

Findings of Fact:

1. The Administrative Subdivision conforms to all requirements for lots within a R-1B Tradition Low Density District and the applicant had demonstrated by survey that they comply with the requirements to be granted the subdivision, to wit: "Divisions of land where the division is to permit the adding of a parcel of land to an abutting lot or the combination or recorded lots to from no more than two lots. Newly created lots shall conform to the design and performance standards of the La Crescent Subdivisions and Zoning Ordinance."
2. The request is in harmony with the general purposes and intent of the ordinance and consistent with the comprehensive plan.
3. The property owner proposes to use the property in a reasonable manner permitted by the Zoning Ordinance.
4. The lot split will not alter the essential character of the locality.
5. Comments from neighbors were considered.

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

MOTION TO APPROVE AN ADMINISTRATIVE SUBDIVISION FOR THE PARCEL LOCATED AT 703 OAK TERRACE WITH THE ABOVE STATED CONDITIONS AND TO ADOPT THE FINDINGS STATED ABOVE AND AS STATED IN THE JUNE 14, 2016 PLANNING COMMISSION MINUTES.

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.

Second, the Planning Commission recommended the approval of the preliminary plat for Apple Blossom Acres 3 with the conditions recommended by the City Engineer in correspondence dated June 1, 2016 and the City Attorney in correspondence dated June 14, 2016. Following discussion, Member Krenz made a motion, seconded by Member Hutchinson, as follows:

MOTION TO APPROVE THE PRELIMINARY PLAT FOR APPLE BLOSSOM ACRES 3 WITH THE CONDITIONS RECOMMENDED BY THE CITY ENGINEER IN CORRESPONDENCE DATED JUNE 1, 2016 AND THE CITY ATTORNEY IN CORRESPONDENCE DATED JUNE 14, 2016 AS STATED IN THE JUNE 14, 2016 PLANNING COMMISSION MINUTES.

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.

Don Smith, Planning Commission Chairman, also reviewed with City Council building permit time limits for completion of projects and developing and proposing language for this. No action taken.

ITEM 3.4 – ABNET FIELD LEASE EXTENSION

City Attorney Wieser reviewed with City Council a Lease Addendum between the La Crescent School District and the City of La Crescent. The addendum relates to the Ice Arena building on South 14th Street. The City owns the building but the School has fee title to the real estate. The original lease is set to expire in November 2024. The Lease Addendum provides for a ten (10) year extension until 2034 with an option to extend until 2044. It was noted that in Paragraph 3 that in the event the School requires any additional portions of the property owned by the School, that the City is agreeing in advance to release those premises from the Lease Agreement if the need is for “educational purposes only.” This would not have application to the portion containing the ice arena and adjoining parking lot. It was recommended to City Council to approve authorization for the City Administrator and City Attorney to finalize the Agreement and further authorize the Mayor and City Administrator to execute same. Following discussion, Member Hutchinson made a motion, seconded by Member Krenz, as follows:

MOTION TO APPROVE THE LEASE ADDENDUM BETWEEN THE LA CRESCENT SCHOOL DISTRICT AND THE CITY OF LA CRESCENT AS IT RELATES TO THE ICE ARENA BUILDING ON SOUTH 14TH STREET AND TO AUTHORIZE THE CITY ADMINISTRATOR AND CITY ATTORNEY TO FINALIZE THE AGREEMENT AND FURTHER AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE THE LEASE ADDENDUM.

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 – TOWNSHIP PARK TRANSFER

City Attorney Wieser reviewed with City Council a Resolution regarding the transfer of Crescent Valley Park from La Crescent Township. It was recommended that the Resolution be passed. City Attorney Wieser also gave an overview of an Ordinance and findings that would be considered in support of the Ordinance. Following discussion, Member Buehler introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 06-16-11

RESOLUTION ACCEPTING GIFT OF LAND FROM LA CRESCENT TOWNSHIP KNOWN AS PARK AREA IN CRESCENT VALLEY SUBDIVISION

WHEREAS, La Crescent Township, a Minnesota Township (hereinafter referred to as “Township”), was deeded, without restrictions, real property located in La Crescent Township described as follows:

THE WEST HALF OF LOT TWENTY-FIVE (25), BLOCK ONE (1), CRESCENT VALLEY SUBDIVISION IN THE TOWNSHIP OF LA CRESCENT, ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER IN AND FOR HOUSTON COUNTY.

WHEREAS, since on or about October 9, 1987, the Township has utilized the real property described above for Township purposes in the Crescent Valley Subdivision to the Town of La Crescent;

WHEREAS, many of the lots in the Crescent Valley Subdivision either have been or will be annexed to the City of La Crescent, a Minnesota Municipal Corporation (hereinafter referred to as “City”).

WHEREAS, the Township has determined that it is in the best interest of La Crescent Township that the real property described above be conveyed to the City.

NOW THEREFORE BE IT RESOLVED, that the Township hereby agrees as follows:

1. The Township shall deliver to the City a Warranty Deed as contained on the attached Exhibit A. Said conveyance is made without restrictions.
2. The City shall pay costs associated with recording said Warranty Deed with the Houston County Recorder and Houston County Treasurer.
3. The City hereby accepts the above conveyance.

FURTHER BE IT RESOLVED, that the City Council of the City of La Crescent hereby accepts the conveyance of said real property from the Town.

ADOPTED this 27th day of June, 2016.

SIGNED:

Mayor

ATTEST:

City Administrator

The foregoing motion was duly seconded by Member Williams 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 3.6 – PERSONNEL COMMITTEE RECOMMENDATION

City Administrator Waller reviewed with City Council a recommendation from the Personnel Committee that on July 1, 2016, Angie Boettcher will have completed her three month probationary period as a Bookkeeper. It was recommended that City Council approve the probationary status be removed on July 1, 2016. Following discussion, Member Buehler made a motion, seconded by Member Williams, as follows:

MOTION TO APPROVE THE PROBATIONARY STATUS BE REMOVED ON JULY 1, 2016 FOR ANGIE BOETTCHER AS BOOKKEEPER FOR 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 3.7 – ELECTION JUDGE RESOLUTION

City Council reviewed a resolution that appoints the election judges for the 2016 elections, including alternative judges. Following discussion, Member Williams introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 06-16-12

RESOLUTION APPOINTING ELECTION JUDGES FOR 2016 ELECTIONS

Be it resolved by the City Council of the City of La Crescent as follows:

1. The persons below named are hereby appointed judges for the 2016 elections to be held in the City of La Crescent, August 9, 2016 and November 8, 2016. The judges appointed, the chairperson of the election board of each precinct designated and precinct and voting are as following:

A. First Precinct.....Community Building
To serve from 7:00 AM to 8:00 PM.

Bill Goff, Chair
Rose Albrecht
Cherryl Jostad
Barb Hammes
Steve Oliver
Jan Schild
Jan Koljord

B. Second Precinct.....Ice Arena
To serve from 7:00 AM to 8:00 PM

Judy Lehmann, Chair
Suzanne Harm
JoAnn Olson
Rosanne Buehler
Catherine Acevedo
Judy Graf
Carolynn Devine
Greg Schild

C. Third Precinct.....Ice Arena
To serve from 7:00 AM to 8:00 PM

Sara Goff, Chair
Lois Mullally
Darlene Erickson
Jeanne Baures
Deb Oliver

D. Fourth Precinct.....Mailed Ballot

Alternate Judges: Peg Wansley

ADOPTED this 27th day of June, 2016.

SIGNED:

Mayor

ATTEST:

City Administrator

The foregoing motion 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
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

with Member Buehler abstaining and none voted against the same. The motion was declared duly carried and the resolution duly passed and adopted by a 4-0 vote.

ITEM 3.8 – GREEN TEAM APPOINTMENT

City Administrator Waller gave an overview to City Council regarding the City’s participation in the GreenStep program administered by the Minnesota Pollution Control Agency. City Council reviewed a memo from Alison Bettin, the GreenStep Intern, recommending City Council add community member Jason Ludwigson to the City of La Crescent’s Green Team. Following discussion, Member Krenz made a motion, seconded by Member Williams, as follows:

MOTION TO APPROVE THE APPOINTMENT OF JASON LUDWIGSON TO THE CITY OF LA CRESCENT’S GREEN TEAM IN THE GREENSTEP PROGRAM ADMINISTERED BY THE MINNESOTA POLLUTION CONTROL AGENCY.

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 - ACCEPT DONATION – MEMORIAL TREE

City Administrator Waller reviewed with City Council a correspondence and Resolution regarding a donation to the City for a tree to be planted in memory of an individual. It was recommended to City Council to adopt the Resolution accepting the donation. Following discussion, Member Williams introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 06-16-13

**RESOLUTION ACCEPTING DONATION FOR PLANTING OF MEMORIAL TREE
IN OLD HICKORY PARK IN MEMORY OF RUTH FRANZ**

WHEREAS, individuals wish to donate \$275.00 for the planting of a tree in Old Hickory Park in memory of Ruth Franz, who was the mother/mother-in-law of Carol and Larry Stryker, residents who live in the park area.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of La Crescent hereby approves the donation of \$275.00 for the planting of a tree in Old Hickory Park in memory of Ruth Franz.

ADOPTED this 27th day of June, 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 motion was declared duly carried and the resolution duly passed and adopted.

ITEM 3.10 – LICENSE RENEWALS

City Council reviewed a proposed license renewal for 2016 for Bagniefski Heating & Air Conditioning for Gas Installer. The application appears to be in order and it is recommended the City Council approve the license application as presented and authorize it be forwarded to the State of Minnesota. Following discussion, Member Buehler made a motion, seconded by Member Hutchinson, as follows:

MOTION TO APPROVE THE LICENSE RENEWAL FOR 2016 FOR GAS INSTALLERS TO BAGNIEFSKI HEATING & AIR CONDITIONING AND AUTHORIZE IT BE FORWARDED TO THE STATE OF MINNESOTA.

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 3.11 – LIQUOR LICENSE APPLICATIONS

City Administrator Waller gave an overview to City Council regarding the following liquor license applications:

1. August 6 & 7, 2016 – Church of the Crucifixion – Summer Fun Fest, including request for street closure.
2. September 15-18, 2016 – Applefest.

All of the applications appear to be in order and it was recommended to City Council to approve the issuance of these licenses and that they be submitted to the State of Minnesota. Following discussion, Member Hutchinson made a motion, seconded by Member Williams, as follows:

MOTION TO AUTHORIZE THE ISSUANCE OF A LIQUOR LICENSE TO THE CHURCH OF THE CRUCIFIXION FOR AUGUST 6 & 7, 2016 FOR THEIR SUMMER FUN FEST AND AUTHORIZE IT BE SUBMITTED TO THE STATE OF MINNESOTA AND ALSO TO APPROVE A TEMPORARY STREET CLOSURE TO BLOCK A SECTION OF SOUTH 2ND STREET, FROM OAK TO ELM STREET AND THE ALLEY BETWEEN OAK AND ELM AND SOUTH 1ST AND 2ND STREETS.

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

MOTION TO AUTHORIZE THE ISSUANCE OF A LIQUOR LICENSE TO APPLEFEST FOR SEPTEMBER 15-18, 2016 AND AUTHORIZE IT BE SUBMITTED TO THE STATE OF MINNESOTA.

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 6.1 – STAFF CORRESPONDENCES/COMMITTEE UPDATES – LIBRARY BOARD MEETING MINUTES

City Council reviewed the minutes from the April 12, 2016 Library Board Meeting. No action taken.

ITEM 7.1 – CORRESPONDENCE – STATE DEMOGRAPHER – POPULATION ESTIMATE

City Council reviewed a correspondence dated June 1, 2016 from the State Demographic Center with the population and household estimates for 2015. The total population estimate as of April 1, 2015 was 5,142. No action taken.

ITEM 8 – CHAMBER OF COMMERCE

Larry Jankowski of the La Crescent Chamber of Commerce gave an update on Chamber events including the Secretary of State to visit the Chamber Office on June 27 and to thank the City for assistance with the Slice of Life.

There being no further business to come before the Council at this time, Member Krenz 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 5:58 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator