

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
JULY 27, 2015

Pursuant to due call and notice thereof, the second meeting of the City Council of the City of La Crescent for the month of July was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Monday, July 27, 2015, 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 for this regular meeting:

- 1.1 MINUTES – JULY 13, 2015
- 1.2 BILLS PAYABLE THROUGH JULY 23, 2015

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.

ITEM 3.1 – EVENT CENTER – DICK WIESER

Dick Wieser gave an update to City Council and reviewed a handout regarding the Event Center and discussed the proposed location of the facility as it relates to Veterans Park.

The City Council Meeting adjourned at 5:35 PM for the Public Hearing on the Annexation of 1265 County Highway 6.

ITEM 2.0 – PUBLIC HEARING – ANNEXATION – 1265 COUNTY HIGHWAY 6

At 5:35 PM the City Council held a public hearing to consider input on the proposed annexation of the property located at 1265 County Highway 6 that the owner has requested to be annexed and the adoption of Ordinance No. 496 annexing the property. City Attorney Wieser reviewed the map and findings for the Ordinance. Mayor Poellinger opened the meeting for public comment. There were no public comments. Following further discussion, Member Buehler introduced the following Ordinance, and moved its passage and adoption:

ORDINANCE NO. 496

AN ORDINANCE OF THE CITY OF LA CRESCENT, MINNESOTA ANNEXING LAND LOCATED IN LA CRESCENT TOWNSHIP, HOUSTON COUNTY, MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(3), PERMITTING ANNEXATION BY ORDINANCE

WHEREAS, a petition signed by all the property owners, requesting that property legally described herein be annexed to the City of La Crescent, Minnesota, was duly presented to the Council of the City of La Crescent on the 8th day of June, 2015; and

WHEREAS, said property is unincorporated and abuts the City of La Crescent on its southerly boundary; is less than 120 acres; is not presently served by public sewer facilities or public sewer facilities are not otherwise available; and

WHEREAS, said property is not located within a flood plain or shoreland area; and

WHEREAS, said property is currently residential and annexation is requested to facilitate the extension of city services for the residential development of the property; and

WHEREAS, the City of La Crescent held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on July 27, 2015, following thirty (30) days written notice by certified mail to the Town of La Crescent and to all landowners within and contiguous to the area legally described herein, to be annexed; and

WHEREAS, provisions of Minnesota Statutes § 414.033 Subd. 13 are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the territory to the municipality.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA CRESCENT HEREBY ORDAINS AS FOLLOWS:

1. The City Council hereby determines that the property as hereinafter described abuts the city limits and is or is about to become urban or suburban in nature in that residential use is being proposed for said property which requires or will need city services, including public sewer facilities.

2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statute § 414.0325.

3. The corporate limits of the City of La Crescent, Minnesota, are hereby extended to include the following described property, said land abutting the City of La Crescent and being 120 acres or less in area, and is not presently served by public sewer facilities or public sewer facilities are not otherwise available, and the City having received a petition for annexation from all the property owners of the land, to wit:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 9 IN TOWNSHIP 104 NORTH OF RANGE 4 WEST OF THE FIFTH PRINCIPAL MERIDIAN DESCRIBED AS COMMENCING AT A POINT OF BEGINNING DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 9, THENCE WEST 1532.8 FEET ALONG THE SOUTH LINE OF SAID SECTION 9, THENCE NORTH 8°30' EAST 1028.6 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED, RUNNING THENCE NORTH 8°30' EAST 497.1 FEET, THENCE SOUTH 64°44' EAST 100.24 FEET ALONG THE CENTER LINE OF PINE CREEK ROAD, THENCE SOUTH 8°30' WEST 468.2 FEET, THENCE NORTH 81°30' WEST 96 FEET TO THE PLACE OF BEGINNING, HOUSTON COUNTY, MINNESOTA.

The above described property consists of a total of 1.02 acres, more or less. Copies of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and all appropriate plat maps are attached hereto.

4. The City of La Crescent, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described herein, hereby annexed, shall make a cash payment to the Town of La Crescent in accordance with the following schedule:

- a. In the first year following the year in which the City of La Crescent could first levy on the annexed area, an amount equal to \$519.46; and
- b. In the second and final year, an amount equal to \$519.46.

5. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town to the annexed property and any portion of debt incurred by the Town prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described herein there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

6. That the City Administrator of the City of La Crescent is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Houston County Auditor, and the La Crescent Township Clerk.

7. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of La Crescent, Minnesota, this 27th day of July, 2015.

Mayor

ATTEST:

City Administrator

In approving the above Motion, the City Council made the following findings of facts:

1. The property owner signed a Petition requesting that the property be annexed to the City of La Crescent;
2. The property is not presently served by public sewer facilities and public sewer facilities are not otherwise available;
3. The property is not located within a flood plain or shoreland area;
4. The property is currently residential;
5. Minnesota Statutes § 414.033 Subd. 13 is not applicable as there will be no change in the electric utility service provider;
6. More than 30 days written notice was provided to the Town of La Crescent and to contiguous landowners by certified mail.

The foregoing motion was duly seconded by Member Williams 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 Krenz as follows:

MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 496 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.

After the adoption of the Ordinance, the Council reconvened with the schedule of the Regular City Council Meeting.

ITEM 3.1 – EVENT CENTER – DICK WIESER- Continuation

City Council addressed questions to Mr. Dick Wieser. It is being requested that the Event Center be placed on City property. City Attorney Wieser also reviewed with City Council relating to questions on the Event Center. It was the consensus of City Council to have the City Administrator and City Attorney review a site plan prepared by the Event Center group and present a recommendation at the first City Council Meeting in September. No action taken.

ITEM 3.2 – ORDERLY ANNEXATION AGREEMENT

City Attorney Wieser gave an overview to City Council regarding the Joint Resolution for Annexation that relates to the properties located at 110 Crescent Avenue, the Boat Landing and parts of Crescent Avenue and Valley Lane. The Notice of Intent for the Joint Resolution is currently being published. Action on the Agreement is expected by both the City and the Township on August 10, 2015. No action taken.

ITEM 3.3 – NEIGHBORS NIGHT OUT

City Council reviewed a flyer regarding the National Neighbor's Night Out 2015 that is sponsored by the La Crescent Police Department. The event will be held on Tuesday, August 4, 2015 from 5:00-8:00 PM at Frank J. Kistler Memorial Park. This item was informational and not action was taken.

ITEM 3.4 – PERSONNEL COMMITTEE RECOMMENDATION

The Personnel Committee made the following recommendations to City Council:

1. Authorize the posting of two Training Officer positions in the La Crescent Fire Department. The vacancies are due to Tony Murilla being promoted to Captain, and the current Training Officer has indicated that he will be resigning at the end of 2015.
2. Accept a proposal from Flaherty & Hood to update the City's Personnel Policy. The City's current Personnel Policy was last updated in 1997.
3. On September 8, 2015 Cody Bellock will be completing his one year probationary period as a Police Officer. It is recommended that effective September 8, 2015, the probationary status be removed, and that Officer Bellock be classified as a regular City Employee.
4. On September 1, 2015, Doug Stavenau will be completing his 12 month probationary period as the Chief of Police. It is recommended that effective September 1, 2015, the probationary status be removed, and that Chief Stavenau be classified as a regular City Employee.
5. It is recommended that effective September 1, 2015, to authorize the following Department Head step increases: City Administrator Bill Waller from Step 5 to Step 6; Police Chief Doug Stavenau from Step 4 to Step 5; and City Finance Director Debbie Shimshak from Step 4 to Step 5, in all their respective salary schedules.

Following discussion, the following Motions were made:

Member Krenz made a motion, seconded by Williams, as follows:

MOTION TO AUTHORIZE THE POSTING OF TWO TRAINING OFFICER POSITIONS IN THE LA CRESCENT FIRE DEPARTMENT.

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.

Member Buehler made a motion, seconded by Member Williams, as follows:

MOTION TO ACCEPT A PROPOSAL FROM FLAHERTY & HOOD TO UPDATE THE CITY'S PERSONNEL POLICY AND TO AMEND THE 2015 GENERAL FUND BUDGET FOR THE FEES FOR THIS SERVICE.

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.

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

MOTION TO APPROVE THAT THE STATUS AS A PROBATIONARY POLICE OFFICER FOR CODY BELLOCK FOR THE CITY OF LA CRESCENT BE REMOVED ON SEPTEMBER 8, 2015 AND OFFICER BELLOCK BE CLASSIFIED AS A REGULAR CITY EMPLOYEE.

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.

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

MOTION TO APPROVE THAT THE STATUS AS PROBATIONARY CHIEF OF POLICE FOR DOUG STAVENAU FOR THE CITY OF LA CRESCENT BE REMOVED ON SEPTEMBER 1, 2015 AND CHIEF STAVENAU BE CLASSIFIED AS A REGULAR CITY EMPLOYEE.

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.

Member Williams made a motion, seconded by Member Hutchinson, as follows:

MOTION TO AUTHORIZE THE FOLLOWING DEPARTMENT HEAD STEP INCREASES: CITY ADMINISTRATOR BILL WALLER FROM STEP 5 TO STEP 6; POLICE CHIEF DOUG STAVENAU FROM STEP 4 TO STEP 5; AND CITY FINANCE DIRECTOR DEBBIE SHIMSHAK FROM STEP 4 TO STEP 5, IN ALL THEIR RESPECTIVE SALARY SCHEDULES, EFFECTIVE SEPTEMBER 1, 2015.

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 – NO PARKING ON NORTH 4TH STREET

Police Chief Doug Stavenau reviewed with City Council the need for no parking on the west side of North 4th Street. Residential properties on the west side of North 4th Street have recently been annexed to the City of La Crescent and there are concerns with vehicular parking in that area. Following discussion, Member Buehler introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 07-15-16

A RESOLUTION AUTHORIZING THE WEST SIDE OF NORTH 4TH STREET IN THE CITY OF LA CRESCENT, MINNESOTA BE DESIGNATED AS NO PARKING

WHEREAS, the City of La Crescent recently annexed residential properties on the west side of North 4th Street between Crescent Hills and the intersection of Old Hickory Drive;

WHEREAS, the Chief of Police has concerns with vehicular parking in the area as the street is currently “unimproved” and there is a significant ditch on the west side to direct storm water which makes it impractical for vehicles to park off the roadway in the grassy area;

WHEREAS, in an attempt to ease motor vehicle traffic and provide adequate access to emergency and maintenance vehicles it is requested the area, specifically the west side of the street, be posted “No Parking”.

WHEREAS, the City of La Crescent’s City Code § 71.05 authorizes the City Council by Resolution to designate public thoroughfares or portions thereof as No Parking zones where the permitting of parking shall be hazardous and shall cause appropriate signs to be erected; and

WHEREAS, the City of La Crescent finds it is in the best interest of the residents of the City to designate the west side of North 4th Street as “No Parking.”

NOW THEREFORE BE IT RESOLVED, by the La Crescent City Council:

1. That the City of La Crescent hereby authorizes the west side of North 4th Street between Crescent Hills and the intersection of Old Hickory Drive in the City of La Crescent be designated as “No Parking” and “No Parking” signs be installed in this area.

ADOPTED this 27th day of July, 2015.

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 3.6 – GAMBLING PERMIT APPLICATION

City Administrator Waller reviewed with City Council a gambling permit application from the La Crescent Lions Club for an event that will be held at the American Legion on November 10, 2015. City Administrator informed the Council that the application appears to be in order and recommended approval and that it authorize that it be submitted to the Minnesota Gambling Control Board. Following discussion, Member Hutchinson made a motion, seconded by Member Krenz, as follows:

MOTION TO APPROVE A GAMBLING PERMIT TO THE LA CRESCENT LIONS CLUB FOR AN EVENT TO BE HELD ON NOVEMBER 10, 2015 AND TO AUTHORIZE IT TO BE SUBMITTED TO THE MINNESOTA GAMBLING CONTROL BOARD.

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 – LANDSCAPE PARTNERSHIP RESOLUTION

City Council reviewed a Resolution in support of the MnDOT Landscape Partnership Program. Since 2009, the City of La Crescent has completed six (6) Landscape Partnership projects and has received over \$51,000 in grant funds that have been used to pay for the cost of trees, plants and landscaping materials that are installed in MnDOT right-of-way. The proposed project being developed for the Fall/Spring of 2015/2016 will consist of planting perennial flowers and ornamental grasses around the trees that were planted in the southwest corner of the intersection in 2014. The City will receive \$8,000.00.

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

RESOLUTION NO. 07-15-17

A RESOLUTION APPROVING CITY OF LA CRESCENT ENTER INTO MNDOT AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION

IT IS RESOLVED that the City of La Crescent enter into an Agreement with the State of Minnesota, Department of Transportation for the following purposes;

To provide for payment by the State to the City for the acquisition of landscape materials to be placed adjacent to Trunk Highway No. 61 and No. 16 near South 3rd Street, State Project No. 2801-969C.

IT IS FURTHER RESOLVED that the Mayor and the City Administrator are authorized to execute the Agreement and any amendments to the Agreement.

ADOPTED this 27th day of July, 2015.

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, 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.

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

MOTION TO AUTHORIZE THE CITY MAYOR AND CITY ADMINISTRATOR TO SIGN A COOPERATIVE AGREEMENT REGARDING THE MNDOT LANDSCAPE PARTNERSHIP PROGRAM.

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 – CITY HALL EVALUATION

In the event a project develops that requires City Hall to be relocated from its current site, it was recommended that the City Council authorize some preliminary work to evaluate current and future space requirements. Council reviewed a proposal from Dave Holstrom, Construction Express, to provide preliminary schematic

planning for the City. It was recommended to City Council to accept this proposal and authorize work to proceed. Following discussion, Member Williams made a motion, seconded by Buehler, as follows:

MOTION TO APPROVE THE PROPOSAL FROM DAVE HOLSTROM, CONSTRUCTION EXPRESS, TO PROVIDE PRELIMINARY SCHEMATIC PLANNING FOR THE CITY WITH COSTS NOT TO EXCEED \$2,400.00.

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.

After the Motion passed, City Administrator Waller gave an overview of topics for City Council consideration regarding the possible relocation of City Hall. Following discussion, it was the consensus of City Council to keep City Hall downtown; to keep Council Chambers in the building; to keep the Police Department in the building; and to provide space for organizations currently in City Hall and consider additional opportunities for expanding services provided to the community. No action taken.

ITEM 6.1 – STAFF CORRESPONDENCES/COMMITTEE UPDATES – ECONOMIC DEVELOPMENT COMMISSION MINUTES – JULY 8, 2015

City Council reviewed the Minutes from the La Crescent Economic Development Commission Meeting on July 8, 2015. No action taken.

ITEM 8 – CHAMBER OF COMMERCE

The La Crescent Chamber of Commerce gave an update on the steak fry to be held on July 30.

Member Williams would like truck parking on Chestnut Street to be added to the next meeting's agenda.

There being no further business to come before the Council at this time, Member Williams 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 recessed at 6:20 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator