

MINUTES, REGULAR MEETING  
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA  
AUGUST 8, 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 August was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Monday, August 8, 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 (arrived at 5:32 PM) 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 25, 2016
- 1.2 BILLS PAYABLE THROUGH AUGUST 4, 2016
- 1.3 CASH BALANCE/ACTIVITY REPORT – JUNE 2016
- 1.4 LIBRARY REPORT – JUNE 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. Following discussion, Member Buehler made a motion, seconded by Member Krenz, as follows:

**MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED EXCEPT PAYMENT TO FIREFIGHTERS.**

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
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried by 4-0 vote.

**ITEM 3.1 – ORDERLY ANNEXATION AGREEMENT**

City Attorney Wieser reviewed with City Council a Joint Resolution annexing various properties known as the Race Track property, and properties on Kinder Road, Hickory Lane and Cty Hwy 6. The Township has indicated it is in agreement with the Joint Resolution and it will come before the Township Board at its meeting

tonight at 7:00 PM. Once all signatures are obtained, the Joint Resolution will be filed with the Office of Administrative Hearings. It was recommended to City Council to adopt the Joint Resolution, and to authorize the Mayor and City Administrator to sign and file with the State. Following discussion, Member Krenz made a motion, seconded by Member Buehler, as follows:

**MOTION TO ADOPT THE JOINT RESOLUTION FOR ORDERLY ANNEXATION BY AND BETWEEN LA CRESCENT TOWNSHIP AND THE CITY OF LA CRESCENT ANNEXING THE PROPERTY KNOWN AS RACE TRACK PROPERTY AND PROPERTIES ON KINDER ROAD, HICKORY LANE AND THAT PORTION OF CTY HWY 6 AND TO AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO SIGN THE JOINT RESOLUTION AND FILE SAME WITH THE OFFICE OF ADMINISTRATIVE HEARINGS.**

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 – PLANNING COMMISSION MINUTES – JULY 12, 2016**

City Council reviewed the Minutes from the July 12, 2016 Planning Commission meeting. This was informational and no action was taken.

**ITEM 3.3 – PLANNING COMMISSION MINUTES – JULY 27, 2016**

City Council reviewed the Minutes from the July 27, 2016 Planning Commission meeting. This was informational and no action was taken.

**ITEM 2.0 – PUBLIC HEARING – ANNEXATION – 102 KINDER ROAD**

At 5:35 PM the City Council held a public hearing to consider input on the proposed annexation of the property located at 102 Kinder Road that the owners had requested to be annexed and the adoption of Ordinance No. 505 annexing this property. City Attorney Wieser reviewed the map and findings for the Ordinance. Mayor Poellinger opened the meeting for public comment. Cheri Olson commented on the annexation. City Attorney Wieser addressed and answered questions. Following further discussion, Member Williams introduced the following Ordinance, and moved its passage and adoption:

**ORDINANCE NO. 505**

**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 27<sup>th</sup> day of June, 2016; and

**WHEREAS**, said property is unincorporated and abuts the City of La Crescent on its east and southeasterly boundaries; 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 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 August 8, 2016, 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:

See Attached Exhibit A

The above described property consists of a total of 8.39 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 \$1,154.63; and

b. In the second and final year, an amount equal to \$1,154.63.

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 8<sup>th</sup> day of August, 2016.

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Mayor

ATTEST:

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City Administrator

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

1. All interested parties have 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; and
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 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 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 Krenz then made a motion, seconded by Member Hutchinson as follows:

**MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 505 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 3.3 – PLANNING COMMISSION MINUTES – AUGUST 2, 2016**

Don Smith, Planning Commission Chair, reviewed with City Council the Minutes of the August 2, 2016 Planning Commission Meeting. He reviewed the soil extraction rules and the support of a zoning change required for Walnut Place. The Planning Commission recommended to City Council to adopt an Ordinance opting out of a Minnesota Statute regarding the creation and regulation of temporary family health care dwellings. Following further discussion, Member Buehler introduced the following Ordinance, and moved its passage and adoption:

**ORDINANCE NO. 506**

**AN ORDINANCE OF THE CITY OF LA CRESCENT OPTING –OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES, SECTION 462.3593**

**WHEREAS**, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

**WHEREAS**, subdivision 9 of Minn. Stat. § 462.3593 allows cities to “opt out” of those regulations;

**THE CITY COUNCIL OF THE CITY OF LA CRESCENT, ORDAINS AS FOLLOWS:**

**OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593;**

Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of La Crescent opts-out of the requirements of Minn. Stat. § 462.3593, which defines and regulates Temporary Family Health Care Dwellings.

This Ordinance shall be effective immediately upon its passage and publication.

**ADOPTED** this 8th day of August, 2016, by the City Council of the City of La Crescent.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator

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

That allowing the Legislation take effect locally as passed in St. Paul would create:

1. Potential and real conflicts with current zoning ordinances;
2. A situation where La Crescent was not ready by September 1, 2016 to accept, review and grant permits. Of particular concern is collecting potentially private and thus protected medical information and immediate or subsequent violation of Federal HIPPA protections for health care information;
3. State rules for local zoning where, if there is an evidenced need, local rule making is more adaptable to local needs and community standards than the proposed universal ordinance adopted by the State Legislature and signed into law by the Governor.

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.

The Planning Commission further recommended that City Council accept a proposal from Stantec regarding an updated to the City's shoreland regulations. It is recommended that one-half of these funds come from the 2016 general fund budget, and that the balance of the project cost to be included in the 2017 general fund budget. Following discussion, Member Krenz made a motion, seconded by Member Williams, as follows:

**MOTION TO ACCEPT A PROPOSAL FROM STANTEC TO UPDATE THE CITY'S SHORELAND REGULATIONS AND TO AMEND THE 2016 GENERAL FUND BUDGET FOR ONE-HALF OF THE FUNDS.**

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.

The Planning Commission held a Public Hearing on August 2, 2016 to review the Final draft of the Comprehensive Plan. It was recommended to City Council to consider adoption of the Comprehensive Plan at its September 12, 2016 meeting. Following discussion, Member Williams made a motion, seconded by Member Buehler, as follows:

**MOTION TO CONSIDER THE ADOPTION OF THE COMPREHENSIVE PLAN AT CITY COUNCIL'S SEPTEMBER 12, 2016 MEETING.**

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 – RESTRICT PARKING – NORTH FIRST STREET**

City Administrator Waller reviewed with City Council an Ordinance regulating parking on North 1<sup>st</sup> Street in front of the existing Bed & Breakfast. It was recommended to City Council to table this for 30 days for additional review. It was the consensus of City Council to table.

**ITEM 3.6 – AGENDA REQUEST FORM**

City Administrator Waller reviewed with City Council an agenda request from Project My Neighborhood, a startup non-profit that creates large scale Nerf Battles for the community. Their core values are outreach, inclusion, team building and health & wellness. Nonperishable food or school supplies are asked for a donation to play. Recent events were held in Caledonia and will be held at the MN State Fair and Houston County Fair. Project My Neighborhood is requesting to use Old Hickory Park on August 21, 2016 to hold an event. Following discussion, Member Krenz made a motion, seconded by Member Hutchinson, as follows:

**MOTION TO APPROVE THE USE OF OLD HICKORY PARK ON AUGUST 21, 2016 FOR PROJECT MY NEIGHBORHOOD TO HOLD A LARGE SCALE NERF BATTLE FOR THE LA CRESCENT COMMUNITY.**

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 – PERSONNEL COMMITTEE RECOMMENDATION**

City Administrator Waller recommended this item be tabled until the August 22, 2016 City Council Meeting.

**ITEM 3.8 – BLOCK PARTY REQUEST**

City Council reviewed a request for a temporary street closure for a block party event on McIntosh East on September 24, 2016 from 3:00 to 6:00 PM. The area would be located between the intersections of Fireside Drive and Eagles Bluff. It was recommended to City Council to approve the request for the street to be temporarily closed and the event to be held. Following discussion, Member Krenz made a motion, seconded by Member Hutchinson, as follows:

**MOTION TO APPROVE THE STREET CLOSURE LOCATED BETWEEN THE INTERSECTIONS OF FIRESIDE DRIVE AND EAGLES BLUFF FOR A BLOCK PARTY EVENT ON MCINTOSH EAST ON SEPTEMBER 24, 2016 FROM 3:00 TO 6:00 PM.**

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 – WATER MAIN BID RESULTS**

City Council reviewed a memo from City Engineer regarding the bid results for the 2016 water main extension project. The project will water main from Well #2 to the existing raw water lines near the reservoir on the Stoney Point property. It was recommended to City Council to accept the low bid from Zenke Inc. in the amount of \$124, 128.00. There are funds in the 2016 improvement bond for the costs associated with this project. Following discussion, Member Buehler made a motion, seconded by Member Krenz, as follows:

**MOTION TO ACCEPT THE PROPOSAL FROM ZENKE INC. IN THE AMOUNT OF \$124,128.00 FOR THE 2016 WATER MAIN EXTENSION PROJECT AND TO APPROVE FUNDS FROM THE 2016 IMPROVEMENT BOND.**

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 3.10 – SANITARY SEWER LINING PROPOSALS**

City Council reviewed a memo from City Engineer regarding the proposals for the 2016 sanitary sewer lining project. The project will line the sanitary sewer along Elm Street from North 2<sup>nd</sup> Street to North 1s Street and along North 1<sup>st</sup> Street from Elm to the Highway. The City received three quotes. It was recommended to City Council to accept the low bid from Hydro-Klean, LLC of Des Moines, IA in the amount of \$72,380.00. There are funds in the 2016 improvement bond for the costs associated with this project. Following discussion, Member Hutchinson made a motion, seconded by Member Krenz, as follows:

**MOTION TO ACCEPT THE PROPOSAL FROM HYDRO-KLEAN, LLC IN THE AMOUNT OF \$72,380.00 FOR THE 2016 SANITARY SEWER LINING PROJECT AND TO APPROVE FUNDS FROM THE 2016 IMPROVEMENT BOND.**

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 APPLICATION**

City Administrator Waller gave an overview to City Council regarding a liquor license application from the La Crescent Lions Club for an event to be held on September 24, 2016 at Abnet Field. The application appears to be in order and it was recommended to City Council to approve the application. Following discussion, Member Krenz made a motion, seconded by Member Williams, as follows:

**MOTION TO AUTHORIZE THE ISSUANCE OF A LIQUOR LICENSE TO THE LA CRESCENT LIONS CLUB FOR AN EVENT TO BE HELD ON SEPTEMBER 24, 2016 AT ABNET FIELD.**

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 3.12 – GAMBLING PERMIT APPLICATION**

City Administrator Waller gave an overview to City Council regarding a gambling permit application from the La Crescent Lions Club for an event to be held on October 8, 2016 at the American Legion. The application appears to be in order and it was recommended to City Council to approve the application and authorize it be forwarded to the Minnesota Gambling Control Board. Following discussion, Member Krenz made a motion, seconded by Member Hutchinson, as follows:

**MOTION TO AUTHORIZE THE ISSUANCE OF A GAMBLING PERMIT TO THE LA CRESCENT LIONS CLUB FOR AN EVENT TO BE HELD ON OCTOBER 8, 2016 AT THE AMERICAN LEGION AND AUTHORIZE IT BE FORWARDED 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 3.13 – SPRINGBROOK VILLAGE DEVELOPMENT AGREEMENT**

City Attorney Wieser reviewed with City Council that they are working with SpringBrook Village to finalize the development agreement for the project. The developer has requested that the City participate in the cost of looping the water main for the project. The City’s contribution to loop the water main would be \$11,250.00. It was also requested that the sidewalk on the east-west along Cty Hwy 25 not be constructed until other sidewalks in the area are built. It was recommended to City Council to approve these requests and authorize signatures from City officials. Following discussion, Member Buehler made a motion, seconded by Member Williams, as follows:

**MOTION TO APPROVE THE REQUESTS OF SPRINGBROOK VILLAGE FOR THE DEVELOPMENT AGREEMENT THAT THE CITY OF LA CRESCENT CONTRIBUTE \$11,250.00 TO LOOP THE WATER MAIN AND TO NOT CONSTRUCT THE SIDEWALK ON THE EAST-WEST ALONG CTY HWY 25 UNTIL OTHER SIDEWALKS IN THE AREA ARE BUILT AND TO AUTHORIZE SIGNATURES FROM CITY OFFICIALS REGARDING THESE REQUESTS.**

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 – ECONOMIC DEVELOPMENT COMMISSION MEETING MINUTES – JULY 11, 2016**

City Council reviewed the minutes from the July 11, 2016 La Crescent Economic Development Commission Meeting. No action taken.

**ITEM 8 – CHAMBER OF COMMERCE/ROTARY**

The La Crescent Chamber gave an update on the upcoming 4<sup>th</sup> Annual Bike Tour and LizFest on August 13, 2016.

Member Buehler commented on the success of Neighbors Night Out.

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 6:13 PM.

APPROVAL DATE: \_\_\_\_\_

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator