

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
AUGUST 11, 2014

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 11, 2014, followed by the Pledge of Allegiance.

Upon a roll call taken and tallied by the City Attorney, the following members were present: Members Bernie Buehler, John Graf, Greg Husmann, and Mayor Mike Poellinger. Members absent: Member Dale Williams. Also present was City Administrator Bill Waller and Terry Erickson.

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 payable, for this regular meeting:

- 1.1 MINUTES – JULY 28, 2014
- 1.2 BILLS PAYABLE THROUGH AUGUST 7, 2014

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 Graf, 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
Mike Poellinger	Yes

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

ITEM 3.1 – PLANNING COMMISSION MINUTES – AUGUST 5, 2014

City Council reviewed the Minutes of the August 5, 2014 Planning Commission meeting. The Planning Commission recommended to Council that the Conditional Use Permit submitted by Kellie Kettigan, 503 South 10th Street, to allow a home occupation for a clinical massage therapist in a R-1 zoned district be approved with the following condition: Ms. Kettigan shall at all times be licensed and be in compliance with all of the stipulations of Section 114.02 of the City Code for Massage Therapist. The Planning Commission made the following findings of fact:

1. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.
2. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. That adequate measures have been or will be taken and patrons will be directed to park in the driveway.
4. The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
5. The use is not in conflict with the policies of the City of La Crescent.

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

MOTION TO APPROVE THE CONDITIONAL USE PERMIT SUBMITTED BY KELLIE KETTIGAN TO ALLOW A HOME OCCUPATION FOR A CLINICAL MASSAGE THERAPIST IN A R-1 ZONED DISTRICT WITH THE FOLLOWING CONDITION: MS. KETTIGAN SHALL AT ALL TIMES BE LICENSED AND BE IN COMPLIANCE WITH ALL OF THE STIPULATIONS OF SECTION 114.02 OF THE CITY CODE FOR MASSAGE THERAPIST; AND TO ADOPT THE FINDINGS STATED IN THE AUGUST 5, 2014 PLANNING COMMISSION MINUTES REGARDING THIS CONDITIONAL USE PERMIT.

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

Bernie Buehler	Yes
John Graff	Yes
Greg Husmann	Yes
Mike Poellinger	Yes

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

Member Dale Williams arrived at 5:35 PM.

ITEM 3.2 – HOTEL MARKETING STUDY

Terry Erickson of La Crescent Community Development reviewed with City Council the possibility of a marketing study to identify the need and sustainability of a hotel in La Crescent. The study would look at a number of factors including the property type, style and size of the proposed hotel project. The consultant firm Hospitality Marketers International Inc. proposes a two phase approach to complete the market study for a total cost of \$8,600.00. The cost for the first phase would be \$4,300.00 and if Phase I concludes the need for a motel; the second phase would be completed for an additional \$4,300.00. If Phase I is not positive the process ends and no additional funds will be expended. Following discussion, Member Husmann made a motion, seconded by Member Buehler, as follows:

MOTION TO APPROVE A TWO PHASE MARKETING STUDY TO IDENTIFY THE NEED AND SUSTAINABILITY OF A HOTEL IN LA CRESCENT TO BE CONDUCTED BY HOSPITALITY

MARKETERS INTERNATIONAL INC. AT COST OF \$8,600.00 AND TO AMEND THE 2014 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
John Graff	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.3 – ECONOMIC DEVELOPMENT COMMISSION

City Administrator Waller reviewed with City Council the forming of a Community/Economic Development Commission that would be focused on the community and economic development activities. The Commission would be advisory, and would make recommendations to the City Council. The Commission would be formed with members of the initial advisory Commission, along with two members of the City Council. If the Council is agreeable to the Commission, a recommendation regarding membership on the Community/Economic Development Commission would be brought before Council to consider at the August 25 Council meeting. Following discussion, Member Buehler made a motion, seconded by Member Husmann, as follows:

MOTION TO APPROVE A COMMUNITY/ECONOMIC DEVELOPMENT COMMISSION THAT WOULD BE FOCUSED ON THE COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES AND TO RECOMMEND MEMBERSHIP TO THE COMMISSION AT THE NEXT CITY COUNCIL MEETING ON AUGUST 25, 2014.

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

Bernie Buehler	Yes
John Graff	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 – LAW ENFORCEMENT TECHNOLOGY GROUP PROPOSAL

City Council reviewed a summary on the Law Enforcement Technology Group software which included the benefits from participating in the program. It was recommended to Council to authorize the execution of the agreement for this program and utilize funds from the 2013 capital equipment certificate for the 2014 payment with balance of the payment to be included in the 2015 general fund budget. Following discussion, Member Buehler made a motion, seconded by Member Husmann, as follows:

MOTION TO AUTHORIZE THE EXECUTION OF THE AGREEMENT FOR THE LAW ENFORCEMENT TECHNOLOGY GROUP SOFTWARE AND TO UTILIZE FUNDS FROM THE 2013 CAPITAL EQUIPMENT CERTIFICATE FOR THE 2014 PAYMENT WITH BALANCE OF THE PAYMENT TO BE INCLUDED IN THE 2015 GENERAL FUND BUDGET.

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

Bernie Buehler	Yes
John Graff	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 – OPTION TO PURCHASE PROPERTY

City Administrator Waller reviewed with City Council the purchase of the property located at 337 Main Street. The listing price is \$139,900 and the City has signed a Purchase Agreement for \$137,500 that is contingent on Council approval. Recommendation for purchasing the property is based on its location to existing City facilities and plans that may be contemplated regarding future development opportunities on this block. Options on what to do with the property would be evaluated and presented at a future meeting. Following discussion, Member Buehler made a motion, seconded by Member Graf, as follows:

MOTION TO APPROVE THE PURCHASE AGREEMENT FOR THE PROPERTY LOCATED AT 337 MAIN STREET FOR THE PRICE OF \$137,500.00 AND TO AMEND THE 2014 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
John Graff	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.6 – AMEND PHASE 2 ENGINEERING AGREEMENT – WAGON WHEEL PROJECT

City Administrator Waller reviewed with City Council an amendment to the engineering agreement for Phase 2 of the Wagon Wheel Project that would expand the scope of the project to include the widening of Monte Carlo Road. At this time it would not be a commitment to widening the Monte Carlo Road but the widening would be included in the preparation of the plans and specifications and the City would seek to acquire additional funding to offset the costs associated with this improvement. Following discussion, Member Williams made a motion, seconded by Member Buehler, as follows:

MOTION TO APPROVE AMENDMENT TO THE ENGINEERING AGREEMENT FOR PHASE 2 OF THE WAGON WHEEL PROJECT THAT WOULD EXPAND THE SCOPE OF THE PROJECT TO INCLUDE THE WIDENING OF MONTE CARLO ROAD.

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

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

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

ITEM 3.7 – ANNEXATION REVIEW

City Administrator Waller reviewed with City Council the proposed orderly annexation agreement with La Crescent Township that will be presented at the Township’s August 11, 2014 meeting. It was recommended to council that in the event the Township does not adopt the proposed orderly annexation agreement, that the Council authorize the City Attorney to initiate the annexation proceedings that were reviewed at the July 28, 2014 City Council Meeting and authorize the City Attorney and City Administrator to negotiate any unresolved issues. Following discussion, Member Husmann made a motion, seconded by Member Buehler, as follows:

MOTION TO CALL FOR A PUBLIC HEARING ON SEPTEMBER 22, 2014 AT THE CITY COUNCIL MEETING REGARDING THE ANNEXATION ISSUE, TO ADOPT THE ANNEXATION RESOLUTIONS PRESENTED AT THE JULY 28, 2014 CITY COUNCIL MEETING, AND TO AUTHORIZE THE CITY ATTORNEY AND CITY ADMINISTRATOR TO NEGOTIATE ANY UNRESOLVED ISSUES REGARDING THE PROPOSED ORDERLY ANNEXATION AGREEMENT.

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

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

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

ITEM 3.8 – ENGINEERING AGREEMENT – ANNEXATION ASSISTANCE

City Council reviewed an engineering agreement to provide services to the City related to the proposed annexation. It was recommended to Council to approve this agreement. Following discussion, Member Husmann made a motion, seconded by Member Williams, as follows:

MOTION TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF LA CRESCENT AND WHKS & CO. FOR ENGINEERING ASSISTANCE FOR ANNEXATION CONSIDERATIONS AS DEFINED IN THE SCOPE OF SERVICES ATTACHED TO THE AGREEMENT.

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

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

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

ITEM 3.9 – CRESCENT AVENUE UTILITY EXTENSIONS

City Council reviewed a revised preliminary cost estimate to extend City services to Crescent Avenue. This was updated based on continued interest from certain property owners, and to reflect 2014 construction costs. It was recommended to Council to authorize WHKS to prepare a feasibility study that would be necessary for the project to proceed. The cost of the feasibility study would be \$2,500.00. Once the study was completed, the City would invite Crescent Avenue residents to a meeting at which time the study would be reviewed with residents of the area. Following discussion, Member Husmann made a motion, seconded by Member Williams, as follows:

MOTION TO AUTHORIZE WHKS & CO. TO PREPARE A FEASIBILITY STUDY OF EXTENDING CITY SERVICES TO CRESCENT AVENUE AT A COST OF \$2,500.00.

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

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

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

ITEM 3.10 – PERSONNEL COMMITTEE RECOMMENDATIONS

The Personnel Committee made the following recommendations to City Council:

1. That the position of lead worker at the Golf Course be offered to Tina Henderson. Pursuant to the terms and conditions of the Union Contract, a 120 day probationary period will be in effect.
2. That Theresa Pierce’s probationary period as Club House Manager status be removed as it has been successfully completed.

3. That the City Council authorize to advertise for firefighters.

Following discussion, the following Motions were made:

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

MOTION TO OFFER THE POSITION OF LEAD WORKER AT THE GOLF COURSE TO TINA HENDERSON AND PURSUANT TO THE TERMS AND CONDITIONS OF THE UNION CONTRACT, A 120 DAY PROBATIONARY PERIOD WILL BE IN EFFECT.

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

Bernie Buehler	Yes
John Graff	Yes
Greg Husmann	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 Graf, as follows:

MOTION TO REMOVE THE PROBATIONARY STATUS FROM THERESA PIERCE AS CLUB HOUSE MANAGER.

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.

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

MOTION TO AUTHORIZE TO ADVERTISE FOR FIREFIGHTERS.

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 3.11 – 2015 MnDOT TRANSIT APPLICATION

City Council reviewed the Resolution regarding the City’s 2015 transit assistance from the State of Minnesota. There was previous discussions regarding the addition of Saturday service to the bus service. The City will not be able to consider the addition of Saturday service until the MPO conducts a Transit Development Plan which they intend to do in 2015 and the results indicate a need for expanded service. Following discussion, Member Williams introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 08-14-15

**RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LA CRESCENT
ENTERING INTO AN AGREEMENT WITH THE STATE OF MINNESOTA TO PROVIDE PUBLIC
TRANSPORTATION IN THE CITY OF LA CRESCENT**

WHEREAS, the City of La Crescent, Minnesota, enters into an Agreement with the State of Minnesota to provide public transportation in the City of La Crescent.

FURTHER RESOLVED that the City of La Crescent, Minnesota agrees to provide (20%) percent of the total operating cost from local funds and (20%) percent of the total capital costs.

FURTHER RESOLVED that authorization to execute the aforementioned Agreement and any amendments thereto is hereby given to the Mayor or the City Clerk/Administrator.

FURTHER resolved that the City Administrator or Transit Manager is hereby authorized to execute requests for reimbursement to the Minnesota Department of Transportation.

ADOPTED this 11th day of August, 2014.

SIGNED:

Mayor

ATTEST:

City Administrator

The foregoing motion was duly seconded by Member Husmann 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 3.12 – LIQUOR LICENSE APPLICATION

Council reviewed an application for a 3.2 liquor license for the 3 River Throwdown which will be held at the Community Ice Arena on September 13, 2014. City Administrator Waller informed the Council that the application appears to be in order and recommended approval. Following discussion, Member Husmann made a motion, seconded by Member Graf, as follows:

MOTION TO GRANT A 3.2 LIQUOR LICENSE FOR THE 3 RIVER THROWDOWN WHICH WILL BE HELD AT THE COMMUNITY ICE ARENA ON SEPTEMBER 13, 2014.

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

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

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

ITEM 3.13 – APPLEFEST PARADE REQUEST

City Council reviewed a request from the Applefest King Apple Parade Chair for approval of both the King Apple Parade and Kiddie Parade routes, request for the police department to provide barricades and personnel at intersections on the parade routes and the placement of portable toilets throughout the parade route. A map was attached for review regarding the routes and the placement of the toilets. Following discussion, Member Husmann made a motion, seconded by Member Williams, as follows:

MOTION TO APPROVE BOTH THE KING APPLE PARADE AND KIDDIE PARADE ROUTES FOR THE 66TH ANNUAL APPLEFEST, REQUEST FOR THE POLICE DEPARTMENT TO PROVIDE BARRICADES AND PERSONNEL AT INTERSECTIONS ON THE PARADE ROUTES AND THE PLACEMENT OF PORTABLE TOILETS THROUGHOUT THE PARADE ROUTE.

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

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

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

ITEM 3.14 – LICENSE RENEWALS

City Council reviewed a listing for license applications. All licenses appear to be in order and it is recommended the City Council approve the licenses as presented. Following discussion, Member Buehler made a motion, seconded by Member Graf, as follows:

MOTION TO APPROVE THE PRESENTED LIST OF LICENSE APPLICATIONS FOR THE FOLLOWING: MASSAGE BUSINESS/TECHNICIAN TO CHRISTINA FARRELL/SIMPLE PLEASURES; GAS INSTALLERS TO SCHNEIDER HEATING AND MIKE’S HEATING; MASSAGE BUSINESS/TECHNICIAN TO KELLIE KERRIGAN, SUBJECT TO APPROVAL OF CONDITIONAL USE PERMIT; AND SOFT DRINK TO GOLDEN LIVING.

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 3.15 – AUTHORIZE SALE OF USED EQUIPMENT

It was recommended to City Council to authorize the sale of the used 1992 paint sprayer to the City of Hokah or \$350.00. The City purchased a new paint sprayer this year through the capital equipment certificate. Following discussion, Member Buehler made a motion, seconded by Member Husmann, as follows:

MOTION TO AUTHORIZE THE SALE OF THE USED 1992 PAINT SPRAYER TO THE CITY OF HOKAH OR \$350.00.

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

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

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

ITEM 3.16 – 2014 SIDEWALK IMPROVEMENTS

City Council reviewed the proposals for the 2014 sidewalk improvements from Voss & Sons for \$21,018.00 and from Wieser Brothers for \$26,500.00. The project includes the installation of new sidewalk on the south side of Main Street, the 500 block, between Elm Street and Maple Street, and other miscellaneous sidewalk repairs. There are funds in the 2014 general fund budget for this expenditure. It was recommended to Council to accept the proposal submitted by Voss & Sons. Following discussion, Member Graf made a motion, seconded by Member Buehler, as follows:

MOTION TO ACCEPT THE PROPOSAL SUBMITTED BY VOSS & SONS FOR \$21,018.00 FOR THE 2014 SIDEWALK IMPROVEMENTS.

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

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

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

ITEM 3.17 – LANCER YOUTH HOCKEY – GAMBLING APPLICATION

City Council reviewed an application from Lancer Youth Hockey to conduct off-site gambling as part of their Rockin the Rink event on September 23 at the La Crescent Community Arena. The application is for a raffle and tipboards. The application appears to be in order and it was recommended that Council approve the application through a Resolution. Following discussion, Member Husmann introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 08-14-16

**RESOLUTION APPROVING GAMBLING APPLICATION FOR
LANCER YOUTH HOCKEY FOR SEPTEMBER 23, 2014**

WHEREAS, Lancer Youth Hockey wishes to apply for a gambling license in the City of La Crescent to be held at the La Crescent Community Arena on September 23, 2014, and

WHEREAS, pursuant to Minnesota Lawful Gambling form #LG220, a resolution must be passed specifically approving or denying the application for all groups wishing to gambling in the City of La Crescent,

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of La Crescent hereby approves the application of Lancer Youth Hockey to engage in lawful gambling activities at the La Crescent Community Arena, La Crescent, Minnesota, on September 23, 2014 in the City of La Crescent as set out in La

Crescent City Code Chapter 8, Article 3 and Minnesota State Statute Section 325.54, 349.26 and 609.761 and waives the 30 day waiting period.

ADOPTED this 11th day of August, 2014.

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 Graff	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 8 – CHAMBER OF COMMERCE

The Chamber updated the City Council regarding the Ribbon Cutting for the Apple Shed, the Steak Fry and thanked the City for their commitment to Community/Economic Development.

There being no further business to come before the Council at this time, Member Husmann made a motion, seconded by Member Graf, 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 6:07 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator