

MINUTES, REGULAR MEETING  
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA  
AUGUST 12, 2013

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 12, 2013, followed by the Pledge of Allegiance. Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Bernie Buehler, John Graf, Greg Husmann, Dale Williams, and Mayor Mike Poellinger. Members absent: None. Also present was City Administrator Bill Waller and City Attorney Skip Wieser.

Mayor Poellinger asked if anyone wished to take action to change the agenda as presented. The following additions to the agenda were requested: Tree Trimming, Item #3.11, and Concrete at Pool, Item #3.12. Member Buehler made a motion, seconded by Member Graf, as follows:

**A MOTION TO APPROVE AFOREMENTIONED CHANGES TO THE PRINTED AGENDA**

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

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

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

**ITEM 1 – CONSENT AGENDA**

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

- 1.1 MINUTES – JULY 22, 2013
- 1.2 BILLS PAYABLE THROUGH AUGUST 8, 2013
- 1.3 CASH BALANCE / ACTIVITY REPORT – MAY 2013
- 1.4 LIBRARY REPORT – MAY 2013
- 1.5 CASH BALANCE / ACTIVITY REPORT – JUNE 2013
- 1.6 LIBRARY REPORT – JUNE 2013

At the conclusion of the reading of the Consent Agenda, Mayor Poellinger asked if the Council wished to have any of the items removed from the Consent Agenda for further discussion. Member Williams made a motion, seconded by Member Buehler, as follows:

**A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED**

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

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

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

### **ITEM 3.1 – BEACON VALLEY ROAD STORM WATER**

City Administrator Waller informed Council that the claims regarding Beacon Valley Road that have been filed with the City are being turned over to the League of Minnesota Cities Insurance Trust for review. No action taken.

### **ITEM 3.2 – RADIUM PLANT REVIEW**

Tim Hruska, City Engineer, gave Council an update on the radium plant. The City has received three (3) proposals to install an additional 6,000 gallon holding tank. The proposals were as follows: Wieser Septic and Excavating - \$25,700.00; Zenke Incorporated - \$36,106.00; and McHugh Excavating - \$48,325.00. It was recommended to Council to accept the bid from Wieser Septic and Excavating, subject to authorization to proceed from the League of Minnesota Cities Insurance Trust. City Attorney Wieser also reviewed the recovery process. Following discussion, Member Husmann made a motion, seconded by Member Buehler as follows:

**MOTION TO ACCEPT THE BID FROM WIESER SEPTIC AND EXCAVATING IN THE AMOUNT OF \$25,700.00 FOR THE INSTALLATION OF A 6,000 GALLON HOLDING TANK AT THE CITY OF LA CRESCENT RADIUM PLANT SUBJECT TO THE AUTHORIZATION TO PROCEED FROM THE LEAGUE OF MINNESOTA CITIES INSURANCE TRUST.**

Upon a roll call vote taken and tallied by the City Administrator, the following 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 3.3 – SOUTH 14<sup>TH</sup> STREET PROJECT REVIEW**

City Engineer, Tim Hruska, reviewed the South 14<sup>th</sup> Street Project with Council. The punch list was completed today with the Contractor and the project came in under budget. There was also a discussion regarding bike lanes. No action taken.

### **ITEM 3.4 – WELLHEAD PROTECTION PLAN UPDATE**

City Engineer, Tim Hruska, reviewed with Council the preparation of the Wellhead Protection Plan. He informed Council that most of the modeling is complete and he has met with the Minnesota Department of Health. He also reviewed the item of water conservation as it relates to the project, and other potential City projects and policies. No action taken.

### **ITEM 3.5 – DUMPSTERS IN RESIDENTIAL AREAS**

Council Member, Greg Husmann, gave an overview of his concern to allow existing dumpsters in residential areas to stay but not to allow any new dumpsters. Following discussion, Member Husmann made a motion to allow existing dumpsters in residential areas to stay but to not allow new dumpsters. Motion failed for lack of a second. No other motions followed.

### **ITEM 3.6 – ACCEPT DONATIONS**

The City received the following donations for the National Night Out event held last week:

1. Crest Precast - \$25
2. Crescent Electric - \$50
3. Knights of Columbus - \$50
4. Wieser Law Office - \$50

It was recommended that the City Council accept these donations. Following discussion, Member Buehler introduced the following resolution and moved its passage and adoption:

#### **RESOLUTION NO. 08-13-13**

#### **RESOLUTION ACCEPTING DONATIONS FOR THE CITY OF LA CRESCENT NATIONAL NIGHT OUT EVENT**

WHEREAS, the following businesses wish to donate monies to the City for the National Night Out event:

1. Crest Precast - \$25
2. Crescent Electric - \$50
3. Knights of Columbus - \$50
4. Wieser Law Office - \$50.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of La Crescent hereby approves the above listed donations for the National Night Out event.

ADOPTED this 12<sup>th</sup> day of August, 2013.

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 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 3.7 – AUTHORIZE CAPITAL EQUIPMENT EXPENDITURE**

The Golf Commission is recommending to Council to consider replacing the 1994 Toro Workman utility vehicle that is an integral part of the operation of Pine Creek Golf Course. The City also has specialty equipment that operates as an attachment to the Workman. The Commission is proposing that the Council consider the purchase of a new Toro Workman and that the costs be included in the capital equipment certificate that the City will be issuing in 2013. It is recommended to Council to accept the proposal submitted by MTI in the amount of \$21,085.85 for the purchase of a new Toro Workman and to adopt a reimbursement resolution which will allow the City Council to add this to the City's upcoming 2013 capital equipment certificate. Following discussion, Member Williams made a motion, seconded by Member Buehler, as follows:

**MOTION TO ACCEPT THE PROPOSAL SUBMITTED BY MTI IN THE AMOUNT OF \$21,085.85 FOR THE PURCHASE OF A NEW TORO WORKMAN UTILITY VEHICLE 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
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

Following review and discussion of the motion, Member Husmann introduced the following resolution and moved its passage and adoption:

**RESOLUTION NO. 08-13-14**  
**RESOLUTION ESTABLISHING PROCEDURES**  
**RELATING TO COMPLIANCE WITH REIMBURSEMENT BOND**  
**REGULATIONS UNDER THE INTERNAL REVENUE CODE**

BE IT RESOLVED by the City Council (the "Council") of the City of La Crescent, Minnesota (the "City"), as follows:

1. Recitals.

(a) The Internal Revenue Service has issued Treasury Regulations, Section 1.150-2 (as the same may be amended or supplemented, the "Regulations"), dealing with "reimbursement bond" proceeds, being proceeds of bonds used to reimburse the City for any project expenditure paid by the City prior to the time of the issuance of those bonds.

(b) The Regulations generally require that the City (as the issuer of or the primary obligor under the bonds) make a declaration of intent to reimburse itself for such prior expenditures out of the proceeds of subsequently issued bonds, that such declaration be made not later than 60 days after the expenditure is actually paid, and that the bonding occur and the written reimbursement allocation be made from the proceeds of such bonds within 18 months after the later of (1) the date of payment of the expenditure or (2) the date the project is placed in service (but in no event more than 3 years after actual payment).

(c) The City heretofore implemented procedures for compliance with the predecessor versions of the Regulations and desires to amend and supplement those procedures to ensure compliance with the Regulations.

(d) The City's bond counsel has advised the City that the Regulations do not apply, and hence the provisions of this Resolution are intended to have no application, to payments of City project costs first made by the City out of the proceeds of bonds issued prior to the date of such payments.

2. Official Intent Declaration. The Regulations, in the situations in which they apply, require the City to have declared an official intent (the "Declaration") to reimburse itself for previously paid project expenditures out of the proceeds of subsequently issued bonds. The Council hereby authorizes the Clerk to make the City's Declarations or to delegate from time to time that responsibility to other appropriate City

employees. Each Declaration shall comply with the requirements of the Regulations, including without limitation the following:

(a) Each Declaration shall be made not later than 60 days after payment of the applicable project cost and shall state that the City reasonably expects to reimburse itself for the expenditure out of the proceeds of a bond issue or similar borrowing. Each Declaration may be made substantially in the form of the Exhibit A which is attached to and made a part of this Resolution, or in any other format which may at the time comply with the Regulations.

(b) Each Declaration shall (1) contain a reasonably accurate description of the "project," as defined in the Regulations (which may include the property or program to be financed, as applicable), to which the expenditure relates and (2) state the maximum principal amount of bonding expected to be issued for that project.

(c) Care shall be taken so that the City, or its authorized representatives under this Resolution, not make Declarations in cases where the City doesn't reasonably expect that reimbursement bonds will be issued to finance the subject project costs, and the City officials are hereby authorized to consult with bond counsel to the City concerning the requirements of the Regulations and their application in particular circumstances.

(d) The Council shall be advised from time to time on the desirability and timing of the issuance of reimbursement bonds relating to project expenditures for which the City has made Declarations.

3. Reimbursement Allocations. If the City is acting as the issuer of the reimbursement bonds, the designated City officials shall also be responsible for making the "reimbursement allocations" described in the Regulations, being generally written allocations that evidence the City's use of the applicable bond proceeds to reimburse the original expenditures.

4. Effect. This Resolution shall amend and supplement all prior resolutions and/or procedures adopted by the City for compliance with the Regulations (or their predecessor versions), and, henceforth, in the event of any inconsistency, the provisions of this Resolution shall apply and govern.

ADOPTED this 12<sup>th</sup> day of August, 2013.

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

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City Administrator

The motion for the adoption of the foregoing resolution was duly seconded by Member Buehler 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 3.8 – PERSONNEL COMMITTEE RECOMMENDATION**

Council reviewed a recommendation from the Personnel Committee to authorize the advertising/posting of the Lead Worker position at the golf course. Following discussion, Member Williams made a motion, seconded by Member Husmann as follows:

**MOTION TO AUTHORIZE THE ADVERTISING/POSTING OF THE LEAD WORKER POSITION AT PINE CREEK GOLF COURSE.**

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 3.9 – EAB UPDATE**

City Administrator Waller gave an update on the Minnesota Department of Natural Resources (DNR) grant program to remove and replace ash trees. Now that the City has a known EAB infestation, the City is eligible to submit a grant application. This grant application has been completed and submitted to the DNR. It was also noted that the City has shifted their focus from the USTA grant for tennis courts to this project. They will now resume with the USTA tennis court application. It is intended to have a finalized plan that will allow for the City to begin construction on the tennis courts in the spring of 2014. No action taken.

**ITEM 3.10 – ACCEPT DONATION**

Council reviewed a correspondence from City residents, Peter Lunxi Xia and Lea Zhang, who gave generous donation to pave the parking lot at Pine Creek Golf Course. It was recommended to Council to accept the donation by Resolution, authorize the City staff to obtain proposals to pave the parking lot, and request the Golf Commission to formalize a plan and make a recommendation to Council to recognize the donation. Following discussion, Member Husmann introduced the following resolution and moved its passage and adoption:

**RESOLUTION NO. 08-13-15**

**RESOLUTION ACCEPTING DONATION TO PAVE THE PARKING LOT AT  
PINE CREEK GOLF COURSE IN THE CITY OF LA CRESCENT**

WHEREAS, City of La Crescent residents, Peter Lunxi Xia and Lea Zhang, wish to donate \$50,000.00 to improve the parking lot of Pine Creek Golf Course.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of La Crescent hereby approves the \$50,000.00 donation to pave the parking lot at Pink Creek Golf Course.

ADOPTED this 12<sup>th</sup> day of August, 2013.

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

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City Administrator

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

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

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

Also, Member Husmann made a motion, seconded by Member Buehler as follows:

**MOTION TO AUTHORIZE THE LA CRESCENT CITY STAFF TO OBTAIN PROPOSALS TO  
PAVE THE PARKING LOT AT PINE CREEK GOLF COURSE.**

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.

It was also the consensus of City Council to request the Golf Commission to formalize a plan, and make a recommendation to Council to recognize the donation.

**ITEM 3.11 – TREE TRIMMING**

Council Member Buehler reviewed with Council that when he was Fire Chief he would inspect boulevards and have tree letters sent out regarding trees in need of trimming. It was suggested to Council to lease a chipper. City Administrator will follow-up with City Zoning Officer. No action taken.

**ITEM 3.12 – CONCRETE AT POOL**

Council Member Graf inquired about the recent correspondence from Olympic Builders. No action taken.

**ITEM 6.1 – GOLF COURSE REPORT – AUGUST 2013**

Council reviewed the August 8, 2103 Golf Report. Because of the slow start to the golf season, the number of rounds was down for 2013. From March to the end of July revenue is down \$52,725.27 and 4,255 behind in rounds of golf. There are 7 groups scheduled for the month of August. No action taken.

**ITEM 7.1 – CORRESPONDENCE – COALITION OF GREATER MN CITIES**

Council reviewed the 2013 Coalition of Greater Minnesota Cities Legislative Session Report. No action taken.

**ITEM 7.2 – CORRESPONDENCE – MN DEPARTMENT OF HEALTH – LEAD/COPPER**

Council reviewed the July 26, 2013 correspondence from the MN Department of Health regarding the Lead/Copper Tap Water Monitoring Report. Based on the results, the City’s public water system has not exceeded the action level for both lead and copper. No action taken.

**ITEM 7.3 – CORRESPONDENCE – WINONA COUNTY PLANNING**

Council reviewed the July 26, 2013 correspondence from the Winona County Planning and Environmental Services regarding the upcoming public hearing on August 15, 2013 at 7:00 p.m. to hear and take comments from the public on the proposed amendments to the Winona County Zoning Ordinance. The correspondence listed the proposed amendments. No action taken.

**ITEM 7.4 – CORRESPONDENCE – THANK YOU – MADE IN THE SHADE**

Council reviewed a thank you for approving the “Made in the Shade” event. No action taken.

**ITEM 8.1 – CHAMBER OF COMMERCE**

The Chamber of Commerce noted they had a good golf outing.

There being no further business to come before the Council at this time, Member Williams 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 6:18 PM.

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

SIGNED:

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Mayor

ATTEST:

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City Administrator