

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
AUGUST 14, 2023

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 14th, 2023.

Upon a roll call taken and tallied by the Deputy Clerk, the following members were present: Members Ryan Hutchinson, Cherryl Jostad, Teresa O'Donnell-Ebner, Dale Williams, and Mayor Mike Poellinger. Members absent: None. Also present were City Attorney Skip Wieser, Public Works Director Tyler Benish, and Deputy Clerk Angie Boettcher.

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 24, 2023
- 1.2 BILLS PAYABLE THROUGH – AUGUST 11, 2023
- 1.3

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 Hutchinson made a motion, seconded by Member O'Donnell-Ebner, as follows:

A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED.

Upon a roll call vote taken and tallied by the Deputy Clerk, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.1 – REVIEW SHORT-TERM RENTAL ORDINANCE

The following citizens attended the City Council meeting and addressed City Council regarding the current Short-Term Rental Ordinance: Gregory Lapoint, Noel Stein, Dave Loberg, Stephanie Loberg, Kim Siegersma, April Farrell, Gene Schellhorn, Jeff Hothaus, Ross Martin, Tom Ezdon, Vonnie Levenick, and Allison Davis.

It was the consensus of the City Council to have Attorney Wieser make highlighted changes and drafts to the current Short-Term Rental Ordinance and include alternative language for the Central Business District regarding a contact person and bring it back to the August 28th City Council meeting.

ITEM 3.2 – LETTER OF UNDERSTANDING – OVERLOOK PLAZA

City Council reviewed two Letters of Understanding between the City of La Crescent and the University of Minnesota’s Resilient Communities Program (RCP). The first Letter of Understanding matches a graduate-level class with the city to create a recognition project at Overlook Plaza to better document the indigenous history in the City of La Crescent and SE Minnesota. The second Letter of Understanding is for a design class and a landscape architecture class. The landscape architecture class will take the information and input from the first indigenous history class and translate that into conceptual designs for incorporating indigenous history in the design of Overlook Plaza. The fee for the University of Minnesota Program is \$6,000. The City is required to match the Blandin Foundation Grant at \$20,000 and the expenses for both projects will cover a portion of the City’s required match. Following discussion, Member O’Donnell-Ebner made a motion, seconded by Member Jostad as follows:

MOTION TO APPROVE THE TWO LETTERS OF UNDERSTANDING BETWEEN THE CITY OF LA CRESCENT AND THE UNIVERSITY OF MINNESOTA’S RESILIENT COMMUNITIES PROGRAM AS STATED.

Upon a roll call vote taken and tallied by the Deputy Clerk, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O’Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.3 – CHILD CARE INITIATIVE – WAIVE PORTION OF FEE

City Council reviewed a letter from the Houston County Community Solution Action Plan – Core Team requesting the City of La Crescent waive its city costs for First Aid and CPR Training for childcare providers and new employees as one of the obstacles in the childcare field is ongoing training including first aid and CPR training. The Core Team is working with Cassie Buehler in the La Crescent Fire Department to organize training events. Houston County has agreed to pay for the certificate for anyone attending the class in relation to childcare. Following discussion, Member Jostad made a motion, seconded by Member Hutchinson as follows:

MOTION TO APPROVE WAIVING THE CITY COSTS FOR FIRST AID AND CPR TRAINING FOR CHILDCARE PROVIDERS AND NEW EMPLOYEES TRAINING WITH CASSIE BUEHLER FROM THE LA CRESCENT FIRE DEPARTMENT AND HOUSTON COUNTY AGREEING TO PAY FOR THE CERTIFICATE FOR ANYONE ATTENDING THE CLASS IN RELATION TO CHILDCARE.

Upon a roll call vote taken and tallied by the Deputy Clerk, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.4 – LAND EXCHANGE AGREEMENT

Attorney Wieser reviewed with City Council for approval a Land Exchange Agreement between the City of La Crescent and VSC in regards to the property located at 328 1st Street South in the City of La Crescent. The purpose of the agreement is to provide the City with a five (5) year option period to acquire the VSC property. There are two (2) scenarios by which the City can acquire the property.

1. The City can purchase the property for Three Hundred Forty-Seven Thousand 00/100 dollars (\$347,000.00). If the City elects this option, the City will simultaneously provide VSC the option to purchase the City Hall property located at 315 Main Street in the City also for Three Hundred Forty-Seven Thousand 00/100 dollars (\$347,000.00).
2. The parties may trade parcels simultaneously. Again, using a valuation of \$347,000.00 as the respective trade values.

This agreement was set up to provide the city flexibility in the event the city may elect to construct a new City Hall facility in phase. Following discussion, Member Hutchinson made a motion, seconded by Member Williams as follows:

MOTION TO APPROVE THE LAND EXCHANGE AGREEMENT BETWEEN THE CITY OF LA CRESCENT AND VSC IN REGARD TO ACQUIRING THE PROPERTY LOCATED AT 328 1ST STREET SOUTH IN THE CITY OF LA CRESCENT TO PROVIDE THE CITY WITH A FIVE (5) YEAR OPTION PERIOD TO ACQUIRE THE VSC PROPERTY WITH A VALUATION OF THREE HUNDRED FORTY-SEVEN THOUSAND 00/100 (\$347,000.00) WITH THE TWO OPTIONS AS PRESENTED. INCLUDED WITH THE MOTION IS AUTHORITY FOR CITY ATTORNEY TO MAKE CLERICAL CHANGES TO AGREEMENT.

Upon a roll call vote taken and tallied by the Deputy Clerk, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.5 – HIRING RECOMMENDATION

City Council reviewed a letter from City Finance Director Kara Tarrence recommending City Council approve hiring Amy Jore for the position of Accountant with the City of La Crescent. Ms. Jore would start at Step 3 in the AFSME Union salary schedule and serve a six-month probationary period. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Hutchinson as follows:

MOTION TO APPROVE THE HIRING OF AMY JORE FOR THE ACCOUNTANT POSITION WITH THE CITY OF LA CRESCENT WITH MS. JORE STARTING AT STEP 3 OF THE AFSCME UNION SCHEDULE AND SERVING A SIX-MONTH PROBATIONARY PERIOD.

Upon a roll call vote taken and tallied by the Deputy Clerk, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.6 – 2024 MnDOT TRANSIT APPLICATION RESOLUTION

City Council reviewed a resolution to approve the State Transit Operating Assistance application for 2024. The resolution is adopted and submitted to MnDOT each year. In 2023, the City will receive approximately \$242,000 in Federal and State funds to operate the local bus service. It was recommended that the City Council adopt the resolution. Following review and discussion, Member Hutchinson introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 08-23-27

**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**

The City of La Crescent, Minnesota has resolved to apply for the 2024 Greater Minnesota Transit Operating Grant and enter 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 a local share of up to fifteen percent (15%) of the total operating costs and up to twenty percent (20%) of total capital costs.

FURTHER RESOLVED that the City of La Crescent, Minnesota agrees to provide one hundred percent (100%) of the local share necessary for expenses that exceed funds available from the State.

FURTHER RESOLVED that the City of La Crescent, Minnesota authorizes the Mayor and/or City Administrator to execute the aforementioned Agreement and any amendments thereto.

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 14th day of August, 2023.

SIGNED:

Mayor

ATTEST:

City Administrator

The motion for the adoption of the foregoing Resolution was duly seconded by Member Jostad and upon a roll call vote taken and tallied by the Deputy Clerk, the following Members voted in favor thereof viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.7 – APPLEFEST – REQUEST FOR ASSISTANCE

City Council reviewed a letter from Tammy Stremcha, on behalf of the Applefest Board of Directors requesting assistance from the City of La Crescent to help coordinate the 75th Applefest including preparing the carnival area, installing signs, installing stakes and fencing, a water line for the King Apple Tent, use of city garbage cans, picnic tables, and trailer, as well as help barricading the staging route for the King Apple Parade, and use of eight golf cars during the King Apple Parade. Following discussion, Member Williams made a motion, seconded by Member O'Donnell-Ebner as follows:

MOTION TO APPROVE ASSISTANCE FROM THE CITY FOR PREPARATION OF THE 75TH APPLEFEST AS STATED.

Upon a roll call vote taken and tallied by the Deputy Clerk, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.8 – ORDINANCE PROHIBITING CANNABIS IN PUBLIC SPACES

Attorney Wieser reviewed with City Council for approval an Ordinance prohibiting the use of cannabis and hemp in public places, a letter from Police Chief Ahlschlager was also included. Following discussion, Member O'Donnell-Ebner introduced the following ordinance and moved its passage and adoption:

ORDINANCE NO. 572

AN ORDINANCE OF THE CITY OF LA CRESCENT AN ORDINANCE PROHIBITING CANNABIS AND HEMP USE IN PUBLIC PLACES

The City Council of the City of La Crescent, Houston County, Minnesota, hereby ordains:

SECTION I – DEFINITIONS.

- (a) For purposes of this section, the terms “cannabis flower,” “cannabis products,” “lower-potency hemp edibles,” and “hemp-derived consumer products” shall have the definitions given to them in Minnesota Statutes, section 342.01, as it may be amended from time to time.
- (b) For purposes of this section, “public place” is defined as any indoor or outdoor area that is used or held out for use by the public whether owned or operated by public or private interests. Pursuant to Minnesota Statutes, section 152.0263, subd. 5, “public place” does not include the following: (i) a private residence, including the person's curtilage or yard; (ii) private property not generally accessible by the public; and (iii) the premises of an establishment or event licensed to permit on-site consumption of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.

SECTION II – PUBLIC USE PROHIBITED.

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place. A violation of this section shall be considered a petty misdemeanor notwithstanding any other penalty provision in the city code.

SECTION III This ordinance shall be effective upon its adoption and publication.

PASSED AND ENACTED this _____ day of _____, 2023.

Mayor

ATTEST:

City Administrator

The foregoing motion was duly seconded by Member Hutchinson and upon a roll call vote taken and tallied by the Deputy Clerk, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O’Donnell-Ebner	Yes

Dale Williams	Yes
Mike Poellinger	Yes

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

Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Hutchinson as follows:

MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 572 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, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.9 – WIESER PARK DEDICATION/RIBBON CUTTING

City Council reviewed a memo from City Administrator Bill Waller regarding upcoming events at Wieser Park. The first is a donor/contributor recognition event by invitation only with costs being covered by private donation. The second is a ribbon-cutting ceremony to be held on Tuesday, September 12, 2023, at 5:30 p.m. hosted by the City of La Crescent and the public is invited and encouraged to attend. This was informational only, no action required.

ITEM 3.10 – DONATION RESOLUTIONS

City Council reviewed a Resolution regarding the acceptance of donations to the City for the month of July and August. Following review and discussion, Member Jostad introduced the following Resolutions and moved their passage and adoption as follows:

RESOLUTION NO. 08-23-28

**RESOLUTION ACCEPTING DONATIONS MADE TO THE
CITY OF LA CRESCENT IN JULY, 2023**

WHEREAS, the following donations were made to the City of La Crescent in the month of July 2023:

1. TJ's Auto Glass Inc. wishes to donate \$100.00 to the LCPD/Neighbor's Night Out.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of La Crescent hereby accepts the donations stated above.

ADOPTED this 14th day of August 2023.

SIGNED:

Mayor

ATTEST:

RESOLUTION NO. 08-23-29

**RESOLUTION ACCEPTING DONATIONS MADE TO THE
CITY OF LA CRESCENT IN AUGUST 2023**

WHEREAS, the City of La Crescent ("La Crescent") is required by Minn. Stat. § 465.03 to accept donations by Resolution;

WHEREAS, the following donations were made to La Crescent in the month of August, 2023:

1. Al "Skip" Wieser, III and Trisha L. Wieser wish to donate \$400.00 in memory of Karen Wieser to Wieser Memorial Park Improvement Project to be used for the specific purpose of installation of flowers at the shelter facility.

WHEREAS, La Crescent agrees to accept the donations for Wieser Memorial Park subject to the conditions identified above.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of La Crescent hereby accepts the donations stated above for Wieser Memorial Park subject to the conditions identified above.

ADOPTED this 14th day of August, 2023.

SIGNED: _____
Mayor

ATTEST: _____
City Administrator

The motion for the adoption of the foregoing resolutions was duly seconded by Member Hutchinson and upon a roll call vote taken and tallied by the Deputy Clerk, the following Members present voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.11 – STREET CLOSURE REQUEST

City Council reviewed a letter from Police Chief Luke Ahlschlager requesting a Street Closure for Nicole's School of Dance on Saturday, October 14, 2023 from 4:00 p.m. to 7:00 p.m. for their annual Trunk or Treat Party. The event will take place in the parking lot between Nicole's School of Dance studio and the Montessori School, however due to safety concerns they are requesting the portion of South Oak Street from South 14th Street and South 11th Street be closed for the event. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Williams as follows:

MOTION TO APPROVE THE CLOSURE OF SOUTH OAK STREET FROM SOUTH 14TH STREET TO SOUTH 11TH STREET ON SATURDAY, OCTOBER 14TH, 2023 FROM 4:00 P.M. TO 7:00 P.M FOR NICOLE'S SCHOOL OF DANCE ANNUAL TRUNK OR TREAT PARTY.

Upon a roll call vote taken and tallied by the Deputy Clerk, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.12 – PARADE REQUEST

City Council reviewed a letter from Police Chief Luke Ahlschlager requesting approval for a Parade Permit for temporary street closure at the intersection of Main Street and Walnut Street for the 5th Annual Thriller Performance organized by Meagan Waddell to be held on Sunday, October 29th, 2023 at 6:00 p.m. Following discussion, Member Jostad made a motion, seconded by Member Hutchinson as follows:

MOTION TO APPROVE A TEMPORARY STREET CLOSURE AT THE INTERSECTION OF MAIN STREET AND WALNUT STREET FOR THE 5TH ANNUAL THRILLER PERFORMANCE ON SUNDAY, OCTOBER 29TH, 2023 AT 6:00 P.M.

Upon a roll call vote taken and tallied by the Deputy Clerk, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O’Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

6. STAFF CORRESPONDENCE/COMMITTEE UPDATES

6.1 City Council reviewed a letter from Public Works Director Tyler Benish regarding the Watershed Severe Drought Warning Response.

9. CHAMBER OF COMMERCE

Chamber of Commerce representative Kim Siegersma was in attendance, the Chamber had no updates.

There being no further business to come before the Council at this time, Member Williams made a motion, seconded by Member Hutchinson to adjourn the meeting. Upon a roll call vote taken and tallied by the Deputy Clerk, the following Members present voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O’Donnell-Ebner	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 6:50 PM

APPROVAL DATE: August 28, 2023

SIGNED:

Mayor

ATTEST:

City Administrator