

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
SEPTEMBER 8, 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 September was called to order by Acting Mayor Dale Williams at 5:32 PM in the La Crescent City Hall, La Crescent, Minnesota, on Monday, September 8, 2014, 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, and Dale Williams. Members absent: Mayor Mike Poellinger – Excused. Also present was City Administrator Bill Waller and City Attorney Skip Wieser.

Acting Mayor Dale Williams asked if anyone wished to take action to change the agenda as presented. It was requested to add #3.14 – South 7th Street Water Shut-off and Watering Sod. Member Buehler made a motion, seconded by Member Graf, as follows:

A MOTION TO APPROVE AFOREMENTIONED ADDITION TO THE PRINTED AGENDA

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
Dale Williams	Yes

and Member Greg Husmann voted against the same. The motion was declared duly carried by a 3-1 vote.

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 – AUGUST 25, 2014
- 1.2 BILLS PAYABLE THROUGH SEPTEMBER 4, 2014

At the conclusion of the reading of the Consent Agenda, Acting Mayor Dale Williams 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 Husmann, 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 Graff	Yes
Greg Husmann	Yes
Dale Williams	Yes

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

ITEM 3.0 – COALITION OF GREATER MINNESOTA CITIES

Elizabeth Wefel from the Coalition of Greater Minnesota Cities gave an overview of this past year's legislation and funding of Local Government Aid (LGA) to City Council. She also gave an extended overview of the various topics affecting cities throughout the state. This was informational for City Council and no action was taken.

ITEM 3.1 – ANNEXATION RESOLUTION/PETITION

City Attorney Wieser gave an overview to City Council regarding a Resolution and Petition for Annexation that relates to properties that abut the City limits that were reviewed at the July 28 and August 11 City Council Meetings. Member Buehler introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 09-14-17

RESOLUTION FOR ANNEXATION PROCEEDINGS

WHEREAS, on July 28, 2014 and August 11, 2014 the City Council for the City of La Crescent viewed various maps regarding annexation of unincorporated areas outside of the City limits;

WHEREAS, on August 11, 2014, the City Council for the City of La Crescent authorized the City Administrator and City Attorney to move forward and commence various annexation proceedings; and

WHEREAS, the City Council for the City of La Crescent finds that it is in the best interest of the City to move forward with said annexations.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of La Crescent hereby approves the following:

1. That the Petition for Annexing Unincorporated Property by Chief Administrative Law Judge's Order in the Matter of the Petition of the City of La Crescent for Annexation of Unincorporated Abutting Property to the City of La Crescent, Minnesota Pursuant to Minnesota Statutes § 414.031, attached hereto, is hereby approved by the City Council.

2. Upon the expiration of the 30 day Notice of Intent, the City Administrator and City Attorney are hereby authorized to file the Petition for Annexation with the Office of Administrative Hearings, Municipal Boundary Adjustment Unit and to do all other things ancillary thereto to continue the annexation process.

ADOPTED this 8th day September, 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

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

ITEM 3.2 – HIRING RECOMMENDATIONS – POLICE DEPARTMENT

City Administrator Waller gave an overview to City Council regarding interviews that were conducted by him, Chief Doug Stavenau and Member Greg Husmann to fill the two vacancies that exist in the Police Department. It was recommended to City Council that conditional offers of employment be extended to the following individuals:

1. Travis Lapham. Mr. Lapham is currently employed as a Police Officer for the City of Winona and based on his years of police experience it was recommended that Mr. Lapham start at Step 5 of the union contract.
2. Cody Bellock. Mr. Bellock is currently employed as a Police Officer for the City of Rushford and based on his years of police experience it was recommended that Mr. Bellock start at Step 3 of the union contract.

Pursuant to the terms and conditions of the union contract, each of these individuals will serve a twelve month probationary period. Following discussion, the following Motions were made:

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

MOTION TO APPROVE A CONDITIONAL OFFER OF EMPLOYMENT TO TRAVIS LAPHAM AS AN OFFICER FOR THE LA CRESCENT POLICE DEPARTMENT AT STEP 5 OF THE UNION CONTRACT AND PURSUANT TO THE TERMS AND CONDITIONS OF THE UNION CONTRACT, HE SERVE A TWELVE MONTH PROBATIONARY PERIOD.

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

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

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

MOTION TO APPROVE A CONDITIONAL OFFER OF EMPLOYMENT TO CODY BELLOCK AS AN OFFICER FOR THE LA CRESCENT POLICE DEPARTMENT AT STEP 3 OF THE UNION CONTRACT AND PURSUANT TO THE TERMS AND CONDITIONS OF THE UNION CONTRACT, HE SERVE A TWELVE MONTH PROBATIONARY PERIOD.

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

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

ITEM 3.3 – PERSONNEL COMMITTEE RECOMMENDATION

The Personnel Committee made the following recommendations to City Council:

1. That due to the pending retirement of the Building Official that the City Council authorize that the position of Building Official be advertised. The Personnel Committee intends to review the job description for the position, and make modifications to the position to include additional responsibilities in the maintenance department.
2. That due to the pending retirement of the Office Assistant that the City Council authorize that the position of Office Assistant be advertised. The Personnel Committee intends to revise this job description to include additional responsibilities at City Hall.

Following discussion, the following Motions were made:

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

MOTION TO AUTHORIZE THAT THE POSITION OF BUILDING OFFICE BE ADVERTISED WITH MODIFICATIONS TO THE POSITION TO INCLUDE ADDITIONAL RESPONSIBILITIES IN THE MAINTENANCE DEPARTMENT.

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

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

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

MOTION TO AUTHORIZE THAT THE POSITION OF OFFICE ASSISTANT BE ADVERTISED WITH MODIFICATIONS TO THE POSITION TO INCLUDE ADDITIONAL RESPONSIBILITIES AT CITY HALL.

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

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

ITEM 3.4 – STREET CLOSURE – FUN RACE

Police Chief Stavenau gave an overview to City Council regarding a request from the La Crescent PTO for a temporary street closure for an elementary “fun run” scheduled for September 26, 2014 from 9:00 to 11:30 a.m. The Police Department would like to close South 6th Street and South 4th Street to vehicle traffic for the event. Elm Street would remain open for regular vehicle movement with the children using the sidewalk for the run. Tentatively, the front of the elementary school parking area would also be post with temporary “No Parking” for the event, with the possibility of barricading just the parking area for pedestrian access during the event leaving the traffic lanes open. This would not interfere with student dismissal at the end of the school day. Following discussion, Member Husmann made a motion, seconded by Member Buehler, as follows:

MOTION TO APPROVE THE REQUEST FROM THE LA CRESCENT PTO FOR A TEMPORARY STREET CLOSURE FOR AN ELEMENTARY “FUN RUN” SCHEDULED FOR SEPTEMBER 26, 2014 FROM 9:00 TO 11:30 A.M. CLOSING SOUTH 6TH STREET AND SOUTH 4TH STREET TO VEHICLE TRAFFIC FOR THE EVENT AND TENTATIVELY, POSTING THE FRONT OF THE ELEMENTARY SCHOOL PARKING AREA WITH TEMPORARY “NO PARKING” FOR THE EVENT, WITH THE POSSIBILITY OF BARRICADING JUST THE PARKING AREA FOR PEDESTRIAN ACCESS DURING THE EVENT LEAVING THE TRAFFIC LANES OPEN.

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

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

ITEM 3.5 – LITIGATION UPDATE

City Attorney Wieser gave an update to City Council regarding the radium plant litigation. The litigation involves Yaggy Colby & Associates and Olympic Builders General Contractors. On August 5, 2014, a Scheduling Conference was held before the District Court Judge. No action taken.

ITEM 3.6 – ANNEXATION PETITION

City Administrator Waller reviewed with City Council an Annexation Petition and Connection Charge Petition from the owner and purchaser of the property located at 1415 Valley Lane. It was recommended to Council to accept the petitions, authorize the required public notices, and to call for a public hearing on the proposed annexation at the October 27, 2014 City Council meeting. Following discussion, the following Motions were made:

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

MOTION TO ACCEPT THE ANNEXATION PETITION AND CONNECTION CHARGE PETITION FROM THE OWNER AND PURCHASER OF THE PROPERTY LOCATED AT 1415 VALLEY LANE, INCLUDING THE AGREEMENT AUTHORIZING PRE-ANNEXATION CONNECTION, AND TO CALL FOR A PUBLIC HEARING AT THE CITY COUNCIL MEETING ON OCTOBER 27, 2014 AT 5:35 P.M. ON THE PROPOSED ANNEXATION OF 1415 VALLEY LANE .

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 Graff	Yes
Greg Husmann	Yes
Dale Williams	Yes

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

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

MOTION TO AUTHORIZE THE CITY ADMINISTRATOR AND CITY ATTORNEY TO SEND OUT THE REQUIRED NOTICES FOR THE ANNEXATION OF THE PROPERTY LOCATED AT 1415 VALLEY LANE.

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 Graff	Yes
Greg Husmann	Yes
Dale Williams	Yes

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

ITEM 3.7 – EXTEND PROPERTY CLOSING DATE

City Attorney Wieser reviewed with Council the Stoney Point transaction closing that was scheduled for September 8. As part of the Purchase Agreement, the Seller was to provide the City with an abstract of title so that various City easement and utility easements could be reviewed. At this time the abstract has not been completed or reviewed. It was recommended to Council to approve amending the Purchase Agreement to extend the closing until October 3, 2014 and to authorize the Mayor and City Administrator to sign all necessary documents to effectuate the closing. Following discussion, Member Buehler made a motion, seconded by Member Graf, as follows:

MOTION TO APPROVE AMENDING THE PURCHASE AGREEMENT FOR THE STONEY POINT TRANSACTION TO EXTEND THE CLOSING UNTIL OCTOBER 3, 2014 AND TO AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO SIGN ALL NECESSARY DOCUMENTS TO EFFECTUATE THE CLOSING.

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

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

ITEM 3.8 – WEBSITE UPDATE

City Council reviewed information from City Finance Director Deb Shimshak regarding the launch of the new website for the City of La Crescent by Vision Design Group. No action taken.

ITEM 3.9 – NOTICE OF DESIRE TO NEGOTIATE

City Council reviewed a notice of desire to negotiate from the LELS Union. It was recommended to Council that this matter will be referred to the Personnel Committee. Following discussion, Member Husmann made a motion, seconded by Member Buehler, as follows:

MOTION TO REFER THE NOTICE OF DESIRE TO NEGOTIATE FROM THE LELS UNION TO THE PERSONNEL COMMITTEE.

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

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

ITEM 3.10 – KICKBALL TOURNAMENT REQUEST

City Council reviewed a request from Summer Thorson to have a kickball tournament at Old Hickory Park on October 18, 2014, waive the shelter fee rental for the day, and to approve a 3.2 liquor license for the event. Ms. Thorson is participating in the “Dancing for Stars” fundraising event for the American Red Cross and the funds from the kickball tournament would be part of her fundraising efforts for this competition. The City Administrator informed the Council that the application appears to be in order and would recommend approval. Following discussion, Member Graf made a motion, seconded by Member Husmann, as follows:

MOTION TO APPROVE A KICKBALL TOURNAMENT AT OLD HICKORY PARK, WAIVING THE SHELTER FEE RENTAL FOR THE DAY, AND TO APPROVE A 3.2 LIQUOR LICENSE FOR THE EVENT ON OCTOBER 18, 2014.

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

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

ITEM 3.11 – MnDOT LANDSCAPE PARTNERSHIP PROJECT

Council reviewed information from MnDOT and a proposed resolution regarding the Landscape Partnership Program which the City has participated in the last five years. The program designs and pays for the costs of trees, shrubs and plants that are then planted in MnDOT right-of-way. The City has received an \$8,000 grant from MnDOT for the fall 2014 planting project. The proposed planting is for the area in the southwest corner of the new highway intersection in front of the new Kwik Trip and the Cindy Gerke Real Estate building. Following discussion, Member Buehler introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 09-14-18

RESOLUTION APPROVING CITY OF LA CRESCENT ENTER INTO MNDOT AGREEMENT NO. 06666 WITH THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION

IT IS RESOLVED that the City of La Crescent enter into Mn/DOT Agreement No. 06666 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the City of the State's share of the costs of the landscape materials construction and other associated construction to be performed upon, along and adjacent to Trunk Highway No. 16 from 500 feet south of South 3rd Street to South 3rd Street within the corporate City limits under State Project No. 2801-969B (T.H. 16=009).

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 8th day of September, 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

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

ITEM 3.12 – SET PUBLIC MEETING FOR 2015 BUDGET/LEVY

Administrator Waller gave an overview to Council on the requirement to set a date and time for the public meeting at which time the proposed 2015 general fund budget and proposed 2015 levy will be reviewed. It is recommended to Council to set this meeting for 6:00 p.m. on December 8, 2014. Following discussion, Member Husmann made a motion, seconded by Member Graf, as follows:

MOTION TO SET THE PUBLIC MEETING FOR THE PROPOSED 2015 GENERAL FUND BUDGET AND LEVY FOR DECEMBER 8, 2014 AT 6:00 P.M. IN THE COUNCIL CHAMBERS AT LA CRESCENT CITY HALL.

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

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

ITEM 3.13 – COPY MACHINE REPLACEMENT

City Administrator Waller reviewed with City Council the recommendation for a copy machine replacement. The current Savin copier was leased from E.O. Johnson beginning in January, 2006 with the City buying it out in February, 2011. With the age of the machine it is experiencing more breakdowns and noticeable loss of quality in output. E.O. Johnson now offers a managed print service program that offered an analysis of the equipment and equipment location that currently is in use at City Hall and the Fire Department. Council reviewed a list of benefits of the managed print service program. The analysis produced a current monthly cost of \$546.69 and to replace just the Savin copier with a new machine would add \$194.37 per month for 60 months, for a total cost of \$741.06 per month. The proposed cost of the managed print service would be \$655.84 per month for 60 months. This would not only include replacing the Savin copier but would include six new machines along with the service/maintenance and toner supplies for nine machines. This would be a savings of \$85.22 per month. It was recommended to Council to enter into a contract with E.O. Johnson for 60 months for the managed print service program. Following discussion, Member Buehler made a motion, seconded by Member Husmann, as follows:

MOTION TO ENTER INTO A CONTRACT WITH E.O. JOHNSON FOR 60 MONTHS FOR THE MANAGED PRINT SERVICE PROGRAM.

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

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

ITEM 3.14 – SOUTH 7TH STREET WATER SHUT-OFF AND SOD WATERING

Member Buehler reviewed with City Council issues regarding the South 7th Street Water Shut-off and the sod watering. No action taken.

At this time Acting Mayor Dale Williams reviewed with City Council the process for adding items to the agenda and reminded Council Members the importance of following established procedure for adding items to the agenda.

ITEM 8 – CHAMBER OF COMMERCE

Summer Thorson from the Chamber updated City Council with upcoming events.

There being no further business to come before the Council at this time, Member Buehler 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

and none voted against the same. The motion was declared duly carried and the meeting duly adjourned at 6:15 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator