

*City of La Crescent*  
*Planning Commission*  
*Meeting Notice*



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***January 10th, 2023 - 5:30 P.M.***  
***LA CRESCENT CITY HALL***  
***315 MAIN STREET***

***Agenda***

1. Call To Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of November 1st, 2022 Meeting Minutes
5. Election of Chair and Vice-Chair
6. Review Rules and Bylaws of the Planning Commission
7. Review City Code of Conduct
8. Review social media Policy
9. 5:45 Public Hearing CUP Application 1120 South Oak Street
10. Review ordinance regulating Short Term Rentals
11. Review ordinance regulating mobile food units
12. Planning commission related updates from planning commission appointed city council member
13. Adjourn



MINUTES, REGULAR MEETING  
PLANNING COMMISSION, CITY OF LA CRESCENT, MINNESOTA  
NOVEMBER 1ST, 2022

The Planning Commission met at 5:30 p.m., on November 1st, 2022 in the City Council Chambers at City Hall. Upon a roll call taken and tallied by the Sustainability Coordinator, the following members were present: Greg Husmann, Mike Welch, Dave Coleman, Chris Langen, and Jerry Steffes. City Sustainability Coordinator, Jason Ludwigson, Economic Development Director, Larry Kirch, and City Attorney Skip Wieser were also present. Dave Hanifil arrived at 5:35 p.m. Member Ryan Stotts was absent. City Council representative Cherryl Jostad was absent.

Members recited the Pledge of Allegiance.

**Item 4. Approval of September 6<sup>th</sup> 2022 Meeting Minutes**

Mike Welch made a motion to accept the minutes from the September 6<sup>th</sup> meeting. Dave Coleman seconded the motion.

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

Greg Husmann	Yes
Mike Welch	Yes
Chris Langen	Yes
Jerry Steffes	Yes
Dave Coleman	Yes
Dave Hanifil	Yes

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

**Item 5. Public Hearing for Preliminary Plat and Zoning Change 1786 County Highway 6**

At 5:35 Chair Husmann opened the public hearing for the re-zoning and preliminary plat at 1786 County Highway 6. Jason Ludwigson and Attorney Weiser provided an overview of the preliminary plat. The property was purchased with the intent to be redeveloped. The public notice and plat were sent to the Houston County engineer. Chair Husmann closed the public hearing at 5:39. No members of the public

addressed the commission. Discussion by the commission followed.

Dave Coleman made a motion to recommend rezoning from agricultural status to R-2. Dave Hanifl seconded the motion.

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

Greg Husmann	Yes
Mike Welch	Yes
Chris Langen	Yes
Jerry Steffes	Yes
Dave Coleman	Yes
Dave Hanifl	Yes

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

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Mike Welch made a motion to recommend approval of the preliminary plat with the conditions outlined in the October 28<sup>th</sup> letter from WHKS. Dave Coleman seconded the motion.

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

Greg Husmann	Yes
Mike Welch	Yes
Chris Langen	Yes
Jerry Steffes	Yes
Dave Coleman	Yes
Dave Hanifl	Yes

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

#### **Item 6. Public Hearing on Text Amendments for Short Term Rentals**

At 5:50 Chair Husmann opened the public hearing for text amendments for short-term rentals. Attorney Wieser noted that the City of La Crescent currently does not have any regulation regarding short-term rentals. The city could require properties renting for less than 30 days to get a license from the city.

Obtaining the license for short-term rentals would require meeting the conditions as outlined in the draft short-term rental ordinance. Public comments were received by Vonnice and Mark Levenik related to the draft ordinance for short-term rentals. Chair Husmann closed the public hearing at 6:14. Discussion by the commission followed.

Jerry Steffes made a motion to table the text amendments to the short-term rental ordinance with the request that more information be gathered. Dave Coleman seconded the motion.

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

Greg Husmann	Yes
Mike Welch	Yes
Chris Langen	Yes
Jerry Steffes	Yes
Dave Coleman	Yes
Dave Hanifl	Yes

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

#### **Item 7. Public Hearing on Electric Vehicle Ordinance**

At 6:15 Chair Husmann opened the public hearing for the electric vehicle ordinance. No members of the public addressed the commission. Chair Husmann closed the public hearing at 6:16. Jason Ludwigson provided an overview of the changes to the draft ordinance as requested by the planning commission. Discussion by the commission followed.

Dave Hanifil made a motion to recommend the ordinance including option A in the table provided. Dave Coleman seconded the motion.

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

Greg Husmann	Yes
Mike Welch	Yes
Chris Langen	Yes
Dave Coleman	Yes
Dave Hanifl	Yes

**Item 8. Review Draft Ordinance Regulating Mobile Food Units**

Attorney Wieser reviewed a draft ordinance regulating mobile food units. Discussion by the commission followed. Chair Husmann suggested that the city council provide some direction on this topic.

Jerry Steffes made a motion to table the discussion of an ordinance regulating mobile food units to a future meeting. Mike Welch seconded the motion.

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

Greg Husmann	Yes
Mike Welch	Yes
Chris Langen	Yes
Dave Coleman	Yes
Dave Hanifl	Yes

**Item 9. Information item Xcel Public Utilities Commission filing for a public charging network, an electric school bus pilot, and program modifications**

Jason Ludwigson provided an overview of the electric vehicle filing with the Public Utilities Commission by the states largest public owned utility. Item was informational only.

Members agreed to the next Planning Commission meeting date of December 6<sup>th</sup>, 2022 at 5:30 p.m. The meeting duly adjourned at 7:16 PM.

# **Rules and Bylaws of the Planning Commission City of La Crescent**

## **November, 2016**

### **I. AUTHORITY**

The Planning Commission is established as a Standing Commission by the City Council.

The Bylaws of the City of La Crescent Planning Commission are established in accordance with City ordinances. The Bylaws and Rules are adopted by the Planning Commission to facilitate the performance of its duties and functions. Where there is a conflict between the provisions of the Bylaws and the City Ordinances, the provision of the City Ordinances will govern.

### **II. REPORTING TO COUNCIL**

The Planning Commission shall report to the City Council routinely after each meeting. The Commission shall make written specific findings of fact together with its recommendations on any subject matter referred to it for study, consideration and recommendation, and shall transmit such written fact findings and recommendations to the City Administrator for consideration by the City Council at a subsequent meeting thereof.

### **III. PLANNING COMMISSION**

#### **A. Qualifications of members; terms of office; vote**

1. The Planning Commission, hereinafter referred to as the "Commission", shall consist of seven (7) members appointed by the City Council from among the adult residents of the city. Members of the City desiring to serve on the Commission shall complete an application prior to November 30 of each year to be considered for appointment. Existing Commissioners whose terms are expiring shall also complete an application to indicate their desire to continue for another term. Appointments to the Commission shall be made during the annual meeting of the City Council for a three-year period. Terms shall be staggered such that, absent unanticipated resignations or removals, no more than 3 members come up for reappointment in any given calendar year.

2. In addition, one ex-officio member shall be appointed from the membership of the City Council. The Ex-officio member shall be appointed for an annual term. The Council ex-officio member is not entitled to vote on matters that come before the Commission.

3. The Building Official, City Attorney, Chief of Police and the City Administrator/Public Works Director are ex-officio members of all commissions, and the duration of their terms in such ex-officio capacities shall correspond with their respective tenures in their general capacities. Ex-officio members of the Commission are encouraged to provide input, ask questions and offer opinions, at their discretion, but are not entitled to vote on matters that appropriately come before the Commission. The Building Official shall staff the Commission and shall serve without a vote as its secretary.

4. Members, other than ex-officio, shall be appointed from among persons in a position to represent the best interest of the City, and no person shall be appointed with personal or financial interests likely to conflict with the City's best interest. If any person appointed shall find that his or her personal or financial interests are involved in any matter coming before the Commission, he or she shall disqualify himself or herself from taking part in action on the matter, or in cases where a personal or financial interest is involved he or she shall abstain.

#### **B. Removal from office; vacancies.**

1. Appointments to the Commission are subject to cancellation or revocation at any time, with or without cause in the sole discretion of the City Council. In the event of vacancies, appointments to fill any vacancy shall be by the City Council for the unexpired period of the vacant Commission position(s).

2. It shall be the duty of the chairperson of the Commission to notify the City Council promptly of any vacancies occurring in membership, and the City Council shall fill such vacancies within a reasonable amount of time.

C. Officers, rules, employees, salaries and expenses.

1. At its first meeting following the City Council's annual meeting, the Commission shall elect a chairperson and vice-chairperson from among those of its members who are not appointed ex-officio, and may create, with ratification of the City Council, such other offices as it may determine. The Chairperson shall preside over meetings and shall have the authority to add or cancel regular meetings and to call special meetings as provided in III.G.2. The Chairperson shall work with appropriate city staff in organizing agendas of all Commission meetings. The Chairperson is responsible for the orderly conduct of Commission meetings and hearings. The Chairperson may interpret and apply rules of procedure, decide whether motions are properly made, decide when to recognize speakers, call for motions or recommend motions and enforce speaking procedures. The Chairperson may invoke reasonable time limits on speakers, appoint spokespersons for a group with common interests, take action to maintain order, or close and schedule follow up hearings if a hearing cannot be concluded in a reasonable time. The Chairperson shall also sign documents of the Commission and see that all actions of the Commission are properly taken.

The Vice Chairperson shall assume the duties of the Chairperson in the absence of the Chairperson. In the event of the absence both the Chair and Vice-Chairperson, those members present shall elect a temporary chairperson to preside over the meeting.

2. The Commission shall adopt rules for its governance and for the transaction of its business.

3. Commission members are encouraged to participate in at least one educational offering each year in order to enhance their knowledge and expertise relative to City government, planning, zoning ordinances and other relevant state and local regulations. A first time member will be required to review existing relevant regulations, ordinances, laws, plans, etc. with the Chair or Vice Chair of the committee within the first three months of their appointment to the Commission. In addition, new members are encouraged to complete online instruction for new Plan Commission members offered by the League of Minnesota Cities.

4. Subject to prior approval of the City Council and within limits set by appropriations or other funds made available, the Commission may employ such staff, technicians and experts as may be deemed proper, and may incur such other expenses as may be necessary and proper for the conduct of its affairs.

5. Members of the Commission shall receive a stipend for each regular and special meeting of the Planning Commission where they were in attendance, at rates approved by the Council and provided for in the operating budget.

6. With prior approval of City Council, Commission members shall receive reimbursement for expenses incurred as a result of commission duties, including:

- (a) Fees incidental to attendance at out-of-town meetings and seminars
- (b) Ordinary and necessary expenses incurred while attending and in connection with out-of-town meetings and seminars
- (c) Necessary special equipment and supplies



D. Appropriations, fees, and other income. The City Council shall make available to the Commission such appropriations as it may see fit for fees and expenses necessary in the conduct of its work.

E. Functions, powers and duties.

1. The functions, powers and duties of the Commission shall generally be to act as fact finder concerning matters appropriately before it and in further regards thereto make recommendation to and advise the City Council concerning but not necessarily limited to:

(a) The gathering and maintenance in current form such basic information and background data as is necessary to an understanding of past trends, present conditions, and forces at work to cause changes in their conditions as relate to the comprehensive plan.

(b) To prepare and keep current for City Council approval, adoption and implementation a comprehensive plan for meeting present requirements and such future needs as may be foreseen; and to conduct public meetings required to amend the comprehensive plan.

(c) To review the Comprehensive Plan early in the City's budget cycle for the purpose of identifying items which require financial resources in the upcoming year, recommending to the City Administrator and Council the operating or capital budget allocations necessary to achieve goals and objectives of the Comprehensive Plan.

(d) Prepare and revise a plan of work for the Commission.

(e) To recommend to the City Council principles and policies for guiding action affecting development in the city and its environs.

(f) To recommend to the City Council ordinances, regulations and other proposals promoting orderly development along lines indicated as desirable by the comprehensive plan.

(g) To develop data for the City Council along with fact-findings and recommendation concerning proposed developments to facilitate conformance to the principles and requirements of the comprehensive plan and the ordinances.

(h) To keep the City Council and the general public informed and advised as to all planning and development matters.

(i) To conduct such public hearings as applicable law and ordinance (code) provisions require, to gather information enabling the City Council to knowledgeably draft, establish and maintain the comprehensive plan and ordinances and regulations related to it and to collect and compile information necessary for the plan, or for the purpose of promoting the accomplishment of the plan in whole or in part.

(j) To perform other duties which may be lawfully assigned to it, or which may have bearing on the preparation or accomplishment of the plan.

2. In connection with its duties, and within the limit of its funds and with the prior approval of the City Council, the Commission may make, cause to be made, or obtain maps, aerial photographs and surveys, and special studies on the location, condition and adequacy, including but not limited to: studies on housing; commercial and industrial facilities; economic development; parks; playgrounds and other recreational facilities; schools; public and private utilities; and traffic, transportation, and parking.

3. Consistent with organizational structure and specific duty assignments, all city employees shall, upon request and within a reasonable time, furnish to the Commission or its employees or agents such available records or information as are required in its work.

4. The Commission may establish such other ad hoc or subcommittees as may be necessary to accomplish its goals. The establishment of subcommittees are subject to the approval of the City Council. Any Ad Hoc or subcommittee will be advisory only and shall have no ability to bind either the Commission or City Council. Membership of any ad hoc or subcommittee shall consist of at least 2 Commission members and up to 5 members of the general public. Committees will meet as needed, with approval of City Council and the Commission shall be updated regularly on actions and/or recommendations of its committees.

F. Plat review by Commission. It shall be the responsibility of the Commission to pass upon all proposed new or amended plats coming directly or indirectly under the jurisdiction of the city. No new plat, and no amendment or vacation of an existing plat or portion thereof, shall thereafter be caused to be recorded by the city without the prior review of the Commission. Once reviewed by the Commission and subsequently approved by the City Council, to the extent required by law, the plat shall be deemed approved by the Planning Commission.

G. Meetings. Quorum. Attendance

1. In accordance with the Minnesota Open Meeting Law (Minnesota Statute Chapter 13D), all official meetings of the Planning Commission shall be open to the public.

2. The Commission shall hold regular meetings. Meetings will generally be held the First Tuesday of each month commencing at 5:30 PM.

3. Special Meetings may be called by the chairperson upon sufficient notice to all the Commission members. In no event shall notice be less than twenty-four (24) hours.

4. Robert's Rules of Order Newly Revised shall be the governing authority for meetings of the Commission.

5. The business transacted at all commission meetings shall follow a standard agenda form as prescribed by the City Council and available at the City Administrator's office. The agenda serves two important functions. It focuses Planning Commission deliberations by determining which matters will be considered at the meeting, when each matter will be considered and the context in which it will be considered. It also serves as the public's guide to what will be considered at the meeting, the matters will be dealt with, who will participate in the discussion, and when public comment may be made. The agenda should be prepared so as to best achieve these functions. The agenda should be prepared by City Staff and the Chairperson of the Plan Commission. Agenda items may be added during a Commission meeting subject to a majority vote of members present. Discussion of such additions may occur but no formal action may be taken at that meeting.

6. The Commission shall keep a record of attendance at its meetings and of resolutions, transactions, findings and determinations, showing the vote of each member on each question requiring a vote, or if absent or abstaining from voting, indicating such fact. The records of the Commission shall be a public record.

7. City Staff shall assure that minutes of all proceedings which are public information are posted on the City's website and available, in written form, at all reasonable times and frequencies as public information.

8. Regular or special meetings may be canceled by the chairperson in the event that there are no items of business requiring the attention of the Commission, or for lack of quorum, inclement weather or other good and sufficient reason.

9. A quorum shall consist of a majority of the non ex-officio members of the Commission.

10. Members are expected to make reasonable efforts to ensure regular attendance. Attendance records will be kept on a calendar year basis and reported to the Council in November of

each year. Commission members shall advise the Building Official of an anticipated absence from any scheduled Planning Commission meeting.

H. Public Hearings. The purpose of a hearing is to collect information and facts in order for the Commission to develop a planning recommendation for the City Council. At a public hearing the following procedure shall be followed for each case for which a public hearing is held.

1. Chair shall call the public hearing to order and state the case to be heard.
2. Chair shall call upon the Building Official or designee to provide a staff report.
3. Chair shall ask the applicant to present his/her case.
4. Members of the Planning Commission shall be allowed to question the applicant about their proposal.
5. Interested persons may address the Commission giving relevant information regarding the proposal before the commission with questions being directed through the chair. Reasonable rules limiting individual time to speak may be established to ensure that time is equitably available to all interested parties.
6. The hearing shall be closed by the Chair unless a majority of the Commission objects. Interested persons shall not be heard again except by agreement of the chair.
7. The Commission shall discuss and clarify the issue before it and take action.

I. These Bylaws and Rules shall be adopted or amended by an affirmative vote of two-thirds (2/3) of the Commission members present at a regular or special meeting, notwithstanding that no rule or amendment can be in conflict with City Ordinance(s). A copy of the Bylaws and Rules shall be forwarded to the City Council for its information.

# CITY OF LA CRESCENT, MINNESOTA

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## Code of Conduct

### **Purpose.**

The city council of the City of La Crescent determines that a code of conduct for its members, as well as the members of the various boards and commissions of the City of La Crescent, is essential for the public affairs of the city. By eliminating conflicts of interest and providing standards for conduct in city matters, the city council hopes to promote the faith and confidence of the citizens of La Crescent in their government and to encourage its citizens to serve on its council and commissions.

### **Standards of Conduct.**

Subd. 1. No member of the city council or a city board or commission may knowingly:

- a. Violate the open meeting law.
- b. Participate in a matter that affects the person's financial interests or those of a business with which the person is associated, unless the effect on the person or business is no greater than on other members of the same business classification, profession, or occupation.
- c. Use the person's public position to secure special privileges or exemptions for the person or for others.
- d. Use the person's public position to solicit personal gifts or favors.
- e. Use the person's public position for personal gain.
- f. Except as specifically permitted pursuant to Minn. Stat. 471.895, accept or receive any gift of substance, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstances in which it could be reasonably expected to influence the person, the person's performance of official action, or be intended as a reward for the person's official action.
- g. Disclose to the public, or use for the person's or another person's personal gain, information that was gained by reason of the person's public position if the information was not public data or was discussed at a closed session of the city council.
- h. Disclose information that was received, discussed, or decided in conference with the city's legal counsel that is protected by the attorney-client privilege unless a majority of the city council has authorized the disclosure.

Subd. 2. Except as prohibited by the provisions of Minn. Stat Sec. 471.87, there is no violation of subdivision 1 b. of this section for a matter that comes before the council, board, or commission if the member of the council, board, or commission publicly discloses the circumstances that would violate these standards and refrains from participating in the discussion and vote on the matter. Nothing herein shall be construed to prohibit a contract with a member of the city council under the circumstances described under Minn. Stat. Sec. 471.88, if proper statutory procedures are followed.

### Complaint, Hearing.

Any person may file a written complaint with the city clerk alleging a violation of the standards of conduct. The complaint must contain supporting facts for the allegation. The city council may hold a hearing after receiving the written complaint or upon the council's own volition. A hearing must be held only if the city council determines (1) upon advice of the city attorney, designee, or other attorney appointed by the council, that the factual allegations state a sufficient claim of a violation of these standards or rise to the level of a legally-recognized conflict of interest, and (2) that the complaint has been lodged in good faith and not for impermissible purposes such as delay. The city council's determination must be made within 30 days of the filing of the allegation with the city clerk. If the council determines that there is an adequate justification for holding a hearing, the hearing must be held within 30 days of the city council's determination. At the hearing, the person accused must have the opportunity to be heard. If after the hearing, the council finds that a violation of a standard has occurred or does exist, the council may censure the person, refer the matter for criminal prosecution, request an official not to participate in a decision, or remove an appointed member of an advisory board or commission from office.

Adopted this 14<sup>th</sup> day of November, 2011.

Approved:

Mayor

Attested:

City Clerk

## CITY OF LA CRESCENT COMMUNICATIONS POLICY

### Policy No. 24

To better serve our citizens and give our workforce the best tools to do their jobs, the City of La Crescent continues to adopt and make use of new means of communication and information exchange. Many of our employees have access to one or more forms of electronic media and services, including, but not limited to, computers, e-mail, telephones, cellular telephones, pagers, voice mail, fax machines, external electronic bulletin boards, wire services, on-line services, social media, the Internet and the World Wide Web.

The City of La Crescent encourages the use of these media and associated services because they can make communication more efficient and effective and because they are valuable sources of information. However, all employees and everyone connected with the City of La Crescent should remember that electronic media and services provided by the City of La Crescent are City of La Crescent property and their purpose is to facilitate and support City of La Crescent business. No expectation of privacy exists for employees in regard to use of the City of La Crescent's electronic communication systems in any respect related to accessing, transmitting, sorting, or communicating information via the system.

This policy cannot lay down rules to cover every possible situation. The purpose of this policy is to express the City of La Crescent's philosophy and set forth general guidelines governing the use of electronic media and services. By adopting this policy, it is the City of La Crescent's intent to ensure the electronic communication systems are used to their maximum potential for business purposes and not used in a way that is disruptive, offensive to others or contrary to the best interest of the City of La Crescent.

It is recognized that some personal use of communications is necessary, but all personal use should be kept as brief as possible during work time.

#### General

This policy applies to all full-time, regular part-time, part-time, and temporary employees, contractors, volunteers, customers, and all other individuals who are provided access to the City of La Crescent communication systems. This policy does not constitute a contract. Revisions may be made from time to time at the discretion of the City Administrator. All employees will be provided with a written copy of this policy, which will be signed, and the signature page placed in their personnel file.

#### Mail

The City of La Crescent employees may purchase postage at the City office for use on their personal mail items. Personal mail items may be included with the City's daily delivery of mail to the U.S. Post Office.

#### Telephone

Personal telephone calls shall be kept as brief as possible and shall be made during lunch breaks

or rest breaks whenever possible. No charge will apply to local calls. Employees may use their own personal calling cards to make long distance calls. All other long distance calls must be reimbursed to the City. Incoming personal calls may be answered by the employee, but they shall be kept as brief as possible. The City of La Crescent staff will take personal messages for employees. Employees should discourage callers from making personal calls on a regular basis. Employees may check for their messages during lunch breaks, rest breaks, or at the end of the workday. If an incoming message represents an emergency, the City staff will make every effort to contact the employee immediately.

#### Facsimile (Fax)

The City of La Crescent employees may use the City's fax machine on lunch breaks, rest breaks, before work hours, or after work hours to fax personal communications. No charge will apply to local faxes.

#### Cellular Phone & Camera

##### 1. Purpose/Policy

A. Purpose. This policy is intended to define acceptable and unacceptable uses of cellular telephones, cellular phone cameras, cellular phone video, and still and video photography (hereinafter "Cellular Technology." Its application is to insure that Cellular Technology usage is consistent with the best interest of the City of La Crescent without unnecessary restriction of employees in the conduct of their duties. It is recognized that some personal use of communications is necessary to enhance the efficiency of the employee's time. All personal use should be kept as brief as possible during work time. Employees are to use their Cellular Technology in a safe manner at all times. This policy will be implemented to prevent the improper use of or abuse of Cellular Technology and to insure that City of La Crescent employees exercise the highest standards of propriety in their use.

B. Policy. Employees may not post or publish images of victims, images of emergency scenes, the interior of private dwellings, pictures of our residents, or any other non-public information on any websites of personal use such as but not limited to Facebook, MySpace, Instagram and/or other social media is prohibited.

##### 2. General

This policy applies to all full-time, regular part-time, part-time, temporary employees, contractors, volunteers, customers, and other individuals who are provided access to City of La Crescent communication systems. This policy does not constitute a contract. Revision may be made from time to time at the discretion of the City Administrator.

##### 3. Policy: Employee Cell Phone Per Diem Agreement/Policy

With City Council approval, certain Department Heads and Supervisors shall be entitled to a monthly payment representing a cellular phone allowance. To be eligible for this allowance, a job-related necessity must exist requiring the Department Head/Supervisor to be available, outside of normal office hours. The cell phone allowance must also eliminate

a City owned cell phone and/or the need for the Department Head/Supervisor to seek reimbursement for job-related toll charges made on their own personal phone.

This allowance shall be approved with the understanding that the employee will furnish his/her own cellular phone to be used for City business purposes related to his/her job duties. Such cellular phone number shall be readily available to other City Officials and employees, as well as members of the public, to the same extent as if the City were providing him/her with a cellular phone. All use for official City business purposes shall comply with all City of La Crescent policies and auditing/disclosure practices.

In accepting the monthly Per Diem, the Department Head/Supervisor is obligated/required to maintain a cellular phone and calling plan that is sufficient to meet the needs of their position. Factors determining sufficiency include, but are not limited to, adequate amount of minutes or calling time available, adequate phone battery life and adequate reception to be accessible throughout the City, as technology permits.

Effective June 1, 2013, the monthly Per Diem shall increase to \$50.00 per month for eligible Department Head/Supervisors. Said amount may be reviewed as needed by the Council at the first meeting in January each year hereafter or at other times as determined by the Council in the Council's discretion.

The Department Head/Supervisor is also obligated/required to safeguard any City information or conversations discussed on his/her cellular phone and maintain any City data stored or accessible on the cellular phone according to its classification under the Minnesota Government Data Practices Act (MGDPA).

Employees' use of cellular or wireless devices will comply with applicable Minnesota law including Minnesota Hands Free Law as found in Minnesota Statutes Section 169.475, as maybe amended.

#### **Internet/Email**

The City of La Crescent recognizes that the Internet offers a wealth of information that can improve the City's services and the productivity of the City's employees. The City of La Crescent recognizes that e-mail is an efficient and convenient form of communication for both business and personal applications. Confidential information shall not be transmitted via e-mail. E-mail users should be aware the e-mail is easily misdirected or forwarded by the recipient to untold numbers of persons, and the content is easily misconstrued or altered. E-mail and Internet users should also be aware that when they have deleted a message or document from their computer, it may not have been deleted from the entire system and may be stored on the computer's back-up system. E-mail is not a good form of communication with legal counsel when seeking legal advice or transmitting information concerning matters in litigation. Inadvertent disclosure or dissemination of the communication could waive the attorney-client privilege.

The same rules, which apply to record retention for other City of La Crescent documents, apply to e-mail. As a rule, e-mail is a public record whenever a paper message with the same content would be a public record.

The Internet and e-mail are to be accessed for business purpose only, during working hours.



Employees may use the City's Internet access to reach sites of personal interest during lunch breaks, rest breaks, before work hours, or after work hours. Employees may receive personal e-mail communications during work hours but shall not respond to those communications during work-hours, except in the case of an emergency.

Only those employees or officials who are duly authorized to speak to the media, to analysts or in public gatherings on behalf of the city may speak/write in the name of the City to any news group or chat room. Other employees may participate in news groups or chats in the course of business when relevant to their duties, but they do so as individuals speaking only for themselves.

The City provides Internet access to employees for work on City business. Employees may use this access for work-related matters in a professional manner.

Occasional personal use of the Internet and e-mail is acceptable within the bounds of all City policies. The following considerations apply to all uses of the Internet whether business related or personal:

1. There is no quality control on the Internet. All information found on the Internet should be considered suspect until confirmed by another source.
2. Internet use during work hours must be limited to subjects directly related to job duties.
3. Personal use of the Internet during non-work hours (breaks, lunch hour, before or after work) is permitted. However, employees may not, at any time, access inappropriate sites. Some examples of inappropriate sites include but are not limited to adult entertainment, sexually explicit material, or material advocating intolerance of other people, races or religions, or in manners that otherwise violate City policies related to respectful workplace and harassment prevention. This prohibition includes information on social media sites such as Facebook and MySpace, blogs and microblogs such as Twitter.
4. No software or files may be downloaded from the Internet unless approved in advance by the technology department or City Administrator. This includes but is not limited to free software or downloads, maps, weather information, toolbars, music or photofiles, clipart, screensavers and games.
5. Employees may not participate in any Internet chatroom – an online meeting place to discuss a particular topic, sometimes in semi-privacy – unless the topic area is related to City business.
6. The City may monitor any employee's use of the Internet for any purpose without prior notice, as deemed appropriate by the City Administrator.
7. Employees may not post or publish images of victims, images of emergency scenes, the interior of private dwellings, pictures of our residents, or any other non-public information on any websites of personal use such as but not limited to Facebook, MySpace, Instagram and/or other social media.

### Participation in On-Line Forums or Social Media

1. Employees should remember that any messages or information sent on City of La Crescent-provided facilities to one or more individuals via an electronic network (for example: Internet mailing lists, bulletin boards and on-line services) are statements identifiable and attributable to the City of La Crescent.
2. The City of La Crescent recognizes that participation in some forums might be important to the performance of an employee's job. For instance, an employee might find the answer to a technical problem by consulting members of a newsgroup devoted to the technical area.
3. Employees shall include the following disclaimer in all of their postings to public forums:  

The views, opinions and judgments expressed in this message are solely those of the author. The message contents have not been reviewed or approved by the City of La Crescent.
4. Employees should note that even with a disclaimer, a connection with the City of La Crescent exists and a statement could be imputed legally to the City of La Crescent. Therefore, employees should not rely on disclaimers as a way of insulating the City of La Crescent from the comments and opinions they contribute to forums. Instead, employees must limit their discussion to matters of fact and avoid expressing opinions while using the City of La Crescent's systems or provided account.
5. Employees must receive authorization from their department head prior to participating in an online forum.

### The Following Shall Apply to All Means of Communication:

#### 1. Access Rules:

Employees shall only use software that is supplied by the City, including but not limited to, web browser and e-mail applications. Employees shall not install hardware or software on the City's system without the express permission of Information Management Specialists or City of La Crescent personnel so designated. Employees shall not access, intercept, record, read, modify, or delete the files belonging to others. Employees shall only use the usernames provided by the City. Employees may not subscribe to receive e-mail from news groups or list services without the permission of Information Management Services or the City of La Crescent personnel so designated.

Individual workstations are configured to operate in a complex, networked environment. Users shall not change their system's setup files. Users who believe their setup files are not configured correctly should contact Information Management System for assistance.

#### 2. Security:

Every employee must maintain the security of the City of La Crescent's communication systems. Employees shall not divulge passwords or security protocols to anyone outside of the City of La Crescent. Employees shall not permit unauthorized users to use their password(s) or the City of La Crescent's Internet or e-mail access.

### Unacceptable Use of The City of La Crescent's Communication Systems

At no time, during work hours or non-work hours, shall an employee use any of the City of La Crescent's communications system for any of the following purposes:

1. To access, transmit, upload, download, receive or distribute pornographic, obscene, abusive, or sexually explicit materials or materials containing unclothed or partially clothed people.
2. To transmit or receive obscene, abusive or sexually explicit language or profanity.
3. To violate any local, state or federal law or engage in any type of illegal activities.
4. To vandalize, damage or disable the property of another person or organization.
5. To access the materials, information, files or e-mail of another person or organization without permission or without a legitimate business reason.
6. To violate any applicable state, federal, or international copyright, trademark, or intellectual property laws or regulations, or otherwise use another person or organization's property without prior approval or proper attribution consistent with copyright laws, including unauthorized downloading or exchanging of pirated or otherwise unlawful software, or copying software to or from any of the City of La Crescent's computer.
7. To engage in any form of gambling, wagering, betting, or selling.
8. To engage in any type of harassment or discrimination, including but not limited to; sexual harassment, harassment, or discrimination based upon race, gender, sexual orientation, religion, national origin, marital status, status with respect to public assistance, disability or any other type of harassment or discrimination prohibited by law and by the City of La Crescent policy.
9. To engage in any type of commercial enterprise unrelated to the specific purposes and needs of the City of La Crescent.
10. To engage in any form of solicitation for private purpose that is not related to the business purpose of the City of La Crescent.
11. To promote any political or private causes or other activities that are not related to the business purpose of the City of La Crescent.
12. To enter into financial or contractual obligations without the prior express consent of the City Administrator.
13. To advocate or access information advocating any type of unlawful violence, vandalism or illegal activity.
14. To download large files, requiring the City of La Crescent's storage capacity, from the Internet for personal use.

15. To connect personal social media account names or e-mail addresses to the City of La Crescent.

16. To disclose private or non-public information.

#### **Receipt of Inappropriate E-Mail or Access of Inappropriate Internet Sites**

If an inappropriate and unsolicited e-mail message is received, it should be immediately deleted unless the message includes reference to an illegal activity as noted above. Messages referring to illegal activities should be immediately reported to the employee's Department Head. If an employee inadvertently accesses an Internet site which is inappropriate or prohibited, the employee shall immediately escape from such site. Employees should be aware that every transaction on the Internet leaves a trail that can be easily traced and timed.

#### **Enforcement**

Any employee who abuses the provisions of this policy will be subject to discipline, including discharge, for abuse of this policy and/or for any other related applicable policies, rules or state and federal laws. In addition, violations of the policy or misuse of the communication systems, which are of a criminal nature, may be referred for criminal prosecution.

#### **Disclaimer/User Liability**

While the City of La Crescent has adopted and shall enforce this policy to the extent practicable, it does not have the resources or technical capability to ensure complete compliance by its users, who shall be individually responsible for adhering to the terms of this policy. The City of La Crescent shall not assume, and hereby expressly disclaims, liability for the misuse of its communication systems, computers, equipment or Internet access, which violates this policy or any law.

CITY OF LA CRESCENT COMMUNICATIONS POLICY  
ACKNOWLEDGEMENT OF RECEIPT OF COMMUNICATION POLICY

I, \_\_\_\_\_, an employee of the City of La Crescent,  
acknowledge that I have received a copy of the City Communication Policy and understand that  
this receipt will be filed with my personnel records.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

CITY OF LA CRESCENT COMMUNICATIONS POLICY  
ACKNOWLEDGEMENT OF RECEIPT OF COMMUNICATION POLICY

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acknowledge that I have received a copy of the City Communication Policy and understand that  
this receipt will be filed with my personnel records.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

**CITY OF LA CRESCENT  
NOTICE OF PUBLIC HEARING  
CONDITIONAL USE PERMIT**

Notice is hereby given that the Planning Commission of the City Zoning Authority will hold a public hearing at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, January 10<sup>th</sup>, 2023 at 5:45 o'clock P.M. to consider the application for the following conditional use permit.

1. The applicant wishes to use the property for a school which within a C-1 district is only allowed by a conditional use permit.

The conditional use permit request concerns certain premises situated in said City described as follows; parcel #25.1257.022, more commonly identified as 1120 Oak Street.

All persons having an interest in the matter will be given the opportunity to be heard with reference thereto.

Dated: December 15<sup>th</sup>, 2022

By order of the City Zoning Office

Jason Ludwigson  
Sustainability Coordinator  
P. O. Box 142  
La Crescent, MN 55947





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**PLANNING COMMISSION  
CUP PUBLIC HEARING  
STAFF REPORT**

**MEETING DATE:** January 10<sup>th</sup>, 2023

**CASE NUMBER:** PC-23-01 - CUP "1120 South Oak Street"

**OWNER:** South Oak Street Properties, LLC  
PO Box 40  
La Crescent MN 55947

**PARCEL ID:** 25.1257.022 (.71 acres)

**APPLICANT:** Tom Ingvalson, Paul Siegersma, and Allan McCormick

**REQUEST:** Proposed Conditional Use Permit ("CUP") to use of the property for a school.

**LOCATION:** The property is located next to P and T Electric.

**GENERAL PLAN/  
ZONING DESIGNATION:** C-1 Commercial

**SURROUNDING USES:** North: Residential;  
South: Residential;  
East: Wetlands/Highway;  
West: Commercial and Residential.

**BACKGROUND**

The property owners are currently using the space for storage uses. The building was originally constructed in 1960 and expanded/remodeled in 1995.

**PROPOSAL**

PC-23-01 - CUP is a proposed Conditional Use Permit to allow the use of the space as a school. South Oak Street Properties and the La Crescent Montessori Academy would like to rent additional space from South Oak Street Properties. The Montessori Academy currently occupies

approx. 75% of 1116 South Oak Street and approx. 40% of 1120 South Oak Street. See exhibit A. The Montessori Academy would like to rent approx. 2,600 sq.ft. from South Oak Street Properties as shown in exhibit A and B.

## **PLANNING STAFF ANALYSIS**

### *Relationship to Comprehensive Plan:*

The subject site is designated by the City's Comprehensive Plan as "Commercial." The Comprehensive Plan states that Commercial (C) areas are intended for retail, service, and office uses that serve neighborhood, community and regional markets. Examples uses include:

- Retail and service businesses
- Offices
- Clinics and health care facilities
- Hotels
- Restaurants and entertainment businesses
- Storage
- Gas Stations and convenience stores
- Automobile sales and services

### *Site Context:*

The site is in an area that is composed of a school and commercial businesses.

### *Infrastructure Improvements:*

N/A

### *Public Input:*

Staff has not received any public input regarding this application.

## **STAFF FINDINGS AND RECOMMENDATION**

City staff has reviewed the submitted application, the applicant's response to the CUP criteria, the city zoning district regulations for the C-1 Commercial District, and the adopted Comprehensive Plan. We find that the proposed conditional use is consistent with the stated intent of the zoning regulations for uses in the C-1 Commercial District.

Staff finds that the proposed use does meet the CUP criteria in Section 12.06, Subd. 4 of the Zoning Code and is consistent with the Comprehensive Plan, staff recommends approval of the CUP.

## RECOMMENDED MOTION FOR CONDITIONAL USE PERMIT

I move that the Planning Commission recommend to the La Crescent City Council the (APPROVAL/DENIAL) of case PC-23-01 - CUP "1120 South Oak Street" a request by South Oak Street Properties, LLC to allow the space to be used as a school located at Parcel Number 25.1257.022, subject to the following conditions of approval:

- 1) This CUP is conditionally approved pursuant to Chapter 12, ZONING ORDINANCE of the City of La Crescent, Minnesota, Section 12-06, Conditional Use Permits and the use shall be as set forth in accordance with the application and plans attached and associated to this case and all the provisions of the zoning ordinance and city codes applicable to this case.
  - 2) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
  - 3) The use will not cause traffic hazards or congestion.
  - 4) The Fire Marshall approves use of the building.
  - 5) The applicant shall obtain any necessary building permits for construction in the rented space.
- 

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Prepared by Jason Ludwigson  
Sustainability Coordinator

### Attachments:

Exhibit A – Site plan.

Exhibit B – Aerial Map/Parcel Map

Exhibit C - CONDITIONAL USE PERMITS

# Exhibit #A – Conditional Use Permit – Applicant Request

Attachment A Grandview Terrace

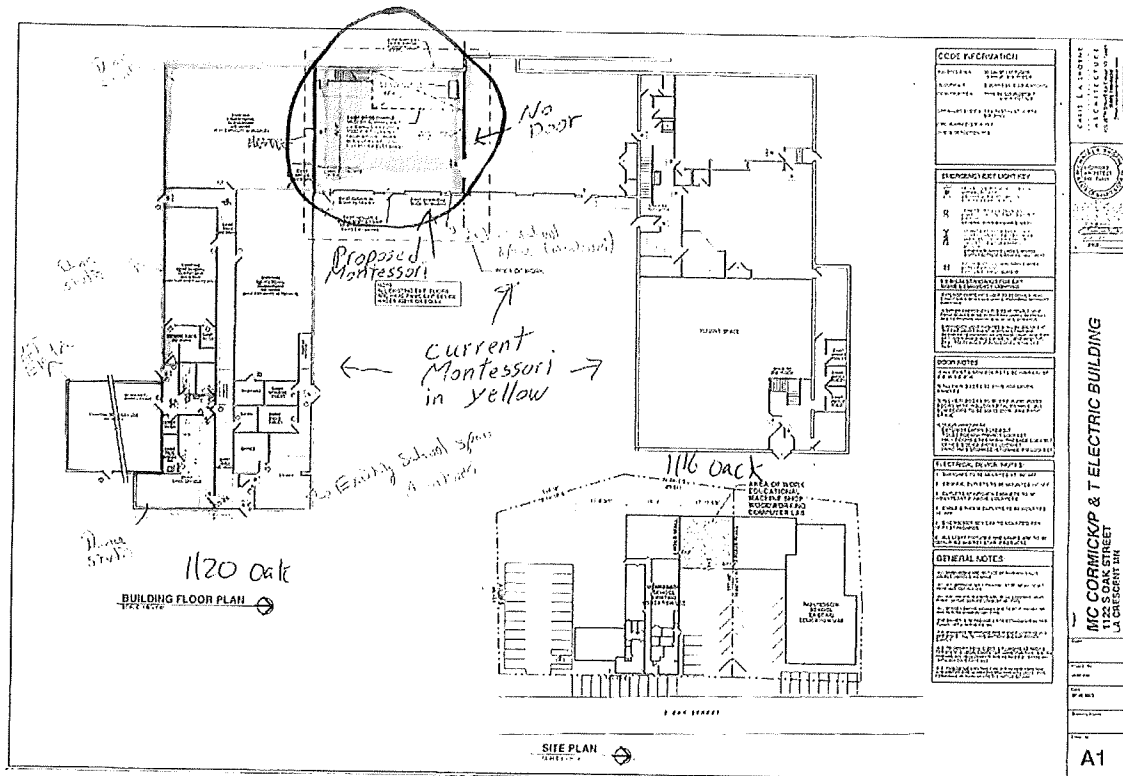
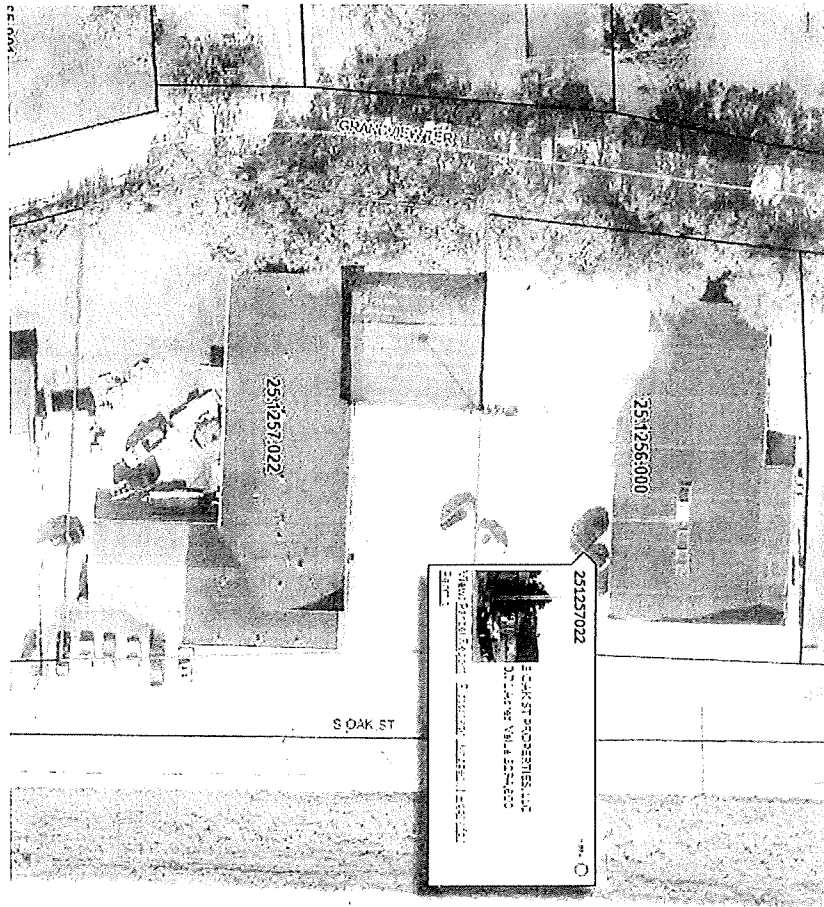


Exhibit B: Aerial Map/Parcel Map

*Attachment B*



## **Exhibit C – 12.06 CONDITIONAL USE PERMITS**

Subd. 1. PERMIT REQUIRED. It shall be unlawful to use any structure or land for any purpose requiring a conditional use permit in the zoning district in which the property is located without first obtaining a conditional use permit from the city. Where applicable, a building permit shall also be obtained from the city.

Subd. 2. CHANGES IN PERMITS. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued.

Subd. 3. CRITERIA FOR GRANTING CONDITIONAL USE PERMITS. In granting a conditional use permit, the La Crescent City Council shall consider the advice, recommendations and findings of the Planning Commission and the effect of the proposed use on upon the health, safety, morals and general welfare of occupants of surrounding lands. The City Council may make the following findings where applicable:

- A. 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 19 vicinity.
- B. 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.
- C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
- D. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
- E. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
- F. 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.
- G. The use is not in conflict with the policies of the City of La Crescent.
- H. The use will not cause traffic hazards or congestion.

I. Existing uses will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.

Subd. 4. ADDITIONAL CONDITIONS. In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose additional conditions which are considered necessary to protect the best interest of the surrounding area or the community as a whole. Additional conditions may include but are not limited to the following:

- A. Increasing the required lot size of yard dimensions.
- B. Limiting the height, size or location of buildings.
- C. Modifying the building architecture or orientation or requiring berms, screening, landscaping or other facilities to protect adjacent or nearby property.
- D. Controlling the location and number of vehicle access points.
- E. Increasing the street or driveway width to mitigate traffic or safety concerns.
- F. Increasing the number of required off-street parking spaces.
- G. Requiring landscaping, fencing, screening, or other improvements to protect adjacent or nearby property.
- H. Limiting the number, size, location, or lighting of signs.

Subd. 5. APPLICATION. Application for a conditional use permit shall be made to the Building Official on forms provided by the city at least 30 days prior to the required public hearing and shall be accompanied by the following:

- A. Legal description of the property
- B. A list of the names and addresses of the owners of all properties situated wholly or partially within 350 feet of the property as such appear on the certified records of the Houston County Auditor.
- C. Evidence of ownership or an interest in the property.
- D. The fee as required by the city.

E. A plat or map of the property which shows, at a minimum, all lot lines, grading and drainage plan, existing and proposed structures and building materials, driveways and parking areas, landscaping, screening and buffering plans, signage plans if applicable.

F. Such other information as may be required by the city.

Subd 6. NOTICE. Pursuant to Minnesota Statutes, an application for a CUP shall be approved or denied within 60 days from the dates of its official and complete submission. The 60-day review period can be extended an additional 60 days pursuant to Minnesota Statute 15.99 as it may be amended from time to time. If the initial 60-day review period is extended, the city must provide written notice of the extension to the applicant before the end of the initial review period.

Subd. 7. PUBLIC HEARING. After receipt of a completed application, a date shall be set for a public hearing before the Planning Commission. Not less than 10 days prior to the public hearing, notice shall be published in the official newspaper and sent by mail to the applicant and to the owners of all properties located wholly or partially within 350 feet, as reflected in the certified records of the Houston County auditor. Following the hearing or any continuance which is not appealed by the applicant, the Planning Commission shall make a recommendation to the City Council.

Subd. 8. CITY COUNCIL. After receipt of the recommendation of the Planning Commission, the City Council shall consider the request. In evaluating an application for a conditional use permit, the City Council shall consider and adopt findings regarding compliance with the general and specific criteria under Subd. 3 of this section. The Planning Commission may recommend and the City Council may impose conditions on granting the permit in order to ensure compliance with the criteria or to affect the purpose of this ordinance.

Subd. 9 REVOCATION OR MODIFICATION. The City Council may review conditional use permits periodically and may revoke a permit upon violation of any condition of the permit or requirement of this ordinance. If it is discovered after approval 21 of the conditional use permit that the city's decision was based at least in part on fraudulent information, the City Council may revoke the conditional use permit, modify the conditions or impose additional conditions to ensure compliance with all of the sections of this ordinance.

Subd. 10. RECORDING. A certified copy of the conditional use permit shall be filed with the Houston County Recorder or Registrar of Titles by the City, which shall charge fees as established by the City Council. The permit shall contain a legal description of the property.

Subd. 11. TERM OF CUP. A conditional use permit shall remain in effect, and transfer with the property, for so long as the conditions agreed upon are observed. Subd. 12. VIOLATIONS. Any person who violates, fails to comply with or assists, directs or permits the violation of the rules or conditions of a conditional use permit shall be subject to Section 12.54. In addition, such violation shall be a violation of the permit and shall render the permit null and void.



RECEIVED  
DEC 13 2022  
Building / Zoning  
City of La Crescent, MN

**CITY OF LA CRESCENT ZONING AUTHORITY  
APPLICATION FOR CONDITIONAL USE PERMIT**

The undersigned being the owner(s) of record (optionee(s) with regard to enforceable exclusion options to purchase) of the hereinafter described premises hereby makes application for a **CONDITIONAL USE PERMIT**.

S. Oak Street Properties and the LaCrescent Montessori Academy we would like to apply for a conditional use permit for the Montessori Academy to rent additional space from S. Oak Street Properties.

The Montessori Academy currently occupies approximately 75% of 1116 South Oak Street and approximately 40% of 1120 South Oak Street. See attachment A - yellow area.

The Montessori Academy would like to rent the approximately 2,600 sf from S. Oak Street Properties as shown in Orange on attachments A & B.

We are not applying to have a new doorway between 1116 S Oak and 1120 S Oak as previously discussed due to fire codes.

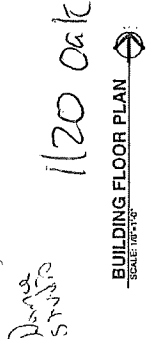
Parcel ID: 25.1257.022  
see attached

Attached is a sketch of the site plan showing North arrow and other relevant data with reference hereto. I (we) understand that additional data may be requested by the City of La Crescent Planning Commission with regard hereto.

Dated: Dec 9, 2022

Tom Ingvalson  
Paul Siegersma  
Allan McCormick  
(Owners (s)) (Optionee(s))

Allan McCormick

[illegible]

**SITE PLAN**  
SCALE 1"=20'-0"

# Attachment B





TO: Planning Commission Members

FROM: Jason Ludwigson, Sustainability Coordinator

DATE: January 4<sup>th</sup> 2023

RE: Ordinance regulating mobile food units and short-term rentals

Attorney Wieser will be in attendance at the meeting to review the feedback from the city council for the ordinances regulating mobile food units and short-term rentals.

