

MINUTES, REGULAR MEETING  
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA  
OCTOBER 10, 2016

Pursuant to due call and notice thereof, the first meeting of the City Council of the City of La Crescent for the month of October was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Monday, October 10, 2016, 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, Ryan Hutchinson, Dale Williams and Mayor Mike Poellinger. Members absent: Brian Krenz, Excused. Also present was City Administrator Bill Waller, City Attorney Skip Wieser and City Engineer Tim Hruska.

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 – SEPTEMBER 26, 2016
- 1.2 BILLS PAYABLE THROUGH OCTOBER 6, 2016
- 1.3 CASH BALANCE ACTIVITY REPORT – AUGUST 2016
- 1.4 LIBRARY REPORT – AUGUST 2016

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. Following discussion, Member Buehler made a motion, seconded by Member Hutchinson, as follows:

**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
Ryan Hutchinson	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 3.1 – APPLEFEST PARADE POLICY**

City Attorney Wieser gave an informational update to City Council on an Applefest Parade Policy. It was recommended to take action on this matter at the next City Council Meeting. No action taken.

**ITEM 3.6 – SANITARY SEWER PETITION**

City Administrator Waller reviewed with City Council a petition for sanitary sewer from the property owners at 745 N 4<sup>th</sup> Street. This property was annexed to the city in early 2016 and there is not sanitary sewer in the street right-of-way to provide service to the property. It was recommended that the City Council authorize the City Engineer to prepare a preliminary engineering report regarding the extension of City services to this area. It was suggested the report be expanded to include providing sewer and water services to the balance of N 4<sup>th</sup> Street, which was annexed in 2015. It was also suggested that the report evaluate two alternatives regarding the street. The first would be to restore the street as it presently exists and the second would be to reconstruct the street with curb and gutter and possibly widen the street. Following discussion, Member Buehler made a motion, seconded by Member Williams, as follows:

**MOTION TO AUTHORIZE THE CITY ENGINEER TO PREPARE A PRELIMINARY ENGINEERING REPORT REGARDING THE EXTENSION OF CITY SEWER AND WATER SERVICES FOR THE BALANCE OF N 4<sup>TH</sup> STREET AND TO INCLUDE STREET ALTERNATIVES.**

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 3.7 – DEBT SERVICE RESOLUTION**

City Administrator Waller reviewed with City Council a memorandum from City Finance Director regarding closing out Fund 323 to Fund 300. The debt service on the 2009B Capital Equipment Certificate Fund (Fund 323) has been paid off and currently has a cash balance of \$81,827.03. In accordance with Generally Accepted Accounting Principles, the funds remaining in the debt service fund are to be conveyed to the Bonds Paid Up debt service fund. It was recommended to City Council to adopt a Resolution to transfer the balance of \$81,827.03 to the Bonds Paid Up Debt Service Fund. Following discussion, Member Hutchinson introduced the following resolution and moved its passage and adoption:

**RESOLUTION NO. 10-16-22**

**A RESOLUTION TO TRANSFER THE BALANCE OF 2009B CAPITAL EQUIPMENT CERTIFICATE FUND (FUND 323) TO THE BONDS PAID UP DEBT SERVICE FUND (FUND 300)**

WHEREAS, the debt service on the 2009B Capital Equipment Certificate Fund (Fund 323) has been paid off and has a cash balance of \$81,827.03;

WHEREAS, in accordance with Generally Accepted Accounting Principles, the funds remaining in the debt service fund are to be conveyed to the Bonds Paid Up Debt Service Fund (Fund 300).

NOW THEREFORE BE IT RESOLVED that the City Council hereby approves to transfer the balance of \$81,827.03 from the 2009B Capital Equipment Certificate Fund (Fund 323) to Bonds Paid Up Debt Service Fund (Fund 300).

Adopted this 10<sup>th</sup> day of October, 2016.

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 2.0 – PUBLIC HEARING – ANNEXATION – 556 HICKORY LANE**

At 5:35 PM the City Council held a public hearing to consider input on the proposed annexation of the property located at 556 Hickory Lane that the owners had requested to be annexed and the adoption of Ordinance No. 509 annexing this property. City Attorney Wieser reviewed the map and findings for the Ordinance. Mayor Poellinger opened the meeting for public comment. Ken Helming commented on the annexation. City Attorney Wieser addressed and answered questions. Mayor Poellinger closed the public hearing. Following further discussion, Member Williams introduced the following Ordinance, and moved its passage and adoption:

**ORDINANCE NO. 509**

**AN ORDINANCE OF THE CITY OF LA CRESCENT, MINNESOTA ANNEXING  
LAND LOCATED IN LA CRESCENT TOWNSHIP, HOUSTON COUNTY, MINNESOTA PURSUANT  
TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(3), PERMITTING ANNEXATION BY  
ORDINANCE**

**WHEREAS**, a petition signed by all the property owners, requesting that property legally described herein be annexed to the City of La Crescent, Minnesota, was duly presented to the Council of the City of La Crescent on the 22<sup>nd</sup> day of August, 2016; and

**WHEREAS**, said property is unincorporated and abuts the City of La Crescent on its northwesterly and southwesterly boundaries; is less than 120 acres; is not presently served by public sewer facilities or public sewer facilities are not otherwise available; and

**WHEREAS**, said property is currently residential and annexation is requested to facilitate the extension of city services for the residential development of the property; and

**WHEREAS**, the City of La Crescent held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on October 10, 2016, following thirty (30) days written notice by certified mail to the Town of La Crescent and to all landowners within and contiguous to the area legally described herein, to be annexed; and

**WHEREAS**, provisions of Minnesota Statutes § 414.033 Subd. 13 are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the territory to the municipality.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA CRESCENT HEREBY ORDAINS AS FOLLOWS:**

1. The City Council hereby determines that the property as hereinafter described abuts the city limits and is or is about to become urban or suburban in nature in that residential use is being proposed for said property which requires or will need city services, including public sewer facilities.
2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statute § 414.0325.
3. The corporate limits of the City of La Crescent, Minnesota, are hereby extended to include the following described property, said land abutting the City of La Crescent and being 120 acres or less in area, and is not presently served by public sewer facilities or public sewer facilities are not otherwise available, and the City having received a petition for annexation from all the property owners of the land, to wit:

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>), SECTION 9, TOWNSHIP 104 NORTH, RANGE 4 WEST, HOUSTON COUNTY, DESCRIBED AS COMMENCING AT THE CENTER OF SAID SECTION 9, THENCE SOUTH ALONG THE QUARTER SECTION LINE 424.4 FEET TO THE CENTER OF THE COUNTY STATE AID HIGHWAY, THENCE NORTH 58 DEGREES 32 MINUTES WEST 61.24 FEET, THENCE CONTINUING ALONG THE CENTER OF SAID HIGHWAY ALONG A CURVED LINE TO THE RIGHT OF RADIUS 1432.4 FEET, A DISTANCE OF 530.42 FEET, THE SUBTENDED CHORD OF SAID CHORD OF SAID CURVED LINE BEARING NORTH 47 DEGREES 55 MINUTES 30 SECONDS WEST, LENGTH 527.4 FEET, THENCE CONTINUE ALONG THE CENTER OF SAID HIGHWAY ON A BEARING OF NORTH 37 DEGREES 19 MINUTES WEST 181.1 FEET, THENCE SOUTH 22 DEGREES 05 MINUTES WEST 144.95 FEET, THENCE SOUTH 28 DEGREES 35 MINUTES WEST 180.55 FEET, THENCE SOUTH 30 DEGREES 35 MINUTES WEST 180.0 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE SOUTH 30 DEGREES 35 MINUTES

WEST 46.46 FEET, THENCE ALONG A CIRCULAR CURVED LINE OF RADIUS 45.0 FEET A DISTANCE OF 47.94 FEET, THE SUBTENDED CHORD OF SAID CURVED LINE BEARING SOUTH 48 DEGREES 16 MINUTES WEST OF LENGTH 45.70 FEET, THENCE NORTH 59 DEGREES 25 MINUTES WEST 156.12 FEET, THENCE NORTH 30 DEGREES 35 MINUTES EAST 90.0 FEET, THENCE SOUTH 59 DEGREES, 25 MINUTES EAST 170.0 FEET TO THE POINT OF BEGINNING CONTAINING 0.34 ACRES, MORE OR LESS.

The above described property consists of a total of 0.34 acres, more or less. A copy of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and all appropriate plat maps is attached hereto.

4. The City of La Crescent, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described herein, hereby annexed, shall make a cash payment to the Town of La Crescent in accordance with the following schedule:

- a. In the first year following the year in which the City of La Crescent could first levy on the annexed area, an amount equal to \$474.60; and
- b. In the second and final year, an amount equal to \$474.60.

5. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town to the annexed property and any portion of debt incurred by the Town prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described herein there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

6. That the City Administrator of the City of La Crescent is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Houston County Auditor, and the La Crescent Township Clerk.

7. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

**PASSED AND ADOPTED** by the City Council of the City of La Crescent, Minnesota, this 10<sup>th</sup> day of October, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator

In approving the above Motion, the City Council made the following findings of facts:

1. The property owner signed a Petition requesting that the property be annexed to the City of La Crescent;
2. The property is not presently served by public sewer facilities and public sewer facilities are not otherwise available;
3. The property is currently residential;
4. Minnesota Statutes § 414.033 Subd. 13 is not applicable as there will be no change in the electric utility service provider; and
5. More than 30 days written notice was provided to La Crescent Township and to contiguous landowners by certified mail.

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The ordinance was declared duly passed and adopted.

City Attorney Wieser then reviewed with Council the Summary Ordinance for publication. The Council made the following findings of facts: that publication of the summary informs the public of the intent and effect of the Ordinance.

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

**MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 509 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, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 2.0 – PUBLIC HEARING – ANNEXATION – 1330 VALLEY LANE**

At 5:40 PM the City Council held a public hearing to consider input on the proposed annexation of the property located at 1330 Valley Lane that the owners had requested to be annexed and the adoption of Ordinance No. 510 annexing this property. City Attorney Wieser reviewed the map and findings for the Ordinance. Mayor Poellinger opened the meeting for public comment. There were not comments. Mayor Poellinger closed the public hearing. Following further discussion, Member Hutchinson introduced the following Ordinance, and moved its passage and adoption:

**ORDINANCE NO. 510**

**AN ORDINANCE OF THE CITY OF LA CRESCENT, MINNESOTA ANNEXING LAND LOCATED IN LA CRESCENT TOWNSHIP, HOUSTON COUNTY, MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(3), PERMITTING ANNEXATION BY ORDINANCE**

**WHEREAS**, a petition signed by all the property owners, requesting that property legally described herein be annexed to the City of La Crescent, Minnesota, was duly presented to the Council of the City of La Crescent on the 22<sup>nd</sup> day of August, 2016; and

**WHEREAS**, said property is unincorporated and abuts the City of La Crescent on its southerly and easterly boundaries; is less than 120 acres; is not presently served by public sewer facilities or public sewer facilities are not otherwise available; and

**WHEREAS**, said property is currently residential and annexation is requested to facilitate the extension of city services for the residential development of the property; and

**WHEREAS**, the City of La Crescent held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on October 10, 2016, following thirty (30) days written notice by certified mail to the Town of La Crescent and to all landowners within and contiguous to the area legally described herein, to be annexed; and

**WHEREAS**, provisions of Minnesota Statutes § 414.033 Subd. 13 are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the territory to the municipality.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA CRESCENT HEREBY ORDAINS AS FOLLOWS:**

1. The City Council hereby determines that the property as hereinafter described abuts the city limits and is or is about to become urban or suburban in nature in that residential use is being proposed for said property which requires or will need city services, including public sewer facilities.
2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statute § 414.0325.
3. The corporate limits of the City of La Crescent, Minnesota, are hereby extended to include the following described property, said land abutting the City of La Crescent and being 120 acres or less in area, and is not presently served by public sewer facilities or public sewer facilities are not otherwise available, and the City having received a petition for annexation from all the property owners of the land, to wit:

**LOT FIVE (5), BLOCK ONE (1), CRESCENT VALLEY FIRST ADDITION TO THE TOWN OF LA CRESCENT, HOUSTON COUNTY, MINNESOTA.**

The above described property consists of a total of 0.52 acres, more or less. A copy of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and all appropriate plat maps is attached hereto.

4. The City of La Crescent, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described herein, hereby annexed, shall make a cash payment to the Town of La Crescent in accordance with the following schedule:

- a. In the first year following the year in which the City of La Crescent could first levy on the annexed area, an amount equal to \$697.10; and
- b. In the second and final year, an amount equal to \$697.10.

5. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town to the annexed property and any portion of debt incurred by the Town prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described herein there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

6. That the City Administrator of the City of La Crescent is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Houston County Auditor, and the La Crescent Township Clerk.

7. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

**PASSED AND ADOPTED** by the City Council of the City of La Crescent, Minnesota, this 10<sup>th</sup> day of October, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator

In approving the above Motion, the City Council made the following findings of facts:

1. The property owner signed a Petition requesting that the property be annexed to the City of La Crescent;
2. The property is not presently served by public sewer facilities and public sewer facilities are not otherwise available;
3. The property is currently residential;
4. Minnesota Statutes § 414.033 Subd. 13 is not applicable as there will be no change in the electric utility service provider; and

5. More than 30 days written notice was provided to La Crescent Township and to contiguous landowners by certified mail.

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The ordinance was declared duly passed and adopted.

City Attorney Wieser then reviewed with Council the Summary Ordinance for publication. The Council made the following findings of facts: that publication of the summary informs the public of the intent and effect of the Ordinance.

Member Buehler then made a motion, seconded by Member Hutchinson as follows:

**MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 510 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, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

After the adoption of the Ordinance, the Council reconvened with Item 3.8 on the schedule of the Regular City Council Meeting.

**ITEM 3.8 – ANNEXATION UPDATE**

City Attorney Wieser reviewed and updated City Council on various annexations between the City of La Crescent and La Crescent Township which include the following: Race Track Property/Kinder Road/County Hwy 6/Hickory Lane; 556 Hickory Lane; 1330 Valley Lane; and pending annexations for 1327 Valley Lane and 1323 Valley Lane. This was for informational purposes and no action was taken.

**ITEM 2.0 – PUBLIC HEARING – WELLHEAD PROTECTION PLAN**

At 5:45 PM the City Council held a public hearing to consider the City’s Wellhead Protection Plan. City Engineer, Tim Hruska, reviewed the plan. Pat Bailey of the Minnesota Department of Health was also present. Mayor Poellinger opened the meeting for public comment. Cheryl Jostad commented on the plan. Mayor

Poellinger closed the public hearing. Following discussion, Member Buehler introduced the following resolution and moved its passage and adoption:

**RESOLUTION NO. 10-16-23**

**A RESOLUTION ACCEPTING THE CITY OF LA CRESCENT WELLHEAD PROTECTION PLAN**

WHEREAS, cities in the State of Minnesota are required to complete a wellhead protection plan in order to protect drinking water sources for their communities;

WHEREAS, wellhead protection plans consist of two (2) parts;

WHEREAS, Part 1 is the technical portion that modeled the City’s groundwater aquifers and delineated the wellhead protection area based on a 10-year time of travel. The City of La Crescent’s Part 1 plan was completed in 2015;

WHEREAS, Part 2 of the plan examines the potential sources and risks of contamination within the wellhead protection area, and then develops a series of goals for the City to implement in order to minimize those risks. The City of La Crescent’s Part 2 plan was completed in August, 2016 and sent out to local governments for review and comments, with no comments received;

WHEREAS, Minnesota Statute requires a public hearing before final approval in order to allow for input from the public; and

WHEREAS, the City of La Crescent held a public hearing on October 10, 2016 regarding the wellhead protection plan.

NOW THEREFORE BE IT RESOLVED, following the public hearing on the wellhead protection plan, the City Council hereby approves the plan to be submitted to the Minnesota Department of Health for final approval.

Adopted this 10<sup>th</sup> day of October, 2016.

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

After the adoption of the Resolution, the Council reconvened with the schedule of the Regular City Council Meeting.

**ITEM 3.2 – STONEY POINT PROPERTY REVIEW**

City Administrator Waller reviewed with City Council a draft of a master plan for the Stoney Point property. The master plan was presented for review, discussion and direction. Following an extended discussion, Member Williams made a motion, seconded by Member Buehler, as follows:

**MOTION TO REVISE THE MASTER PLAN FOR THE STONEY POINT PROPERTY TO CORRECT VETSCH PARK AND REMOVE HOUSING PORTION FOR 2-3 LOTS.**

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 3.3 – ACCESS EASEMENT**

City Attorney Wieser reviewed with City Council a proposed Easement Agreement between the City of La Crescent and Todd and Sandra Graves. City Council had also reviewed a Memorandum from Attorney Wieser with this Agreement in April, 2016. Following discussion, Member Williams made a motion, seconded by Member Hutchinson, as follows:

**MOTION TO APPROVE THE EASEMENT AGREEMENT BETWEEN THE CITY OF LA CRESCENT AND TODD AND SANDRA GRAVES AND AUTHORIZE MAYOR AND CITY ADMINISTRATOR TO EXECUTE SAID AGREEMENT.**

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

### **ITEM 3.4 – PLANNING COMMISSION MINUTES – OCTOBER 4, 2016**

Don Smith, Planning Commission Chairman, reviewed with City Council the Planning Commission Minutes for the October 4, 2016 meeting. There are three action items that require consideration by City Council. First, the Planning Commission recommended the approval of Apple Blossom Acres 3 Final Plat. The Planning Commission referenced the following conditions and findings of fact for City Council to consider:

#### Conditions:

1. That a Development Agreement be finalized between the Developer and City to the satisfaction of the City Council.
2. That Developer provides the City with an Irrevocable Letter of Credit, insurance policies, and deposits for City expenses as contemplated by the Development Agreement.
3. That the applicant/developer abides by all representations made by applicant/development or his agents or representatives made during the plat review approval process.
4. That the applicant/developer complies with all applicable Federal, State and local regulations.

#### Findings of Fact:

1. The property owner proposes to use the property in a reasonable manner permitted by the zoning ordinance.
2. The request is in harmony with the general purposes and intent of the ordinance and consistent with the comprehensive plan.
3. There were no objections from neighbors.
4. The final plat was reviewed for sidewalks with a conclusion that while sidewalks in neighborhoods are considered very important and referenced in the Comprehensive Plan and in Chapter 13 Subdivision Regulation, they would not be required in this subdivision referencing the following findings:
  - a. There are no sidewalks leading to the Apple Blossom Acres 3 subdivision and one-half of the lots are in Cul-de-sacs; and
  - b. Subdivision Ordinance 13.16.6 states sidewalks are not required in Cul-de-sacs.

Following discussion, Member Williams made a motion, seconded by Member Hutchinson, as follows:

### **MOTION TO ADOPT THE APPLE BLOSSOM ACRES 3 FINAL PLAT WITH THE ABOVE STATED CONDITIONS AND TO ADOPT THE FINDINGS STATED ABOVE AND AS STATED IN THE OCTOBER 4, 2016 PLANNING COMMISSION MINUTES.**

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

Second, the Planning Commission recommended the approval of the Downtown Planning proposal and a contract with MSA Professional Services dated September 28, 2016. Following discussion, Member Williams made a motion, seconded by Member Buehler, as follows:

**MOTION TO APPROVE THE DOWNTOWN PLANNING PROPOSAL AND A CONTRACT WITH MSA PROFESSIONAL SERVICES DATED SEPTEMBER 28, 2016.**

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

Thirdly, the Planning Commission recommended that the Shore Acres CP Railroad Bridge underpass be considered in WHKS Wagon Wheel Trail and Shore Acres road review. Following discussion, Member Williams made a motion, seconded by Member Hutchinson, as follows:

**MOTION TO APPROVE THAT THE SHORE ACRES CP RAILROAD BRIDGE UNDERPASS BE CONSIDERED IN WHKS WAGON WHEEL TRAIL AND SHORE ACRES ROAD REVIEW.**

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 3.5 – APPLE BLOSSOM ACRES 3 DEVELOPMENT AGREEMENT**

City Attorney Wieser reviewed with City Council the draft Development Agreement regarding the Apple Blossom Acres 3 development. Attorney Wieser outlined the key provisions for review and conditions of approval. Following discussion, Member Williams made a motion, seconded by Member Hutchinson, as follows:

**MOTION TO APPROVE THE DEVELOPMENT AGREEMENT REGARDING THE APPLE BLOSSOM ACRES 3 DEVELOPMENT.**

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 3.9 – AUTHORIZE SOFTWARE ACQUISITION**

City Council reviewed a request from City Finance Director, Debbie Shimshak, to authorize a computer software conversion for all areas of finance and utility billing for the City. The Classic version, currently used by the City, from Civic Systems will no longer be updated and at some point this version would become obsolete. City Council reviewed a quote from Civic Systems for the conversion, license fees and training for the Clarity version for all modules. The total cost is \$32,350 of which \$12,000 was budgeted in 2016 and the balance of \$20,350 in 2017. It was recommended to Council to accept this quote. Following discussion, Member Buehler made a motion, seconded by Member Williams, as follows:

**MOTION TO AUTHORIZE THE COMPUTER SOFTWARE CONVERSION AND ACCEPT THE QUOTE FROM CIVIC SYSTEMS FOR THE CONVERSION, LICENSE FEES AND TRAINING FOR THE CLARITY VERSION FOR ALL MODULES AT A COST OF \$32,350 WITH \$12,000 COMING FROM 2016 BUDGET AND THE BALANCE OF \$20,350 IN 2017.**

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 6.1 – STAFF CORRESPONDENCES/COMMITTEE UPDATES – FIRE DEPARTMENT OPEN HOUSE**

City Council reviewed the flyer for the La Crescent Fire Department Open House to be held on October 11, 2016 from 5-7 PM. No action taken.

**ITEM 6.2 – STAFF CORRESPONDENCES/COMMITTEE UPDATES – DRESBACH BRIDGE DEDICATION**

City Council reviewed the flyer for the Dresbach Bridge Dedication to be held on October 21, 2016 at 10:30 AM at the Dresbach Welcome Center. No action taken.

**ITEM 8 – CHAMBER OF COMMERCE**

The La Crescent Chamber gave an update on the SpringBrook Village ground breaking, the Candidates Forum, and the MnDOT Bridge Dedication.

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 City Administrator, all Members voted in favor thereof, viz;

Bernie Buehler	Yes
Ryan Hutchinson	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 6:36 PM.

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

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator