

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
OCTOBER 11, 2021

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 11, 2021.

Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Ryan Hutchinson, Cherryl Jostad, Teresa O'Donnell-Ebner, Dale Williams, and Mayor Mike Poellinger. Members absent: None. Also present was City Administrator Bill Waller, City Attorney Skip Wieser, and City Administrative Assistant Angie Boettcher.

Mayor Poellinger asked if anyone wished to take action to change the agenda as presented. There were no changes requested.

ITEM 1 – CONSENT AGENDA

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

- 1.1 MINUTES – SEPTEMBER 27, 2021
- 1.2 BILLS PAYABLE THROUGH OCTOBER 7, 2021

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

A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED.

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

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

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

ITEM 3.1 – JOINT ORDERLY ANNEXATION RESOLUTION

City Attorney Wieser reviewed with City Council a Joint Resolution between the City of La Crescent and La Crescent Township. The Joint Resolution relates to annexation of certain land currently in La Crescent Township to be annexed to the City of La Crescent. The Resolution is similar to past Joint Resolutions between the City and Township. There were two differences. Paragraph 5(a) provides that the City will pay

the Township \$8,603.39 per year for a period of three (3) years as opposed to two (2) years. Further, Paragraph 6(b) provides that the City will not require mandatory connection to municipal sanitary sewer for a period of six (6) years after the approval of this agreement unless a public safety threat exists, or the property is sold or otherwise conveyed. In that situation, the property owner would have one (1) year to connect. City Council also reviewed information regarding public improvements made in Crescent Valley in 2011 and 2015, and information regarding the City's connection charges, sewer charges, and property taxes, which was mailed to the property owners in advance of the City Council Meeting. Part of the basis that City Council considered for annexing the remainder of Crescent Valley was as follows:

1. The City has maintained and plowed the streets in Crescent Valley since 2010.
2. The City has maintained and improved the park currently located in Crescent Valley.
3. The City continues to provide public safety services to all of Crescent Valley.
4. It will take four (4) years to realize the full benefit of the annexation from a property tax standpoint.
5. Over 11 years have lapsed since the adoption of Resolution 08-10-03 when the first properties in Crescent Valley were annexed.

La Crescent Township also considered this Joint Resolution at their regular scheduled meeting on October 11, 2021 at 7:00 p.m. City Council also reviewed and heard agenda requests from the following property owners: Erica Myhre; Tim Stencil; Greg Van Lin; Dave Thompson; Gene Grant; and Chuck Foust. Following review and discussion, Member Williams introduced the following resolution and moved its passage and adoption:

**In the Matter of the City of
La Crescent /La Crescent Township**

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE PETITION FOR)
THE ANNEXATION OF CERTAIN LAND)
TO THE CITY OF LA CRESCENT PURSUANT)
TO MINNESOTA STATUTES § 414.0325)

JOINT RESOLUTION

**JOINT RESOLUTION FOR ORDERLY ANNEXATION BY AND BETWEEN
LA CRESCENT TOWNSHIP AND THE CITY OF LA CRESCENT**

WHEREAS, the City mailed a correspondence dated July 23, 2021 to the Township with the Notice proposing that the annexation referenced in the Notice be completed by an Orderly Annexation Agreement with the City reimbursing the Township for three (3) years of real estate taxes and paying all necessary publication fees to timely complete the annexation; and

WHEREAS, the Township and City have now reached a settlement agreement believed to be in their mutual best interests; and

WHEREAS, the Township and City desire to enter into an agreement allowing for the orderly annexation of certain property, pursuant to Minnesota Statutes, Section 414.0325; and

WHEREAS, the parties hereto desire to set forth the terms and conditions of such orderly annexation by means of this Joint Resolution in settlement of the above-referenced matter; and

WHEREAS, for ease of reference, the area of the Township proposed for immediate orderly annexation in accordance with this Joint Resolution (hereinafter referred to as the "Subject Area") is legally described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, the Notice of Intent to Designate for Orderly Annexation was published in the *Houston County News* newspaper on September 24, 2021.

WHEREAS, the City has available capacity to provide needed services to the Subject Area; and

WHEREAS, the Township and City agree that orderly annexation of the Subject Area is in the best interest of the property owners and would benefit the public health, safety, and welfare of the community; and

WHEREAS, the Township and City desire to accomplish the immediate orderly annexation of the Subject Area without the need for any further hearings before the Office of Administrative Hearings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of La Crescent and the Township Board of Supervisors of the Township of La Crescent as follows:

1. Designation of Subject Area. The Township and City hereby designate the Subject Area legally described in Exhibit A for immediate orderly annexation pursuant to Minnesota Statutes, Section 414.0325.
2. Acreage of Subject Area. The Township and City agree that the Subject Area is approximately 13.528 acres.
3. Map of Subject Area. A boundary map showing the Subject Area legally described in Exhibit A is attached hereto as Exhibit B and is hereby incorporated herein by reference.
4. No Hearing Required/Review and Comment Jurisdiction Only. Pursuant to Minnesota Statutes, Section 414.0325, the Township and City agree that no alteration of the boundaries stated herein is appropriate, that all conditions for annexation of the Subject Area legally described in Exhibit A are contained in this Joint Resolution, and that no consideration by the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit is necessary. Upon the execution and filing of this Joint Resolution, the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit may review and comment hereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the Subject Area legally described in Exhibit A in accordance with the terms and conditions contained in this Joint Resolution.
5. Tax Reimbursement. Pursuant to Minnesota Statutes, Section 414.036, the Township and City agree that upon annexation of the Subject Area, the City shall reimburse the Township for the loss of taxes from the property so annexed for the period and in accordance with the following schedule:

(a) In the first year following the year the city could first levy on the annexed area, an amount equal to \$8,603.39; (b) In the second year, an amount equal to \$8,603.39; and (c) In the third and final year, an amount equal to \$8,603.39.

6. Municipal Services.

- a. After annexation of the Subject Area, the City shall be responsible for providing municipal governmental services within the Subject Area. In the event that property owners within the Subject Area desire to receive certain municipal service that the property owner is not currently receiving, property owners may file a petition with the City for such service and receive consideration from the City Council. The City Council will endeavor to provide property owner petitioned services to the requesting properties in a timely manner to the extent practicable in the judgment of the City Council based on factors, including but not limited to the following: cost, timing and feasibility of the service project; cost, timing and feasibility of other City improvement projects; demonstrated service need; location of the petitioning property; distance of petitioning property from the petitioned service; type of service; capital improvement plan; comprehensive plan and other City land use controls; new or existing development; environmental review; number of property owners seeking services; and financial considerations including but not limited to assess ability of the service to the petitioning property and other likely situated properties, and the extent of property owner provided financing for the requested service.
- b. The City will not require a mandatory connection to municipal sanitary sewer for a period of six (6) years after the approval of this Agreement, unless a public safety threat exists, or the property is sold or otherwise conveyed. In said event, the property owner will need to connect to municipal sanitary sewer within one (1) year of the date of sale or conveyance.

7. Termination. This Joint Resolution shall remain in full force and effect until one of the following conditions takes place, whichever comes first:

- a. Termination by mutual written joint resolution of the City and Township; or
- b. Upon completion of tax reimbursement to the Township in accordance with this Joint Resolution.

8. Governing Law. This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.

9. Disputes and Remedies. The Townships and City agree as follows:

- a. Negotiation. When a disagreement over interpretation of any provision of this Joint Resolution shall arise, the City and Township will direct staff members, as they deem appropriate, to meet at least one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.
- b. Mediation/Arbitration. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, or are unable to negotiate an interpretation of any

provision of this Joint Resolution, the parties hereto may mutually agree in writing to seek relief by submitting their respective grievances to mediation and/or binding arbitration.

- c. Adjudication. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, are unable to negotiate an interpretation of any provision of this Joint Resolution or are unable to agree to submit their respective grievances to mediation or binding arbitration, or such action has not otherwise resolved the matter in dispute, either party to the dispute may seek relief through initiation of an action in a court of competent jurisdiction. In addition to the remedies provided for in this Joint Resolution and any other available remedies at law or equity, in the case of a violation, default, or breach of any provision of this Joint Resolution, the non-violating, non-defaulting, or non-breaching party may bring an action for specific performance to compel the performance of this Joint Resolution in accordance with its terms.
10. Modification/Amendment. This Joint Resolution shall not be modified, amended, or altered except upon the written joint resolution of the City and the Township duly executed and adopted by the City Council and the Township Board of Supervisors and filed with the OAH-MBAU, or its successor agency.
11. Severability. In the event that any provision of this Joint Resolution is determined and adjudged to be unconstitutional, invalid, illegal or unenforceable by a court of competent jurisdiction, the remaining provisions of this Joint Resolution shall remain in full force and effect, and the parties hereto shall negotiate in good faith and agree to such amendments or modifications of or to this Joint Resolution or other appropriate actions as shall, to the maximum extent practicable in light of such determination, implement and give effect to the intentions of the parties hereto.
12. Headings and Captions. Headings and captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.
13. Entire Agreement. The terms, covenants, conditions and provisions of this Joint Resolution shall constitute the entire agreement between the parties hereto superseding all prior agreements and negotiations. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the Township and City.
14. Legal Description and Mapping. The Township and City agree, in the event there are errors, omissions or any other problems with the legal description provided in Exhibit A or mapping provided in Exhibit B in the judgment of the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit or either party, to make such corrections and file any additional documentation, including a new Exhibit A or Exhibit B making the corrections requested or required by the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustment Unit as necessary to make effective the annexation of the Subject Area in accordance with the terms of this Joint Resolution.
15. Notice. Any notices required under the provisions of this Joint Resolution shall be in writing and sufficiently given if delivered in person or sent by U.S. mail, postage prepaid, as follows:

If to the City:

City Administrator
La Crescent City Hall
315 Main Street
La Crescent, MN 55947

If to the Township:

Township Clerk
La Crescent Township
4610 CTH 6
La Crescent, MN 55947

w/copy to:

Al Wieser, III
Wieser Law Office, P.C.
33 South Walnut Street, Suite 200
La Crescent, MN 55947

- 16. Effective Date. This Joint Resolution shall be effective on the date that the last party hereto signs, and dates said document.
- 17. Filing. The Township and City agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit and pay the required filing fee.
- 18. Joint Participation. The parties have participated jointly in the negotiation and preparation of all agreements between the parties. Each party has had an opportunity to obtain the advice of legal counsel and to review and comment upon this instrument. Accordingly, no rule of construction shall apply against any party or in favor of any party. This instrument shall be construed as if the parties jointly prepared it and uncertainty or ambiguity shall not be interpreted against one party and in favor of another.

Passed, adopted, and approved by the Township Board of Supervisors of the Township of La Crescent, Houston County, Minnesota, this 11th day of October, 2021.

ATTEST:

TOWNSHIP OF LA CRESCENT

By: _____
/s/
Karen Schuldt, Township Clerk

By: _____
/s/
Bob Schuldt, Chair

Passed, adopted, and approved by the City Council of the City of La Crescent, Houston County, Minnesota, this 11th day of October, 2021.

ATTEST:

CITY OF LA CRESCENT

By: _____
Bill Waller, City Administrator

By: _____
Mikel Poellinger, Mayor

EXHIBIT A

DeBoer/1603 West Ln/08.0460.000 and 08.0124.003:

PARCEL A

LOT TWELVE (12), BLOCK ONE (1) CRESCENT VALLEY SUBDIVISION TO THE TOWN OF LA CRESCENT, HOUSTON COUNTY, MINNESOTA; AND

PARCEL B

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE¼ SW¼) OF SECTION NINE (9), TOWNSHIP ONE HUNDRED FOUR (104) NORTH, RANGE FOUR (4) WEST, LA CRESCENT TOWNSHIP, HOUSTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION NINE (9), THENCE WEST 169.58 FEET; THENCE ALONG THE WEST LINE EXTENDED OF CRESCENT VALLEY SUBDIVISION NORTH 3 DEGREES 23'31" WEST 836.56 FEET TO THE SOUTHEAST CORNER OF LOT TEN (10), BLOCK ONE (1) OF SAID CRESCENT VALLEY SUBDIVISION; THENCE ALONG THE SOUTH LINE EXTENDED OF SAID LOT TEN (10) WEST 326.41 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING WEST 180.09 FEET; THENCE ALONG THE WEST LINE EXTENDED OF LOT TWELVE (12) , BLOCK ONE (1) NORTH 25 DEGREES 48'26" EAST 122.34 FEET TO THE SOUTHWEST CORNER OF SAID LOT TWELVE (12); THENCE ALONG THE SOUTH LINE OF SAID LOT TWELVE (12) NORTH 84 DEGREES 25'58" EAST 173.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT TWELVE (12); THENCE ALONG THE EAST LINE EXTENDED OF SAID LOT TWELVE (12) SOUTH 19 DEGREES 40'26" WEST 134.74 FEET TO THE POINT OF BEGINNING.

Hottovy/1620 West Ln/08.0463.000:

LOT FIFTEEN (15), BLOCK ONE (1), CRESCENT VALLEY SUBDIVISION TO THE TOWN OF LA CRESCENT, ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER IN AND FOR HOUSTON COUNTY, MINNESOTA.

AND

THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE¼ SW¼) AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE¼ SW¼) OF SECTION NINE (9), TOWNSHIP ONE HUNDRED FOUR (104), RANGE FOUR (4), HOUSTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 15, BLOCK ONE, CRESCENT VALLEY SUBDIVISION, HOUSTON COUNTY, MINNESOTA; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 15 A DISTANCE OF 45.00 FEET TO THE POINT

OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE NORTHWESTERLY DEFLECTING TO THE RIGHT 56 DEGREES 27 MINUTES 23 SECONDS, 344.68 FEET; THENCE SOUTHWESTERLY DEFLECTING TO THE LEFT 123 DEGREES 59 MINUTES 36 SECONDS, 281.02 FEET TO A POINT ON THE NORTHWESTERLY EXTENSION OF THE LOT LINE BETWEEN SAID LOT 15 AND LOT 14, SAID BLOCK ONE, DISTANT 130.13 FEET NORTHWESTERLY OF THE MOST WESTERLY CORNER OF SAID LOT 15; THENCE SOUTHEASTERLY 130.13 FEET ALONG THE NORTHWESTERLY EXTENSION OF THE LOT LINE BETWEEN SAID LOTS 15 AND 14 TO THE MOST WESTERLY CORNER OF SAID LOT 15; THENCE NORTH 55 DEGREES 55 MINUTES 09 SECONDS WEST 60.96 FEET; THENCE SOUTH 79 DEGREES 21 MINUTES 51 SECONDS EAST 145.12 FEET TO THE POINT OF BEGINNING.

Stencel/1345 County 6/08.0537.000:

PART OF THE NW¼ OF THE SE¼ OF SECTION 9, TOWNSHIP 104 NORTH, RANGE 4 WEST, TOWN OF LA CRESCENT, HOUSTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 9, THENCE SOUTH, ALONG THE QUARTER SECTION LINE, 424.40 FEET TO THE CENTER OF THE COUNTY HIGHWAY; THENCE SOUTH 58°32'00" EAST, ALONG THE CENTER OF THE HIGHWAY 433.75 FEET; THENCE CONTINUE ALONG THE CENTERLINE OF THE COUNTY HIGHWAY ON A CURVED LINE TO THE LEFT OF RADIUS 5,729.58 FEET, DELTA ANGLE OF 06°32' LEFT, A DISTANCE OF 653.3 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION: THENCE SOUTH 65°04'00" EAST, ALONG THE CENTERLINE OF SAID HIGHWAY, 126.0 FEET; THENCE SOUTH 41°16'00" WEST 52.10 FEET; THENCE SOUTH 24°56'00" WEST 258.50 FEET; THENCE NORTH 65°02' WEST 239.90 FEET; THENCE NORTH 27°19'00" EAST 68.6 FEET; THENCE NORTH 41°16'00" EAST 250.27 FEET TO THE CENTERLINE OF THE COUNTY HIGHWAY; THENCE ALONG SAID CENTERLINE ON A CURVED LINE TO THE LEFT OF RADIUS 5,729.58 FEET, A DISTANCE OF 55.50 FEET TO THE POINT OF BEGINNING.

Oliver/1340 Valley Ln/08.0482.003:

LOT THREE (3), BLOCK ONE (1), CRESCENT VALLEY FIRST ADDITION, LA CRESCENT TOWNSHIP, HOUSTON COUNTY, MINNESOTA.

Foust/1450 Valley Ln/08.0482.001

LOT ONE (1), BLOCK ONE (1), CRESCENT VALLEY FIRST ADDITION, HOUSTON COUNTY, MINNESOTA.

Myhre/1441 Valley Ln/08.0482.009

LOT FOUR (4) IN BLOCK TWO (2) OF CRESCENT VALLEY FIRST ADDITION TO THE TOWN OF LA CRESCENT, HOUSTON COUNTY, MINNESOTA.

Grant/1463 Valley Ln/08/0482.006

LOT ONE (1), BLOCK TWO (2), CRESCENT VALLEY FIRST ADDITION TO THE TOWNSHIP OF LA CRESCENT, HOUSTON COUNTY, MINNESOTA.

Ostrander/95 Crescent Ave/08.0478.000:

LOT FOUR (4), BLOCK TWO (2), CRESCENT VALLEY SUBDIVISION, LA CRESCENT TOWNSHIP, HOUSTON COUNTY, MINNESOTA.

Klinski/51 Crescent Ave/08.0476.000:

LOT TWO (2), BLOCK TWO (2) CRESCENT VALLEY SUBDIVISION TO THE TOWNSHIP OF LA CRESCENT ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER IN AND FOR HOUSTON COUNTY, MINNESOTA.

Thompson/29 Crescent Ave/08.0475.000

LOT 1, BLOCK 2, CRESCENT VALLEY SUBDIVISION TO THE TOWNSHIP OF LA CRESCENT, ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER IN AND FOR HOUSTON COUNTY, MINNESOTA,

EXCEPT THE FOLLOWING:

PART OF LOT 1, BLOCK 2, CRESCENT VALLEY SUBDIVISION, LA CRESCENT TOWNSHIP, HOUSTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 1 DEGREE 18 MINUTES 12 SECONDS EAST ALONG THE WEST LINE THEREOF 10 FEET; THENCE SOUTH 63 DEGREES 38 MINUTES 55 SECONDS EAST 43.19 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTH 76 DEGREES 44 MINUTES 51 SECONDS WEST ALONG THE SOUTH LINE THEREOF 40 FEET TO THE POINT OF BEGINNING.

Davison/30 Janell Ave/08.0560.000

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE1/4), SECTION NINE (9), TOWNSHIP 104 NORTH, RANGE FOUR (4) WEST, OF THE FIFTH PRINCIPAL MERIDIAN, HOUSTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

WEST ON THE SECTION LINE FROM THE SOUTHEAST CORNER OF SAID SECTION NINE (9) A DISTANCE OF 2,247.5 FEET; THENCE NORTH 6°45' EAST A DISTANCE OF 33 FEET FOR A POINT OF BEGINNING; THENCE WESTERLY ON A LINE PARALLEL WITH THE SOUTH SECTION LINE A DISTANCE OF 156 FEET; THENCE NORTH 6°45' EAST A DISTANCE OF 202 FEET; THENCE EASTERLY ON A LINE PARALLEL WITH SAID SOUTH LINE OF SECTION NINE (9) A DISTANCE OF 156 FEET; THENCE SOUTHERLY 6°45' WEST A DISTANCE OF 202 FEET TO THE POINT OF BEGINNING.

Van Lin/35 Janell Ave/08.0559.000

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW¼ SE¼) OF SECTION 9, TOWNSHIP 104, RANGE 4 WEST DESCRIBED AS FOLLOWS:

WEST ON THE SECTION LINE FROM THE SOUTHEAST CORNER OF SAID SECTION 9 A DISTANCE OF 2208.3 FEET; THENCE NORTH 6 DEGREES 45 MINUTES EAST A DISTANCE OF 33.23 FEET TO THE POINT OF BEGINNING; THENCE EAST PARALLEL TO THE SECTION LINE A DISTANCE OF 134.80 FEET, THENCE NORTH 6 DEGREES 45 MINUTES EAST A DISTANCE OF 209.62 FEET; THENCE NORTH 83 DEGREES 15 MINUTES WEST A DISTANCE OF 133.86 FEET, THENCE SOUTH 6 DEGREES 45 MINUTES WEST TO THE PLACE OF BEGINNING, HOUSTON COUNTY, MINNESOTA.

Garrison/60 Janell Ave/08.0565.000

A TRACT OF LAND IN THE SW¼ OF SECTION 9, TOWNSHIP 104 NORTH, RANGE 4 WEST, HOUSTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

WEST ON THE SECTION LINE FROM THE SE CORNER OF SAID SECTION 9 A DISTANCE OF 2268.71 FEET, THENCE NORTH 6°45' EAST, 235.0 FEET TO THE POINT OF BEGINNING:

THENCE CONTINUE NORTH 6° 45' EAST, 105.0 FEET,
THENCE NORTH 83° 15' WEST, 133.85 FEET,
THENCE SOUTH 6° 45' WEST, 120.80 FEET,
THENCE EAST ON A LINE PARALLEL TO SAID SECTION LINE, 134.79 FEET TO THE POINT OF BEGINNING.

BEING SUBJECT TO A PUBLIC UTILITY AND DRAINAGE EASEMENT OVER THE WESTERLY 6 FEET AND A PUBLIC ROADWAY EASEMENT OVER THE EASTERLY 11 FEET OF THE ABOVE DESCRIBED TRACT.

TOGETHER WITH ALL RIGHTS CREATED BY VIRTUE OF AN EASEMENT DEED AND AGREEMENT FOR WATER DATED JUNE 9, 1972, FILED NOVEMBER 15, 1972 IN BOOK 242 OF MISC., PAGE 532.

Nissalke/63 Janell Ave/08.0562.000

THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW¼ SE¼) OF SECTION NINE (9), TOWNSHIP ONE HUNDRED FOUR (104) NORTH, RANGE FOUR (4) WEST, HOUSTON COUNTY, MINNESOTA, DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION NINE (9); THENCE WEST ALONG THE SECTION LINE A DISTANCE OF 2073.5 FEET; THENCE NORTH 6°45' EAST A DISTANCE OF 242.85 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 6°45' EAST A DISTANCE OF 105 FEET; THENCE NORTH 83°15' WEST A DISTANCE OF 172.79 FEET; THENCE SOUTH 6°45' WEST A DISTANCE OF 105 FEET; THENCE SOUTH 83°15' EAST A DISTANCE OF 172.79 FEET TO THE POINT OF BEGINNING.

Anderson/88 Janell Ave/08.0568.000

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW¼ SE¼) OF SECTION NINE (9), TOWNSHIP ONE HUNDRED FOUR (104) NORTH, RANGE FOUR (4) WEST, HOUSTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

WEST ON THE SECTION LINE FROM THE SOUTHEAST CORNER OF SAID SECTION NINE (9), A DISTANCE OF 2268.71 FEET, THENCE NORTH 6°45' EAST 340.00 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE NORTH 6°45' EAST 105.0 FEET, THENCE NORTH 83°15' WEST 133.85 FEET, THENCE SOUTH 6°45' WEST 105.0 FEET, THENCE SOUTH 83°15' EAST 133.85 FEET TO THE POINT OF BEGINNING.

AND BEING SUBJECT TO A PUBLIC UTILITY AND DRAINAGE EASEMENT OVER THE WESTERLY 6 FEET AND A PUBLIC ROADWAY EASEMENT OVER THE EASTERLY 11 FEET OF THE ABOVE DESCRIBED TRACT.

Dedicated Park (No La Crescent Township Tax ID Assigned):

THE LAND CONTAINED IN THE RECORDED PLAT OF CRESCENT VALLEY SUBDIVISION DEDICATED TO PUBLIC FOR PARK.

Platted Road Right of Way (No La Crescent Township Tax ID Assigned):

VALLEY LANE FROM THE NORTH LINE OF LOT 4, BLOCK 1 CRESCENT VALLEY FIRST SUBDIVISION TO THE SOUTHERLY RIGHT OF WAY OF COUNTY ROAD 6 AND THERE TERMINATING.

AND ALL THAT PART OF CRESCENT AVENUE LYING SOUTH OF THE INTERSECTION OF VALLEY LANE NOT CURRENTLY IN THE CITY OF LA CRESCENT.

Metes and Bounds Parcel I (No La Crescent Township Tax ID Assigned):

PART OF THE SE¼ OF THE SW¼ OF SECTION 9, TOWNSHIP 104, RANGE 4 WEST, TOWN OF LA CRESCENT, HOUSTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 9; THENCE ALONG THE SOUTH LINE OF SAID SECTION 9, WEST 169.58 FEET; THENCE ALONG THE WEST LINE EXTENDED OF CRESCENT VALLEY SUBDIVISION NORTH 3 DEGREES 23 MINUTES 31 SECONDS WEST 836.56 FEET TO THE SOUTHEAST CORNER OF LOT 10, BLOCK 1 OF SAID CRESCENT VALLEY SUBDIVISION; THENCE ALONG THE SOUTH LINE OF SAID LOT 10 WEST 64.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING WEST 262.25 FEET; THENCE ALONG THE WEST LINE EXTENDED OF LOT 11 BLOCK 1 NORTH 19 DEGREES 40 MINUTES 26 SECONDS EAST 134.74 FEET TO THE SOUTHWEST COMER OF SAID LOT 11; THENCE ALONG THE SOUTH LINE OF SAID LOT 11, NORTH 84 DEGREES 26 MINUTES 58 SECONDS EAST 44.12 FEET AND SOUTH 80 DEGREES 38 MINUTES 06 SECONDS EAST 98.45 FEET TO THE SOUTHEAST CORNER OF SAID LOT 11; THENCE ALONG THE WESTERLY LINE OF LOT 10 SOUTH 33 DEGREES 22 MINUTES 37 SECONDS EAST 137.86 FEET TO THE POINT OF BEGINNING.

Metes and Bounds Parcel II (No La Crescent Township Tax ID Assigned):

THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 104, RANGE 4, HOUSTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 13, BLOCK ONE, CRESCENT VALLEY SUBDIVISION, HOUSTON COUNTY, MINNESOTA; THENCE SOUTHWESTERLY ALONG THE SOUTHWESTERLY EXTENSION OF THE EAST LINE OF SAID LOT 13 TO THE NORTH LINE OF THE PROPERTY DESCRIBED IN RECORD BOOK 259 OF DEEDS, PAGE 217, HOUSTON COUNTY, MINNESOTA; THENCE NORTHWESTERLY, DEFLECTING TO THE RIGHT, 92 DEGREES 44 MINUTES 30 SECONDS, 326.99 FEET TO A ONE HALF INCH IRON PIPE MONUMENT; THENCE NORTHWESTERLY DEFLECTING TO THE RIGHT 32 DEGREES 54 MINUTES 45 SECONDS TO A POINT ON THE SOUTHWESTERLY EXTENSION OF THE LOT LINE BETWEEN SAID LOT 13 AND LOT 14, SAID BLOCK ONE, DISTANT 136.54 FEET SOUTHWESTERLY OF THE MOST WESTERLY CORNER OF SAID LOT 13; THENCE NORTHEASTERLY 136.54 FEET ALON THE SOUTHWESTERLY EXTENSION OF THE LOT LINE BETWEEN SAID LOTS 13 AND 14 TO THE MOST WESTERLY CORNER OF SAID LOT 13; THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY BOUNDARY OF SAID LOT 13, A DISTANCE OF 350.97 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
Boundary Map

The municipal boundary map referenced in the attached Joint Resolution, showing the current City of La Crescent and its relation to the Subject Areas to be annexed, legally described in Exhibit A, is attached hereto.

The motion for the adoption of the foregoing resolution was duly seconded by Member O'Donnell-Ebner and upon a roll call vote taken and tallied by the City Administrator, the following Members present voted in favor thereof, viz;

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

Member Ryan Hutchinson abstained from voting, and none voted against the same. The motion was declared duly carried and the resolution duly passed and adopted by a 4-0 vote.

ITEM 3.2 – PHASE 3 PEDESTRIAN BRIDGE BID RESULTS

City Engineer, Tim Hruska, reviewed with City Council via Zoom the bids for Phase 3 of the Pedestrian Bridge project. The four bids were received by the City on September 20, 2021. The project will construct a new pedestrian bridge over Highway 14/61 at the extension of South 1st Street. The low bid for the project was received from ICON Constructors, LLC from Mabel, MN for \$3,224,056.32. This included \$129,000.00 for the architectural arch. City Council also reviewed the bid tabulation. The engineer's estimate for the project was \$2,822,676.25. The City has received approval by the State Aid Engineer to

utilize State Aid funds to cover costs for the project since it is in MnDOT Right of Way. The City will continue to work with the Contractor to find ways to value engineer the project to save costs. It is expected that a deduct Change Order will be presented to City Council in the next month. The City has received approval by MnDOT's Civil Rights department and the State Aid Engineer to award this project. It was recommended to City Council to award the contract to ICON Constructors, LLC for the project as they were the low responsive, responsible bidder. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Jostad, as follows:

MOTION TO AWARD THE CONTRACT FOR WAGON WHEEL PHASE 3 PEDESTRIAN/BIKE BRIDGE PROJECT TO ICON CONSTRUCTORS, LLC IN THE AMOUNT OF \$3,224,056.32 AS THEY WERE THE LOW RESPONSIVE, RESPONSIBLE BIDDER.

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

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

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

ITEM 3.3 – SHORT TERM FINANCING – BRIDGE PROJECT

City Attorney Wieser reviewed with City Council a memo from City Finance Director, Debbie Shimshak, that after review of the anticipated monthly construction costs for the Wagon Wheel Phase 3 Pedestrian/Bike Bridge Project, the City could potentially need up to \$1,000,000.00 in financing until the City can process and receive the awarded grant funds. The City must pay all construction and engineering cost prior to requesting these grant funds. For this reason, the City would need to find short-term financing. There is also time involved on the State side as they review, approve and process the grant payments. City Finance Director Shimshak contacted three local financial institutions and requested a proposal for temporary bonding of \$1,000,000.00 for a maximum twelve-month term that offers no penalty for prepayment. The City received three proposals: Merchants Bank - 2.75%; Home Federal - 2.99%; and ESB Bank - 2.5%. It was recommended to City Council to accept the proposal from ESB Bank with the lowest fixed interest rate of 2.5%. This will be a revolving line of credit, with no penalty for prepayment. The City has also spoken with the State Agencies about expediting the grant funds once submitted, which will reduce the time and interest expense the City would incur. Following discussion, Member Hutchinson made a motion, seconded by Member O'Donnell-Ebner, as follows:

MOTION TO ACCEPT THE PROPOSAL FROM ESB BANK WITH THE LOWEST FIXED INTEREST RATE OF 2.5% FOR SHORT TERM FINANCING OF THE WAGON WHEEL PHASE 3 PEDESTRIAN/BIKE BRIDGE PROJECT.

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

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

Member Cheryl Jostad abstained from voting, and none voted against the same. The motion was declared duly carried by a 4-0 vote.

ITEM 3.4 – RELIEF ASSOCIATION PENSION INCREASE

City Attorney Wieser reviewed with City Council a proposed increase in the annual benefit to the La Crescent Fire Department Relief Association. The benefit is proposed to be increased from \$3,200.00 to \$4,200.00 for each year of service to the department. City Council reviewed a correspondence from Todd Hase, Treasurer, of the La Crescent Fire Department Relief Association regarding the increase. As in the past, it was recommended that Members of the City Council that have a personal interest in this matter abstain from the vote. Following discussion, Member Williams made a motion, seconded by Member Jostad, as follows:

MOTION TO APPROVE AN INCREASE IN THE ANNUAL BENEFIT TO THE LA CRESCENT FIRE DEPARTMENT RELIEF ASSOCIATION FROM \$3,200.00 TO \$4,200.00 FOR EACH YEAR OF SERVICE TO THE DEPARTMENT.

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

Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes

Member Ryan Hutchinson and Mayor Mike Poellinger abstained from voting, and none voted against the same. The motion was declared duly carried by a 3-0 vote.

ITEM 3.5 – ADVERTISE DEVELOPMENT DIRECTOR POSITION

City Administrator Waller reviewed with City Council a request for proposals (RFP) to provide Community/Economic Development services to the City of La Crescent. This is almost identical to the RFP that was used in 2014 when Terry Erickson was hired as the City's first Development Director. In order to proceed, it was recommended to City Council to approve the RFP and to authorize that the position be advertised. The proposals would then be presented to City Council at a future meeting. City Council reviewed minor modifications to the RFP. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Hutchinson, as follows:

MOTION TO APPROVE THE REQUEST FOR PROPOSALS TO PROVIDE COMMUNITY/ECONOMIC DEVELOPMENT SERVICES TO THE CITY OF LA CRESCENT, WITH THE PROPOSALS TO BE PRESENTED TO CITY COUNCIL AT A FUTURE MEETING, AND TO AUTHORIZE THAT THE POSITION BE ADVERTISED.

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

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

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

ITEM 3.6 – PARADE PERMIT REQUEST

City Administrator Waller reviewed with City Council a memo from La Crescent Police Chief Doug Stavenau regarding a request for a Parade Permit for temporary street closure on Walnut Street from Main to South 2nd Street on Sunday, October 24, 2021, from 6:00-8:00 pm. The event is a Community Project called the 3rd Annual Thriller Performance and is being supported by La Crescent Montessori Students, Staff and Parents. This is a moving dance performance and show. The Community is invited to participate as it is an all-ages event. It was recommended to City Council to approve the request. The Police Department will be responsible for setting up barricades and providing traffic control. Following discussion, Member Hutchinson made a motion, seconded by Member O'Donnell-Ebner, as follows:

MOTION TO APPROVE A PARADE PERMIT FOR TEMPORARY STREET CLOSURE ON WALNUT STREET FROM MAIN TO SOUTH 2ND STREET ON SUNDAY, OCTOBER 24, 2021, FROM 6:00-8:00 PM FOR A COMMUNITY PROJECT CALLED THE 3RD ANNUAL THRILLER PERFORMANCE WITH THE LA CRESCENT POLICE DEPARTMENT TO BE RESPONSIBLE FOR SETTING UP BARRICADES AND PROVIDING TRAFFIC CONTROL.

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

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

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

ITEM 3.7 – HORSE THIEF RIDGE EASEMENT

City Council reviewed an Agenda Request from Attorney Brent Smith on behalf of the effected property owners of the Horse Thief Ridge Easement. Attorney Smith addressed City Council with the concerns of the property owners. City Attorney Wieser then reviewed with City Council a proposed Quit Claim Deed prepared by the attorney for La Crescent Township. The purpose of the Quit Claim Deed is to convey to the City of La Crescent a sixty (60) foot access easement across the Horse Thief Ridge Development. Only the easement will be transferred to the City. The encumbered property remains in the Township. Horse

Thief Ridge is located in La Crescent Township. The plat of Horse Thief Ridge contains a dedication to the public of this easement. City Council also reviewed a copy of the plat and a map from the City's 2017 Bluffland's Plan illustrating the potential walking trail. La Crescent Township is requesting the City provide a First Right of Refusal until 2046. This would require the City to give notice to the Township in advance of the City conveying the easement. City Council reviewed the Right of First Refusal Agreement. Discussion then ensued by City Council. Following discussion, Member Williams made a motion, seconded by Member Hutchinson, as follows:

MOTION TO ACCEPT THE QUIT CLAIM DEED FROM LA CRESCENT TOWNSHIP FOR THE HORSE THIEF RIDGE EASEMENT AND TO AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE THE RIGHT OF FIRST REFUSAL AGREEMENT.

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

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

and Member Cheryl Jostad voted against the same. The motion was declared duly carried by a 4-1 vote.

ITEM 3.8 – COMMISSION RESIGNATIONS

City Council reviewed letters of resignations from Eileen Krenz from the Economic Development Commission and from Randy Dobbs from the La Crescent Park and Recreation Commission. It was recommended to City Council to accept these resignations. Following discussion, Member Jostad made a motion, seconded by Member Hutchinson, as follows:

MOTION TO ACCEPT THE RESIGNATIONS OF EILEEN KRENZ FROM THE ECONOMIC DEVELOPMENT COMMISSION AND RANDY DOBBS FROM THE LA CRESCENT PARK AND RECREATION COMMISSION.

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

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

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

ITEM 3.9 – 2022 BUDGET REVIEW

City Council reviewed the proposed 2022 general fund budget and proposed resolution that sets the preliminary levy. This item was informational, and no action was taken.

ITEM 8 – CHAMBER OF COMMERCE

Travis Minegar of the La Crescent Chamber of Commerce had no Chamber update.

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, the following Members present voted in favor thereof, viz;

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

and none voted against the same. The motion was declared duly carried and the meeting duly adjourned at 6:24 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator