

MINUTES, REGULAR MEETING  
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA  
OCTOBER 27, 2014

Pursuant to due call and notice thereof, the second 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 27, 2014, followed by the Pledge of Allegiance.

Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Bernie Buehler, Greg Husmann, Dale Williams and Mayor Mike Poellinger. Members absent: None. Also present was City Administrator Bill Waller and City Attorney Skip Wieser.

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 – OCTOBER 13, 2014
- 1.2 BILLS PAYABLE THROUGH OCTOBER 23, 2014
- 1.3 CASH BALANCE/ACTIVITY REPORT – SEPTEMBER 2014
- 1.4 LIBRARY REPORT – SEPTEMBER 2014

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

**A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED**

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

Bernie Buehler	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 3.0 – ATV/GOLF CART REQUEST**

Bob Langen addressed the City Council requesting the Council to consider the use of ATVs and golf carts on city streets and roads. Due to the Public Hearing scheduled at 5:35 PM, this agenda item will be continued.

**ITEM 2.0 – PUBLIC HEARING – ANNEXATION – 1415 VALLEY LANE**

At 5:35 PM the City Council held a public hearing to consider input on the proposed annexation of for the property at 1415 Valley Lane that has requested to be annexed and the adoption of Ordinance No. 489 annexing this property. City Attorney Wieser reviewed the maps and findings for the Ordinance. Mayor Poellinger opened the meeting for public comment and there were no public comments. Following further discussion, Member Husmann introduced the following Ordinance, and moved its passage and adoption:

**ORDINANCE NO. 489**

**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 8<sup>th</sup> day of September, 2014; and

**WHEREAS**, said property is unincorporated and abuts the City of La Crescent on its northwesterly and northeasterly 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 not located within a flood plain or shoreland area; 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 27, 2014, 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, BLOCK TWO, CRESCENT VALLEY FIRST ADDITION, HOUSTON COUNTY, MINNESOTA

The above described property consists of a total of 0.43 acres, more or less. Copies of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and all appropriate plat maps are 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 \$640.56; and
- b. In the second and final year, an amount equal to \$640.56.

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 27<sup>th</sup> day of October, 2014.

\_\_\_\_\_  
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 not located within a flood plain or shoreland area;
4. The property is currently residential;
5. Minnesota Statutes § 414.033 Subd. 13 is not applicable as there will be no change in the electric utility service provider;
6. More than 30 days written notice was provided to the Town of La Crescent 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
Greg Husmann	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 Husmann then made a motion, seconded by Member Buehler as follows:

**MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 489 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
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

City Council also reviewed a Resolution authorizing the assessment of connection fees for sanitary sewer for the property at 1415 Valley Lane. Following discussion, Member Husmann introduced the following resolution and moved its passage and adoption:

**RESOLUTION NO. 10-14-23**

**A RESOLUTION AUTHORIZING THE ASSESSMENT OF CONNECTION FEES FOR  
1415 VALLEY LANE, LA CRESCENT, MN FOR SANITARY SEWER**

WHEREAS, Ordinance #469 of the La Crescent City Code permits connection charges for sewer and water connections and permits the City Council to establish those charges by Resolution for specific projects; and

WHEREAS, the City Council of La Crescent passed RESOLUTION NO. 05-11-23, on May 9, 2011, which established the connection charges for the Crescent Valley Sanitary Sewer and Water Project;

WHEREAS, Gerald Jansky, the former owner, and Andrew McCain and Christine McCain, the current owners, of 1415 Valley Lane, La Crescent, MN have petitioned the City to have connection charges for sanitary sewer assessed to this property per RESOLUTION as attached.

NOW THEREFORE BE IT RESOLVED, by the La Crescent City Council:

1. Gerald Jansky, the former owner, and Andrew McCain and Christine McCain, the current owners, of 1415 Valley Lane, La Crescent, MN have signed a Petition requesting that the connection fee or balance be certified to the Houston County Auditor for collection with the property taxes, and the Council accepts and approves such Petition.
2. The connection fee for the property will be certified to the Houston County Auditor for collection in equal annual installments over a period of 10 years at an annual interest rate of 4.4%.

Passed by the La Crescent City Council this 27<sup>th</sup> day of October, 2014.

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

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

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

Bernie Buehler	Yes
Greg Husmann	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 Ordinance and Resolution, the Council reconvened with the schedule of the Regular City Council Meeting.

**ITEM 3.0 – ATV/GOLF CART REQUEST - Continued**

Following continued and additional review and discussion, it was the consensus of the Council to add this item to a future City Council meeting agenda for consideration when there is a full Council present. No action taken.

**ITEM 3.1 – STOP SIGN REQUEST**

Margaret Fitts addressed the City Council regarding a request for a stop sign at the intersection of N. 4<sup>th</sup> Street and Crescent Hills Drive. It was noted that drivers going southbound on N. 4<sup>th</sup> Street cannot see cars driving northbound until they are in very close proximity due to the peak in the hill. Drivers going northbound on N. 4<sup>th</sup> Street cannot see pedestrians, particularly small children, on the other side of the peak in the hill. Several neighbors signed a letter that they were in agreement that a stop sign would be beneficial. La Crescent Police Chief Doug Stavenau also commented on the request. Following discussion, Member Williams made a motion, seconded by Member Buehler, as follows:

**MOTION TO APPROVE THE STOP SIGN REQUEST FOR THE INTERSECTION OF NORTH 4<sup>TH</sup> STREET AND CRESCENT HILLS DRIVE IN THE CITY OF LA CRESCENT.**

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

Bernie Buehler	Yes
Dale Williams	Yes
Mike Poellinger	Yes

Member Greg Husmann abstained from voting. The motion was declared duly carried by a 3-0 vote.

**ITEM 3.2 – MONTE CARLO ROAD**

City Attorney Wieser reviewed with City Council the status of the acquiring of Monte Carlo Road. There has been no progress regarding the acquisition. It was recommended to Council that if Monte Carlo Road does not close in the near future that the City engage Robert Scott of Flaherty Hood law firm to assist in initiating a condemnation proceeding at an hourly rate of \$155.00 and also that the City Administrator and City Attorney engage a licensed real estate appraiser. Following discussion, Member Husmann made a motion, seconded by Member Williams, as follows:

**MOTION TO AUTHORIZE PROCEEDING TO CONDEMNATION WITH THE ASSISTANCE FROM ROBERT SCOTT OF FLAHERTY HOOD AT AN HOURLY RATE OF \$155.00 AND TO AUTHORIZE THE CITY ADMINISTRATOR AND CITY ATTORNEY ENGAGE A LICENSED REAL ESTATE APPRAISER.**

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

Bernie Buehler	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 3.3 – PLANNING COMMISSION MINUTES – SEPTEMBER 30, 2014**

Council reviewed the Planning Commission Minutes from the September 30, 2014 meeting. No action taken.

**ITEM 3.4 – PERSONNEL COMMITTEE RECOMMENDATION**

The Personnel Committee made the following recommendations to City Council:

1. That on November 4 Chris Frick will be completing his probationary period as a Police Officer. Police Chief Stavenau provided a letter regarding Officer Frick satisfactorily completing the probationary period and request consideration that he be classified as a regular city employee with full-time employment as a La Crescent Peace Officer.
2. That the City Council authorize that the position of Police Department Administrative Secretary be advertised. The job description has been reviewed and modified to incorporate additional duties.

Following discussion, the following Motions were made:

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

**MOTION TO APPROVE THE REMOVAL OF THE PROBATIONARY STATUS FROM CHRIS FRICK AS LA CRESCENT POLICE OFFICER AND THAT HE BE CLASSIFIED AS A REGULAR CITY EMPLOYEE WITH FULL-TIME EMPLOYMENT AS A LA CRESCENT PEACE OFFICER EFFECTIVE NOVEMBER 4, 2014.**

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

Bernie Buehler	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

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

**MOTION TO AUTHORIZE THE ADVERTISEMENT FOR THE POSITION OF POLICE DEPARTMENT ADMINISTRATIVE SECRETARY WITH JOB DESCRIPTION MODIFICATIONS TO INCORPORATE ADDITIONAL DUTIES.**

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

Bernie Buehler	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 3.5 – PROPERTY ACQUISITION UPDATE**

City Attorney Wieser reviewed with City Council an update on the acquisition of 337 Main Street. Currently the City is leasing the property for a six-month period while options for long term use of the site are considered. The monthly rent for the site is \$750.00 plus the cost of utilities. No action taken.

**ITEM 3.6 – LIBRARY BUDGET REVIEW**

City Administrator Waller gave an overview to City Council and Library Director, LaVonne Beach, gave a review of the 2014 Library Budget. No action taken.

**ITEM 3.7 – 2015 GENERAL FUND BUDGET REVIEW**

City Administrator Waller gave an overview to City Council on the proposed 2015 general fund budget and the proposed Resolution that sets the preliminary levy as part of the budget review and adoption process. He also reviewed an analysis of the proposed impact on a \$200,000.00 residential and commercial property. There was an extended discussion on City taxes and the impact of County taxes. The budget reductions and additional information will be provided at the November 24, 2014 City Council Meeting for Council consideration. No action taken.

**ITEM 3.8 – ICE ARENA LEASE**

City Attorney Wieser reviewed with City Council a revised Lease Addendum between the City of La Crescent and Independent School District 300. It was recommended to approve the Lease Addendum contingent on Independent School District 300 consenting to the assignment and sublease of the Community Ice Arena building to Lancer Youth Hockey. Following discussion, Member Husmann made a motion, seconded by Member Williams, as follows:

**MOTION TO APPROVE THE REVISED LEASE ADDENDUM BETWEEN THE CITY OF LA CRESCENT AND INDEPENDENT SCHOOL DISTRICT 300 CONTINGENT ON INDEPENDENT SCHOOL DISTRICT 300 CONSENTING TO THE ASSIGNMENT AND SUBLEASE OF THE COMMUNITY ICE ARENA BUILDING TO LANCER YOUTH HOCKEY.**

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

Bernie Buehler	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 3.9 – AUTHORIZE ADDITIONAL ANNEXATION REVIEW**

City Administrator Waller reviewed with City Council the recommendation to authorize additional annexation review in the event that La Crescent Township does not agree to enter into a discussion regarding the adoption of an Orderly Annexation Agreement over the parcels that the City has already initiated annexation proceedings and that the City Council authorize the City Attorney, City Engineer and City Administrator to develop and present additional annexation recommendations for consideration at the November 10, 2014 City Council Meeting. Following discussion, Member Husmann made a motion, seconded by Member Williams, as follows:

**MOTION TO AUTHORIZE THE CITY ATTORNEY, CITY ENGINEER AND CITY ADMINISTRATOR TO DEVELOP AND PRESENT ADDITIONAL ANNEXATION RECOMMENDATIONS FOR CONSIDERATION AT THE NOVEMBER 10, 2014 CITY COUNCIL MEETING IN THE EVENT LA CRESCENT TOWNSHIP DOES NOT ENTER INTO ORDERLY ANNEXATION DISCUSSIONS.**

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

Bernie Buehler	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 3.10 – FIRE DEPARTMENT RESIGNATION**

City Council reviewed the October 20, 2014 letter of resignation from Chris Oliver from the La Crescent Fire Department effective immediately. Following discussion, Member Buehler made a motion, seconded by Member Williams, as follows:

**MOTION TO ACCEPT THE LETTER OF RESIGNATION FROM CHRIS OLIVER FROM THE LA CRESCENT FIRE DEPARTMENT EFFECTIVE OCTOBER 20, 2014.**

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

Bernie Buehler	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 3.11 – BUILDING OFFICIAL RETIREMENT NOTICE**

City Council reviewed the October 24, 2014 letter of retirement from Paul Kenaga as Building/Zoning Administrator for the City of La Crescent effective November 14, 2014. Following discussion, Member Husmann made a motion, seconded by Member Buehler, as follows:

**MOTION TO ACCEPT THE LETTER OF RETIREMENT FROM PAUL KENAGA AS BUILDING/ZONING ADMINISTRATOR FOR THE CITY OF LA CRESCENT EFFECTIVE NOVEMBER 14, 2014.**

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

Bernie Buehler	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 6.1 – ECONOMIC DEVELOPMENT COMMISSION MINUTES – SEPTEMBER 30, 2014**

City Council reviewed the minutes from the September 30, 2014 La Crescent Economic Development Commission Meeting. No action taken.

**ITEM 6.2 – LIBRARY BOARD MINUTES – AUGUST 12, 2014**

City Council reviewed the minutes from the August 12, 2014 Library Board Meeting. No action taken.

**ITEM 8 – CHAMBER OF COMMERCE**

There was no update from the Chamber of Commerce.

**ITEM 9 – ITEMS FOR NEXT AGENDA**

Member Dale Williams would like to add the School's Site Plan be reviewed to the next meeting agenda.

There being no further business to come before the Council at this time, Member Buehler made a motion, seconded by Member Williams, 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
Greg Husmann	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 6:25 PM.

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

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

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