

MINUTES, REGULAR MEETING  
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA  
OCTOBER 28, 2019

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 28, 2019, followed by the Pledge of Allegiance.

Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Cheryl 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 – OCTOBER 7, 2019
- 1.2 BILLS PAYABLE – OCTOBER 24, 2019
- 1.3 CASH BALANCE/ACTIVITY REPORT – AUGUST 2019
- 1.4 LIBRARY REPORT – AUGUST 2019

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. It was recommended Item 1.1 – Minutes from the October 7, 2019 meeting be amended to remove the “Not Excused” wording following former Member Brian Krenz’ absence from the meeting. Following discussion, Member Williams made a motion, seconded by Member Jostad, as follows:

**MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED WITH AMENDMENT OF REMOVING THE “NOT EXCUSED” WORDING FOLLOWING MEMBER BRIAN KRENZ’ ABSENCE FROM THE MEETING IN ITEM 1.1 – MINUTES – OCTOBER 7, 2019.**

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

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 by a 4-0 vote.

**ITEM 3.1 – RESOLUTION TO FILL CITY COUNCIL VACANCY**

City Attorney Wieser reviewed with City Council the proposed Resolution to fill a City Council vacancy. Following discussion, Member Jostad introduced the following resolution and moved its passage and adoption:

**RESOLUTION NO. 10-19-26**

**A RESOLUTION OF THE CITY OF LA CRESCENT TO FILL A CITY COUNCIL VACANCY**

WHEREAS, on October 7, 2019, the City Council of the City of La Crescent adopted Resolution No. 10-19-24 declaring a vacancy in an elected office;

WHEREAS, Resolution No. 10-19-24 was adopted pursuant to the authority of Minn. Stat. § 412.02 Subd. 2b;

WHEREAS, the City Council of the City of La Crescent wishes to fill the vacancy pursuant to authority of Minn. Stat. § 412.02 Subd. 2b;

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

1. Ryan Hutchinson, a qualified and willing resident of La Crescent, Minnesota, is hereby appointed to fill the unexpired term previously declared vacant commencing immediately upon the acceptance of the oath of office.
2. Pursuant to Paragraph 4 of Resolution No. 10-19-24, upon presentation of evidence by the original office holder that he is able to resume duties and attend City Council meetings, Ryan Hutchinson, the temporary office holder, will be removed by subsequent resolution and the original office holder restored, pursuant to Minn. Stat. § 412.02 Subd. 2b.

ADOPTED this 28<sup>th</sup> day of October, 2019.

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, the following Members voted in favor thereof, viz;

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 by a 4-0 vote and the resolution duly passed and adopted.

**ITEM 3.2 – OATH OF OFFICE/SWEARING IN**

Bill Waller, City Administrator for the City of La Crescent, conducted the official swearing in of Ryan Hutchinson as Council Member of the City of La Crescent. No action taken.

**ITEM 3.3 – PURCHASE AGREEMENT – 1787 COUNTY ROAD #6**

City Attorney Wieser reviewed with City Council a proposed purchase agreement regarding the real property located at 1787 County Road 6, La Crescent that was discussed at the October 7, 2019 meeting. City Attorney Wieser reminded City Council that the property is not in the sewer district with La Crosse, that Horsetrack Meadows is not finalized, and discussed review by the Planning Commission. The City Council elected not to have the Planning Commission review as the development will require a Public Hearing. The key terms of the Purchase Agreement were as follows:

1. Purchase Price of One Hundred Fifty-Four Thousand 00/100 Dollars (\$154,000.00). Earnest Money of One Thousand Five Hundred 00/100 Dollars (\$1,500.00) paid upon execution and the balance paid on the date of closing;
2. Closing be on or before December 20, 2019;
3. The City will provide a One Thousand Five Hundred 00/100 Dollars (\$1,500.00) credit towards Seller's closing costs; and
4. Seller has the ability to remove various items of personal property from the house, including five (5) trees as contained in Section 3 of the purchase agreement.

Following review of the agreement it was recommended to City Council to authorize the Mayor and City Administrator to execute the purchase agreement and sign any requisite closing documents as approved by the City Attorney. Following discussion, Member Williams made a motion, seconded by Member O'Donnell-Ebner, as follows:

**MOTION TO AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE THE PURCHASE AGREEMENT AND SIGN ANY REQUISITE CLOSING DOCUMENTS AS APPROVED BY THE CITY ATTORNEY.**

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 by a 5-0 vote.

**ITEM 3.4 – COMMUNITY BRANDING PRESENTATION**

Larry Stryker of the Economic Development Committee introduced representatives from METRE who gave a La Crescent Branding presentation to City Council. This item was informational, and no action taken.

**ITEM 3.5 – AUTHORIZE EXPENDITURE - COMPUTERS**

City Council reviewed a Memorandum from Debbie Shimshak, City Finance Director, regarding the City working with Locknet, the City’s IT service provider, regarding the necessary purchase and change out of all the computers that are currently running on the Windows 7 Microsoft Operating System product. As of January 14, 2020, Windows 7 will reach its end of life, meaning there will be no more updates or patches for the 20 Dell PC's that are used throughout the City. It was recommended to replace 18 of the current PC's; which are 6 years old or older. City Council also reviewed a quote from EO Johnson/Locknet for the hardware, software and installation. The cost of these replacements and upgrades would be charged to the appropriate funds. The total cost is \$30,000 of which the City has approximate \$20,000 in the 2017A Capital Equipment Certificates for the General Fund portion. The remaining \$10,000 would be paid out of the Fire Department, License Bureau and Golf Course budgets. It was recommended to City Council to accept the Locknet Proposal. Following discussion, Member O’Donnell-Ebner made a motion, seconded by Member Hutchinson, as follows:

**MOTION TO ACCEPT THE LOCKNET PROPOSAL REGARDING THE PURCHASE OF HARDWARE, SOFTWARE AND INSTALLATION TO REPLACE THE COMPUTERS USED BY THE CITY RUNNING ON WINDOWS 7 MICROSOFT OPERATING SYSTEM AT A COST OF \$29,992.00 USING APPROXIMATELY \$20,000.00 OF FUNDS FROM THE 2017A CAPITAL EQUIPMENT CERTIFICATES FOR THE GENERAL FUND PORTION AND REMAINING BALANCE USING FUNDS FROM THE FIRE DEPARTMENT, LICENSE BUREAU AND GOLF COURSE BUDGETS.**

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 by a 5-0 vote.

**ITEM 3.6 – AUTHORIZE EXPENDITURE – EMERGENCY SIRENS**

Chief Stavenau of the La Crescent Police Department gave an overview to City Council that following the annual review of the Emergency Warning Sirens conducted by Emergency Communications Systems it was found that the siren at Veteran's Park had several substantial issues, including a blown fuse, making it inoperable. The blown fuse was believed to have been a result of water leaking into the control box. The siren head is approximately 15 years old and at the time of installation a used control box with radio equipment was installed. Since the time of installation, the entire communications system for Houston County has been upgraded and it is no longer feasible to patch the control unit as it has been obsolete for some time now.

In addition to the equipment failure, the wooden support pole's integrity is questionable as there is an approximate 6" deep split running vertically several feet up the pole. City Council reviewed a quote from Federal Signal Corporation (supplier of control unit) and Emergency Communications Systems (installer). If all recommended repairs were completed, the project would cost \$7,860.00. It was recommended to City Council to amend the 2019 general budget to fund the project. Following discussion, Member Jostad made a motion, seconded by Member Williams, as follows:

**MOTION TO APPROVE THE QUOTE FROM FEDERAL SIGNAL CORPORATION (SUPPLIER OF CONTROL UNIT) AND EMERGENCY COMMUNICATIONS SYSTEMS (INSTALLER) FOR \$7,860.00 TO REPLACE THE SIREN AT VETERAN’S PARK BY AMENDING THE 2019 GENERAL BUDGET TO FUND THE PROJECT.**

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 by a 5-0 vote.

**ITEM 3.7 – POLICE DEPARTMENT RESOLUTION**

Chief Stavenau of the La Crescent Police Department reviewed with City Council a proposed Resolution Authorizing Solicitation of Contributions to Fund Events that Foster Positive Relationships between Law Enforcement and the Community. Minnesota State Legislature authorizes the City of La Crescent to spend money on any event that the council determines will foster positive relationships between law enforcement and the community. The League of Minnesota Cities further recommends that an additional Resolution be adopted authorizing staff to solicit contributions for such events. The Police Department would like to continue the annual tradition of National Night Out and even possibly explore other community relationship building events in the future. It was recommended to City Council to adopt the proposed Resolution to remain in compliance with the League of Minnesota Cities recommendations. It was the consensus of City Council to revise the Resolution to add a reference to Neighbors Night Out and to tie back in to make it more encompassing. Following discussion, Member O’Donnell-Ebner introduced the following resolution and moved its passage and adoption:

**RESOLUTION NO. 10-19-27**

**A RESOLUTION AUTHORIZING SOLICITATION OF CONTRIBUTIONS TO FUND EVENTS THAT FOSTER POSITIVE RELATIONSHIPS BETWEEN LAW ENFORCEMENT AND THE COMMUNITY**

**WHEREAS**, Minn. Stat. § 471.198 authorizes cities to solicit contributions to fund events that foster positive relationships between law enforcement and the community.

**WHEREAS**, events including, but not limited to, National Night Out, a/ka/ Neighbors Night Out (hereinafter referred to as “National Night Out”), an annual community-building campaign, promote police-community partnerships and neighborhood camaraderie to make neighborhoods safer and more connected.

**WHEREAS**, National Night Out and similar events provide opportunities to bring police and neighbors together under positive circumstances.

**WHEREAS**, pursuant to this law, the City of La Crescent may authorize solicitation of contributions to hold or sponsor these events.

**WHEREAS**, the governing body determines National Night Out, will foster positive relationships between law enforcement and the community.

**NOW THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA CRESCENT, MINNESOTA AS FOLLOWS:

That this Council hereby authorizes officials and staff to solicit contributions for the purposes of funding or supporting a National Night Out and similar events in this community.

ADOPTED by the City Council of La Crescent, Minnesota this 28<sup>th</sup> day of October, 2019.

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

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

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;

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 by a 5-0 vote and the resolution duly passed and adopted.

**ITEM 3.8 – RESOLUTION TO TRANSFER FUNDS**

City Council reviewed a Memorandum from Debbie Shimshak, City Finance Director, regarding the City each year during the budgeting process having line items that require transferring of funds. City Council reviewed a brief description of those line item transfers to be made in 2019. The first is a \$30,000 contribution

from the License Bureau enterprise fund to the City's general fund budget. The second is a transfer from the City's Gundersen and Schumacher Kish TIF Districts in the amount of \$70,000 to offset a portion of the city funds spent for the street, alley and parking lot improvement projects. The third is a transfer from the Bonds Paid Up Fund in the amount of \$36,621 to off-set the final payment to MnDOT. The fourth transfer is from the City's general fund to the ice arena fund in the amount of \$40,000 with \$25,000 for operating expenses and \$15,000 for set aside for ongoing building maintenance. It was recommended to City Council to approve the four (4) 2019 budgeted funds transfers. Following discussion, Member Williams made a motion, seconded by Member Hutchinson, as follows:

**MOTION TO APPROVE THE 2019 BUDGETED FUNDS TRANSFERS AS FOLLOWS: A \$30,000 CONTRIBUTION FROM THE LICENSE BUREAU ENTERPRISE FUND TO THE CITY'S GENERAL FUND BUDGET; A TRANSFER FROM THE CITY'S GUNDERSEN AND SCHUMACHER KISH TIF DISTRICTS IN THE AMOUNT OF \$70,000 TO OFFSET A PORTION OF THE CITY FUNDS SPENT FOR THE STREET, ALLEY AND PARKING LOT IMPROVEMENT PROJECTS; A TRANSFER FROM THE BONDS PAID UP FUND IN THE AMOUNT OF \$36,621 TO OFF-SET THE FINAL PAYMENT TO MNDOT; AND A TRANSFER FROM THE CITY'S GENERAL FUND TO THE ICE ARENA FUND IN THE AMOUNT OF \$40,000 WITH \$25,000 FOR OPERATING EXPENSES AND \$15,000 FOR SET ASIDE FOR ONGOING BUILDING MAINTENANCE.**

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 by a 5-0 vote.

### **ITEM 3.9 – TEMPORARY LIQUOR LICENSE APPLICATION**

City Council reviewed a temporary liquor license application from La Crescent Montessori & STEM School for November 19, 2019. The application appears to be in order, and it was recommended to City Council to approve the application and authorize that it be forwarded to the Minnesota Department of Public Safety. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Williams, as follows:

**MOTION TO APPROVE TEMPORARY LIQUOR LICENSE APPLICATION FOR LA CRESCENT MONTESSORI & STEM SCHOOL FOR NOVEMBER 19, 2019 AND THAT IT BE FORWARDED TO THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY.**

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 by a 5-0 vote.

### **ITEM 3.10 – COMMISSION RESIGNATIONS/APPOINTMENTS**

City Council reviewed the following Commission resignations and recommendations for appointments:

1. Accept Dick Wieser's resignation from the Planning Commission. City Council reviewed a copy of his resignation letter.
2. Appoint Michael Welch to fill the vacancy on the Planning Commission.
3. Accept Ben Rudert's and Mani Edpuganti's resignations from the Golf Commission. Copies of their resignation letters were reviewed.
4. Appoint Larry Ernst and Tom Jones to fill the vacancies on the Golf Commission.
5. Appoint Mark Moulton to the Park & Recreation Commission to fill the vacancy created when Reid Smith moved out of the area.

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

**MOTION TO APPROVE THE FOLLOWING COMMISSION RESIGNATIONS AND APPOINTMENTS: DICK WIESER’S RESIGNATION FROM THE PLANNING COMMISSION AND APPOINTMENT OF MICHAEL WELCH; BEN RUDERT’S AND MANI EDPUGANTI’S RESIGNATIONS FROM THE GOLF COMMISSION AND APPOINTMENTS OF LARRY ERNST AND TOM JONES; AND THE APPOINTMENT OF MARK MOULTON TO THE PARK & RECREATION COMMISSION TO FILL VACANCY OF REID SMITH.**

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 by a 5-0 vote.

### **ITEM 3.11 – 2020 BUDGET/LEVY REVIEW**

City Administrator Waller reviewed with City Council the proposed 2020 General Fund Budget and the Preliminary Levy Resolution. This item was informational, and no action was taken.

### **ITEM 8 – CHAMBER OF COMMERCE**

Ellen Krenz of the La Crescent Chamber of Commerce reported on the upcoming Halloween events and that the Chamber would like more signage on the south end of La Crescent.



**ITEM 3.12 – CLOSED SESSION: THE CITY COUNCIL WILL CONSIDER THE PURCHASE OF REAL PROPERTY LOCATED AT 1214 GRANDVIEW TERRACE, LA CRESCENT, MINNESOTA CONSISTING OF TAX PARCEL NO. 25.1958.000. THE CITY COUNCIL MAY GO INTO CLOSED SESSION PURSUANT TO AUTHORITY OF MINN. STAT. 13D.05, SUBD. 3(c)(3) TO CONSIDER OFFERS OF SALE FOR THE PURCHASE OF REAL PROPERTY DESCRIBED ABOVE.**

City Attorney Wieser reviewed Minn. Stat. § 13D.05 Subd. 3(c)(3) with the City Council and the process for a Closed Session. Mayor Mike Poellinger turned the meeting over to acting Mayor Dale Williams and left the meeting. The purpose of the Closed Session was to consider the purchase of real property located at 1214 Grandview Terrace, La Crescent, MN. Pursuant to Minn. Stat. § 13D.05 Subd. 3(c)(3), Member O'Donnell-Ebner made a motion, seconded by Member Hutchinson, as follows:

**MOTION TO GO INTO CLOSED SESSION TO CONSIDER THE PURCHASE OF REAL PROPERTY LOCATED AT 1214 GRANDVIEW TERRACE, LA CRESCENT, MN.**

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

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

and none voted against the same. The motion was declared duly carried by a 4-0 vote.

City Council went into Closed Session. Following the Closed Session, Member O'Donnell-Ebner made a motion, seconded by Member Hutchinson, as follows:

**MOTION TO END CLOSED SESSION AND RECONVENE MEETING.**

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

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

and none voted against the same. The motion was declared duly carried by a 4-0 vote.

The Closed Session ended, and City Council resumed the agenda at 6:36 PM. Mayor Mike Poellinger returned to meeting.

Upon reconvening the meeting, it was recommended to City Council to authorize City Administrator to negotiate the purchase of real property located at 1214 Grandview Terrace, La Crescent, MN with the property owner and La Crescent Youth Hockey. Following discussion, Member Hutchinson made a motion, seconded by Member O'Donnell-Ebner, as follows:

**MOTION TO AUTHORIZE CITY ADMINISTRATOR TO NEGOTIATE THE PURCHASE OF REAL PROPERTY LOCATED AT 1214 GRANDVIEW TERRACE, LA CRESCENT, MN WITH THE PROPERTY OWNER AND LA CRESCENT YOUTH HOCKEY.**

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

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

Mayor Mike Poellinger abstained, and none voted against the same. The motion was declared duly carried by a 4-0 vote.

**ITEM 6.1 – EXPLORE LA CROSSE**

City Council reviewed the Agenda from the October 15, 2019 La Crosse County Convention & Visitors Bureau Board Meeting, which included the Minutes from the September 17, 2019 Board Meeting. No action taken.

**ITEM 7.1 – CORRESPONDENCE – CLEARWAY – COD NOTICE**

City Council reviewed an email from Rollingstone Solar Farm dated October 10, 2019 regarding achievement of Commercial Operation as of September 1, 2019. Also included was the official COD Notice. No action taken.

**ITEM 7.2 – CORRESPONDENCE – METROPOLITAN SEWERAGE DISTRICT**

City Council reviewed an email from the Wastewater Engineer of the Wisconsin Department of Natural Resources regarding the cancellation of the Informational Hearing on the proposed formation of the La Crosse Area Metropolitan Sewerage District due to the City of Onalaska withdrawing their formal request for the formation of the La Crosse Area Metropolitan Sewerage District. No action taken.

There being no further business to come before the Council at this time, Member O'Donnell-Ebner 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 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 by a 5-0 vote and the meeting duly adjourned at 6:42 PM.

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

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

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