

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
OCTOBER 7, 2019

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 7, 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: Member Brian Krenz. Also present was City Administrator Bill Waller, City Attorney Skip Wieser, City Building/Zoning Official Shawn Wetterlin, 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 23, 2019
- 1.2 BILLS PAYABLE – OCTOBER 3, 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 September 23, 2019 meeting be amended regarding Item 3.4, No. 2 as follows:

- 2. That the City Council approve a waiver to the response time requirements included in the Rules and Regulations of the Fire Department for Fire Chief Tom Paulson **allowing the response time to be 10 minutes from the fire station in lieu of 8 minutes**. City Council reviewed a letter from the Fire Chief. In granting the waiver, it was recommended to City Council to make the finding that no undue hardship or hazard will result to the citizens served by the Fire Department. It was also recommended that the waiver be for a one year trial period, at which time the waiver would be reviewed and evaluated and a potential extension considered.

Amended Motion:

MOTION TO APPROVE A WAIVER TO THE RESPONSE TIME REQUIREMENTS INCLUDED IN THE RULES AND REGULATIONS OF THE FIRE DEPARTMENT FOR FIRE CHIEF TOM PAULSON ALLOWING THE RESPONSE TIME TO BE 10 MINUTES FROM THE FIRE STATION IN LIEU OF 8 MINUTES AND THAT THE WAIVER BE FOR A ONE YEAR TRIAL PERIOD, AT WHICH TIME THE WAIVER WOULD BE REVIEWED AND EVALUATED AND A POTENTIAL EXTENSION CONSIDERED.

Following review, Member O'Donnell-Ebner made a motion, seconded by Member Williams, as follows:

MOTION TO APPROVE THE AMENDMENT TO ITEM 3.4, NO. 2 OF ITEM 1.1 – MINUTES – SEPTEMBER 23, 2019 AS STATED ABOVE.

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.

Member O'Donnell-Ebner made a motion, seconded by Member Williams, as follows:

A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED WITH AMENDMENT.

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.

ITEM 3.1 – BOND SALE – TRIGGER RESOLUTION

Tammy Omdal from Northland Securities reviewed with City Council the finance plan for the proposed bond issue and the resolution approving the issuance of general obligation bonds. The purpose of the bond issue is as follows:

1. To refund the 2012B bond issue and reduce future interest costs.
2. To fund the proposed 2020 street improvement project pursuant to the City's adopted Street Reconstruction Plan.
3. To fund a utility improvement project to u-line existing concrete sanitary sewer mains in streets that will be reconstructed in the future.
4. To purchase the property that will be discussed latter in this agenda for utility improvement purposes.

The City Council had the discretion to remove any and all of the items that are listed above. It was recommended to City Council to adopt the resolution approving the issuance of general obligation bonds. Following discussion, Member O'Donnell-Ebner introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 10-19-23

**RESOLUTION APPROVING THE ISSUANCE OF
GENERAL OBLIGATION BONDS, SERIES 2019B**

BE IT RESOLVED by the City Council of the City of La Crescent, Minnesota (herein, the “City”), as follows:

1. The City Council hereby finds and declares that it is necessary and expedient for the City to sell and issue its fully registered general obligation bonds in the total aggregate principal amount not to exceed \$3,500,000 (herein, the “Bonds”). The proceeds of the Bonds will be used to finance all or a portion of the following projects: street reconstruction, utility improvements, current refund the City’s General Obligation Crossover Refunding Bonds, Series 2012B on February 1, 2020, and the costs of issuing the Bonds.
2. The City Council desires to proceed with the sale of the Bonds by direct negotiation with Northland Securities, Inc. (herein, “NSI”). NSI will purchase the Bonds in an arm’s-length commercial transaction with the City.
3. The Mayor and City Administrator are hereby authorized to approve the sale of the Bonds in an aggregate principal amount not to exceed \$3,500,000 and to execute a bond purchase agreement for the purchase of the Bonds with NSI, provided the total net present value savings on the current refunding is at least 2.00%, if included in the issuance, and the TIC for the Bonds does not exceed 2.65%.
4. Upon approval of the sale of the Bonds by the Mayor and the City Administrator the City Council will take action at its next regularly scheduled or special meeting thereafter to adopt the necessary approving resolutions as prepared by the City's bond counsel.
5. NSI is authorized to prepare an Official Statement related to the sale of the Bonds.
6. If the Mayor and the City Administrator have not approved the sale of the bonds to NSI and executed the related bond purchase agreement by January 31, 2020, this resolution shall expire.

ADOPTED this 7th day of October, 2019.

SIGNED:

Mayor

ATTEST:

Bill Waller, 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 – PETER FLETCHER – MPO DIRECTOR

Peter Fletcher, the new Executive Director of the Metropolitan Planning Organization/La Crosse Area Planning Committee, was in attendance at the meeting to introduce himself to the City Council and provide a brief overview about the organization. This item was informational, and no action was taken.

ITEM 3.3 – 2019 BIKE SHOPPE REPORT

Linda Larson representing the La Crescent Community Bike Shoppe was in attendance at the meeting to review the 2019 Bike Shoppe report with City Council. This item was informational, and no action was taken.

ITEM 3.4 – AUTHORIZE EXPENDITURE – CARGO CONTAINER

City Building/Zoning Official Shawn Wetterlin reviewed with City Council a recommendation that the City obtain a 40' used storage container for the Bike Shoppe to use to store their incoming and outgoing bikes. This would allow the Bike Shoppe to vacate the space behind the Ice Arena that is used by numerous community organizations. The storage unit would be placed at the maintenance facility and always have a use in the future. It was recommended that the City Council accept a price from A-1 Storage in the amount of \$4,315.00 for the storage container. There are funds available in the Capital Equipment certificate for this storage container. Following discussion, Member Williams made a motion, seconded by Member O'Donnell-Ebner, as follows:

MOTION TO APPROVE THE PURCHASE OF A 40' USED STORAGE CONTAINER FOR THE BIKE SHOPPE TO USE TO STORE THEIR INCOMING AND OUTGOING BIKES FROM A-1 STORAGE IN THE AMOUNT OF \$4,315.00 USING FUNDS AVAILABLE IN THE CAPITAL EQUIPMENT CERTIFICATE.

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.

ITEM 3.5 – FEE SCHEDULE AMENDMENT

City Council reviewed a Memorandum from Chris Fortsch, City Office Assistant, regarding proposed changes to the fee schedule for CPR and First Aid Classes that are led by the La Crescent Fire Department. Following discussion, Member Williams made a motion, seconded by Member O'Donnell-Ebner, as follows:

MOTION TO APPROVE THE PROPOSED CHANGES TO THE FEE SCHEDULE FOR CPR AND FIRST AID CLASSES THAT ARE LED BY THE LA CRESCENT FIRE 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
Mike Poellinger	Yes

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

ITEM 3.6 – THRILLER PARADE REQUEST

City Council reviewed 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. The event is a Community Project called the 2nd Annual Thriller Performance and is being supported by La Crescent Montessori Students, Staff and Parents. It would be a moving dance performance and show. The event would take place on Sunday, October 27, 2019 from 4:00 to 7:00 PM. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Jostad, as follows:

MOTION TO APPROVE A PARADE PERMIT FOR TEMPORARY STREET CLOSURE ON WALNUT STREET FROM MAIN TO SOUTH 2ND STREET ON SUNDAY, OCTOBER 27, 2019 FROM 4:00 TO 7:00 PM FOR A COMMUNITY PROJECT CALLED THE 2ND ANNUAL THRILLER PERFORMANCE SUPPORTED BY LA CRESCENT MONTESSORI STUDENTS, STAFF AND PARENTS.

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.

ITEM 3.7 – DESIGNATE POLLING PLACE RESOLUTION

City Administrator Waller reviewed with City Council that the City is required on an annual basis to designate by Resolution the polling places that will be utilized for elections. It was recommended to City Council to adopt the proposed Resolution presented. City Council was informed that on March 3, 2020 there will be a Presidential Nominating Primary in Minnesota. The last time there was a Presidential Nominating Primary in Minnesota was in 1992. Following discussion, Member Jostad introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 10-19-25

RESOLUTION DESIGNATING ANNUAL POLLING PLACE

WHEREAS, it is important that citizens exercise their right to vote at their local polling place;

WHEREAS, Minn. Stat. § 204B.16 requires the City Council to designate its local polling places for elections annually;

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of La Crescent, Houston County, Minnesota, does hereby designate the following as its polling places for 2020:

Precinct 1: La Crescent Community Building, 336 S. 1st Street, La Crescent, Houston County, Minnesota.

Precinct 2: La Crescent Ice Arena, 520 S. 14th Street, La Crescent, Houston County, Minnesota.

Precinct 3: La Crescent Ice Arena, 520 S. 14th Street, La Crescent, Houston County, Minnesota.

Precinct 4: Mailed Ballot for Winona County, Minnesota, to Winona County Auditor-Treasurer's Office, 202 West Third Street, Winona, MN 55987.

BE IT FINALLY RESOLVED, that the City notify residents of this designation by following the requirements of Minn. Stat. § 205.16.

ADOPTED this 7th day October, 2019.

SIGNED:

Mayor

ATTEST:

City Administrator

The foregoing motion was duly seconded by Member O'Donnell-Ebner and upon a roll call vote taken and tallied by the City Administrator, all Members present 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 3.8 – DOWNTOWN DEVELOPMENT REVIEW

City Administrator Waller reviewed with City Council the monthly update on the proposed downtown development that was first discussed at the August 12, 2019 City Council meeting. The following has occurred in the last month:

1. The developer that was originally considering building a new grocery store that included three additional levels of housing is no longer considering the project. The City continues to evaluate options for an expanded grocery store and housing alternatives in the central business district.
2. A second programming meeting was held with the Architect, City Hall staff, and staff and Board members from the La Crescent Public Library. A follow-up meeting has been scheduled for the fourth week in October, 2019.
3. A meeting was held with real estate staff from the Army Corps of Engineers office regarding their interest in being a tenant in the proposed project. The Army Corps of Engineers current lease expires in March of 2022. The Army Corps of Engineers needs approximately 3,000 square feet, with office space for up to 16 employees, and parking requirements of 12 spaces.

This item was informational, and no action was taken.

ITEM 8 – CHAMBER OF COMMERCE

There was no update from the La Crescent Chamber of Commerce.

ITEM 3.9 – CLOSED SESSION: THE CITY COUNCIL WILL GO INTO CLOSED SESSION PURSUANT TO MINN. STAT. 13D.05, SUBD. 2(3)

City Attorney Wieser reviewed Minn. Stat. § 13D.05 Subd. 2(3) with the City Council and the process for a Closed Session. The purpose of the Closed Session was to review non-public data. Pursuant to Minn. Stat. § 13D.05 Subd. 2(3), Member O’Donnell-Ebner made a motion, seconded by Member Jostad, as follows:

MOTION TO GO INTO CLOSED SESSION TO REVIEW NON-PUBLIC DATA.

Upon a roll call vote taken and tallied by the City Administrator, all Members present 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.

City Council went into Closed Session at 6:06 PM. Following the Closed Session, Member O’Donnell-Ebner made a motion, seconded by Member Jostad, 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;

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.

The Closed Session ended, and City Council resumed the agenda at 6:15 PM.

ITEM 3.10 – RESOLUTION TO DECLARE A CITY COUNCIL VACANCY

Upon reconvening the meeting, City Attorney Wieser reviewed the proposed Resolution concerning declaring a vacancy in elected office. City Attorney Wieser reviewed different alternatives for declaring a vacancy. Following discussion, Member Williams introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 10-19-24

RESOLUTION OF THE CITY OF LA CRESCENT DECLARING A VACANCY IN ELECTED OFFICE

WHEREAS, Councilor Brian J. Krenz (hereinafter “Councilor Krenz”) was elected to the City Council of the City of La Crescent to his current term on the City Council on November 8, 2016;

WHEREAS, on January 9, 2017, Councilor Krenz was sworn into office, signed, and took an oath of office. A true and correct copy is attached hereto and incorporated herein as Exhibit A.

WHEREAS, at the January 14, 2019 annual meeting, Councilor Krenz was nominated for and accepted the following appointments:

1. Golf Commission;
 2. Park and Recreation Commission;
 3. La Crescent Animal Rescue Commission;
 4. Green Step Committee;
- (“City Committees and Commissions”).

WHEREAS, the City Council of the City of La Crescent consists of four (4) Council Members and Mayor.

WHEREAS, since January 1, 2019, Councilor Krenz has missed the following City Council meetings: April 22, 2019; May 13, 2019; July 8, 2019; July 22, 2019; July 25, 2019 (Special City Council Meeting); August 12, 2019; August 26, 2019; September 9, 2019; September 23, 2019; and October 7, 2019;

WHEREAS, since January 1, 2019, Councilor Krenz has missed the following Green Step meetings: February 4, 2019; March 18, 2019; April 15, 2019; and June 19, 2019;

WHEREAS, since January 1, 2019, Councilor Krenz has missed the following La Crescent Animal Rescue Commission meetings: February 2019; March 2019; April 2019; May 2019; June 2019; and July 2019;

WHEREAS, since January 1, 2019, Councilor Krenz has missed the following Park and Recreation Commission meetings: January 22, 2019; March 18, 2019; and May 20, 2019;

WHEREAS, on or about July 22, 2019, the City Council of the City of La Crescent adopted Resolution 07-19-17 concerning meeting absences of Councilor Krenz. A true and correct copy is attached hereto and incorporated herein as Exhibit B.

WHEREAS, on or about July 22, 2019, the City Council of the City of La Crescent adopted Resolution 07-19-18 concerning the censuring of Councilor Krenz for conduct unbecoming of the Office of City Council Member. A true and correct copy is attached hereto and incorporated herein as Exhibit C.

WHEREAS, on or about September 23, 2019, the City Council of the City of La Crescent adopted Resolution 09-19-22 concerning meeting absences of Councilor Krenz. A true and correct copy is attached hereto and incorporated herein as Exhibit D.

WHEREAS, to date Councilor Krenz has missed approximately Forty-Three Percent (43%) of the duly called City Council meetings in 2019.

WHEREAS, Councilor Krenz's absences have caused the City Council to conduct its meetings without the benefit of all of La Crescent's elected officials.

WHEREAS, an elected City Council is the cornerstone of local government in Minnesota;

WHEREAS, the City Council has determined that Councilor Krenz's absence from City Council meetings and City Committees and Commissions meetings has adversely impacted the City's ability to conduct the business of the City;

WHEREAS, Minnesota Statute § 412.02 Subd. 2b provides that a vacancy in office may be declared when the officeholder is unable to serve in the office or attend City Council meetings for a 90 day period.

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

1. Councilor Krenz has been unable to serve in the Office or attend City Council meetings for more than ninety (90) consecutive days.
2. The City Council hereby declares that a vacancy exists on the City Council effective October 7, 2019.
3. Pursuant to Minnesota Statute § 412.02 Subd. 2b, the City Council will consider filling the vacancy at a future City Council meeting.
4. Upon presentation of evidence by Councilor Krenz, that he is able to resume duties and attend City Council meetings, the City Council shall, by subsequent resolution, remove temporary office holder and restore the original office holder.

ADOPTED this 7th day of October, 2019.

SIGNED:

Mayor

ATTEST:

City Administrator

The foregoing motion was duly seconded by Member Jostad and upon a roll call vote taken and tallied by the City Administrator, all Members present 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 3.11 – CLOSED SESSION: THE CITY COUNCIL WILL CONSIDER THE PURCHASE OF REAL ESTATE PROPERTY LOCATED AT 1787 COUNTY ROAD #6, LA CRESCENT, MINNESOTA CONSISTING OF TAX PARCEL NO. 08.0498.000. 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. The purpose of the Closed Session was to consider the purchase of real property located at 1787 County Road #6, La Crescent, MN. Pursuant to Minn. Stat. § 13D.05 Subd. 3(c)(3), Member Williams made a motion, seconded by Member O'Donnell-Ebner, as follows:

MOTION TO GO INTO CLOSED SESSION TO CONSIDER THE PURCHASE OF REAL PROPERTY LOCATED AT 1787 COUNTY ROAD #6, LA CRESCENT, MN.

Upon a roll call vote taken and tallied by the City Administrator, all Members present 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.

City Council went into Closed Session at 6:25 PM. Following the Closed Session, Member Williams made a motion, seconded by Member O'Donnell-Ebner, 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;

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.

The Closed Session ended, and City Council resumed the agenda at 6:55 PM.

Upon reconvening the meeting, it was recommended to City Council to authorize City staff to negotiate the purchase of real property located at 1787 County Road #6, La Crescent, MN. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Williams, as follows:

MOTION TO AUTHORIZE CITY STAFF TO NEGOTIATE THE PURCHASE OF REAL PROPERTY LOCATED AT 1787 COUNTY ROAD #6, LA CRESCENT, MN.

Upon a roll call vote taken and tallied by the City Administrator, all Members present 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.

ITEM 5.1 – MAYOR’S COMMENTS

The Mayor informed City Council that a librarian has been hired for the La Crescent Library and will start on October 21, 2019.

ITEM 7.1 – CORRESPONDENCE – INFORMATIONAL HEARING NOTICE

City Council reviewed the State of Wisconsin Department of Natural Resources Public Notice of Informational Hearing on the proposed formation of the La Crosse Area Metropolitan Sewerage District to held on October 30, 2019 at 5:30 PM in the Common Council Chambers of the Onalaska City Hall. No action taken.

ITEM 7.2 – CORRESPONDENCE – CITY OF LA CROSSE – RATE INCREASE

City Council reviewed a correspondence dated September 23, 2019 from the City of La Crosse Utilities Manager regarding the Sanitary Sewer Utility Rate increase that was passed by the City of La Crosse Common Council on September 18, 2019. New wholesale charges will take effect January 1, 2020 with rates increasing from \$1,631 to \$1,970 per Million Gallons. 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;

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 meeting duly adjourned at 6:57 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator