

MINUTES, REGULAR MEETING  
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA  
OCTOBER 8, 2018

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 8, 2018, followed by the Pledge of Allegiance.

Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Bernie Buehler, Ryan Hutchinson, Brian Krenz, Dale Williams and Mayor Mike Poellinger. Members absent: None. Also present was City Administrator Bill Waller, City Attorney Skip Wieser and City Zoning/Building Official Shawn Wetterlin.

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 24, 2018
- 1.2 BILLS PAYABLE THROUGH OCTOBER 4, 2018

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 Krenz, 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 present voted in favor thereof, viz;

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

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

Per request, Item 3.7 was moved up in the agenda.

**ITEM 3.7 – PARADE PERMIT/STREET CLOSURE**

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 2<sup>nd</sup> Street. The event is a Community Project called the 1<sup>st</sup> Annual Thriller Performance and is being supported by La Crescent Montessori Students, Staff and Parents. It would be a moving dance performance and show. A tentative schedule of event details

and contact information was also reviewed. The event would take place on Sunday, October 28 from 4:00 to 8:00 PM. Following discussion, Member Hutchinson made a motion, seconded by Member Buehler, as follows:

**MOTION TO APPROVE A PARADE PERMIT FOR TEMPORARY STREET CLOSURE ON WALNUT STREET FROM MAIN TO SOUTH 2<sup>ND</sup> STREET ON SUNDAY, OCTOBER 28 FROM 4:00 TO 8:00 PM FOR A COMMUNITY PROJECT CALLED THE 1<sup>ST</sup> ANNUAL THRILLER PERFORMANCE SUPPORTED BY LA CRESCENT MONTESSORI STUDENTS, STAFF AND PARENTS.**

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

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

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

**ITEM 3.1 – SOLAR AGREEMENT – IDEAL ENERGIES**

City Attorney Wieser reviewed with City Council the proposed Purchase Agreement, Facility Lease Agreement, Power Purchase Agreement, and Put/Call Agreement regarding the installation of solar arrays at the following City owned properties: City's Aquatic Center; City's Maintenance Facility; City's Animal Rescue Building; and City's Radium Plant. There is a series of contracts for each project. An estimated Cashflow Summary for each project and estimated cost savings for each of the facilities was also reviewed. Following discussion, Member Krenz made a motion, seconded by Member Hutchinson, as follows:

**MOTION TO APPROVE THE PURCHASE AGREEMENT, FACILITY LEASE AGREEMENT, POWER PURCHASE AGREEMENT, AND PUT/CALL AGREEMENT BETWEEN GREEN2 SOLAR LEASING, LLC AND THE CITY OF LA CRESCENT REGARDING THE INSTALLATION OF SOLAR ARRAYS AT THE CITY'S AQUATIC CENTER.**

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	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 Hutchinson, as follows:

**MOTION TO APPROVE THE PURCHASE AGREEMENT, FACILITY LEASE AGREEMENT, POWER PURCHASE AGREEMENT, AND PUT/CALL AGREEMENT BETWEEN GREEN2 SOLAR LEASING, LLC AND THE CITY OF LA CRESCENT REGARDING THE INSTALLATION OF SOLAR ARRAYS AT THE CITY'S MAINTENANCE FACILITY.**

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

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

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

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

**MOTION TO APPROVE THE PURCHASE AGREEMENT, FACILITY LEASE AGREEMENT, POWER PURCHASE AGREEMENT, AND PUT/CALL AGREEMENT BETWEEN GREEN2 SOLAR LEASING, LLC AND THE CITY OF LA CRESCENT REGARDING THE INSTALLATION OF SOLAR ARRAYS AT THE CITY'S ANIMAL RESCUE BUILDING.**

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	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 Hutchinson, as follows:

**MOTION TO APPROVE THE PURCHASE AGREEMENT, FACILITY LEASE AGREEMENT, POWER PURCHASE AGREEMENT, AND PUT/CALL AGREEMENT BETWEEN GREEN2 SOLAR LEASING, LLC AND THE CITY OF LA CRESCENT REGARDING THE INSTALLATION OF SOLAR ARRAYS AT THE CITY'S RADIUM PLANT.**

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

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

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

**ITEM 2.0 – PUBLIC HEARING – ANNEXATION – 1724 COUNTY ROAD #6**

At 5:37 PM the City Council held a public hearing to consider input on the proposed annexation of the property located at 1727 County Rd 6 that the owners had requested to be annexed and the adoption of Ordinance No. 524 annexing this property. City Attorney Wieser reviewed the map and findings for the Ordinance. Mayor Poellinger opened the meeting for public comment. Dave Baumgartner commented. Following further discussion, Member Buehler introduced the following Ordinance, and moved its passage and adoption:

**ORDINANCE NO. 524**

**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 August 27, 2018; and

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

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

**WHEREAS**, the City of La Crescent held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on October 8, 2018, 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:

SEE EXHIBIT A

The above described property consists of a total of 0.45 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 \$548.95; and
- b. In the second and final year, an amount equal to \$548.95.

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. In the event that property owners 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 may endeavor to provide property owners petitioned services to the property in a timely manner to the extent practicable or possible in the sole 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 owners provided financing for the requested service.

7. 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.

8. 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 8<sup>th</sup> day of October, 2018.

ATTEST:

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City Administrator

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

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

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

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

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

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

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

**MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 524 BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE CITY AND WITH “OFFICIAL COPY” SO MARKED BE KEPT ON FILE IN THE OFFICE OF THE CITY ADMINISTRATOR**

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

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

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

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

### **ITEM 3.2 – LANCER YOUTH HOCKEY LEASE AGREEMENT**

City Attorney Wieser reviewed with City Council an Agreement between the City of La Crescent (“City”) and Lancer Youth Hockey (“Lancer”). The Agreement relates to the City’s ice arena. The real estate is owned by Independent School District #300 (“School District”) and the building, which the ice arena sits, is owned by the City. The proposal contemplates extending the term of the Agreement through November 2034, unless terminated earlier. This would coincide with the current Agreement between the City and School District. The obligations of Lancer are to pay the sum of Fifty-Five Thousand Dollars (\$55,000.00) per year to the City. Rent would be fixed until 2023, at which point the rent would be adjusted as agreed between the parties. Lancer Youth Hockey requested to table this item to the next City Council agenda. No action taken.

### **ITEM 3.3 – FRANCHISE AGREEMENT - ACENTEK**

City Attorney Wieser reviewed with City Council a temporary Franchise Agreement between the City of La Crescent and AcenTek. In July 2017, an extension of the current 2002 agreement was presented to the City Council. However, that agreement was never finalized. The purpose of the temporary extension is to have an agreement in place and to have both AcenTek and Charter Franchise Agreements’ future expirations coincide. It is anticipated that in January 2019 the City would be considering an approval of long-term extension for both AcenTek and Charter Communications. Following discussion, Member Krenz introduced the following Ordinance, and moved its passage and adoption:

#### **ORDINANCE NO. 525**

#### **AN ORDINANCE OF THE CITY OF LA CRESCENT GRANTING AN EXTENSION TO A NONEXCLUSIVE FRANCHISE TO ACE TELEPHONE ASSOCIATION DBA ACENTEK TO CONTINUE TO OPERATE A CABLE SYSTEM WITHIN THE CITY OF LA CRESCENT**

The City Council of the City of La Crescent does hereby ORDAIN and grant an extension of the nonexclusive franchise to Ace Telephone Association DBA AcenTek to continue to operate a cable system within the City of La Crescent based upon the following:

1. In July 2002, under Ordinance No. 388, the city of La Crescent granted a 15 year nonexclusive franchise to Ace Telephone Association to operate a cable system within the City of La Crescent.
2. In July 2017, the La Crescent City Counsel, under Ordinance No. 513, agreed to a 10 year nonexclusive franchise to Ace Telephone Association, DBA AcenTek to operate a cable system within the City of La Crescent.
3. The nonexclusive franchise agreement noted above under Ordinance No. 513 was not fully executed.
4. The City of La Crescent desires to coordinate the effective dates and expiration dates for the multiple nonexclusive franchise agreements to operate cable systems within the City of La Crescent.
5. An extension of the nonexclusive franchise awarded to Ace Telephone Association to operate a cable system under the terms of the agreement set out in Ordinance No. 388 in July 2002, from June 2017 through January



2019, would allow the coordination of the effective dates and expiration dates for the multiple nonexclusive franchise agreements to operate cable systems within the City of La Crescent.

6. Ace Telephone Association DBA AcenTek agrees to the extension of the nonexclusive franchise agreement issued under Ordinance No. 388, from June 2017 through January 2019.

**NOW THEREFORE, PURSUANT TO THE ABOVE**, the City Council hereby grants an extension of the nonexclusive franchise to Ace Telephone Association, DBA AcenTek to operate a cable system within the City of La Crescent, pursuant to the terms set out in Ordinance No. 388, retroactive from July 2017 through January 31, 2019, or until the adoption and effective date of a new nonexclusive franchise agreement, which ever shall occur first.

Ordinance No. 513 is hereby rescinded and terminated upon passage and enactment of this ordinance herein.

**PASSED AND ADOPTED** by the City Council of the City of La Crescent, Minnesota, this 8<sup>th</sup> day of October, 2018.

\_\_\_\_\_  
Mayor

ATTEST:

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

Agreed to by Ace Telephone Association DBA AcenTek, Houston, Minnesota

\_\_\_\_\_  
Chief Operating Officer

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	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 Krenz then made a motion, seconded by Member Hutchinson as follows:



**MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 525 BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE CITY AND WITH “OFFICIAL COPY” SO MARKED BE KEPT ON FILE IN THE OFFICE OF THE CITY ADMINISTRATOR**

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

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

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

**ITEM 3.4 – PLANNING COMMISSION MINUTES – OCTOBER 2, 2018**

City Zoning/Building Official Wetterlin reviewed with City Council the Minutes from the October 4, 2018 Planning Commission meeting. The first recommendation from the Planning Commission was to approve the zoning change request of 109 South Walnut Street (Eitzen State Bank) from the Central Business District (CBD) to Highway Commercial (C-I) Zoning District. The Planning Commission referenced the following condition and findings of fact for City Council to consider:

Findings of Fact:

1. The ESB property is adjacent to the highway with highway visibility.
2. This is a reasonable request since the property abuts the highway.
3. The request is in the spirit and intention of the comprehensive plan, sign ordinance, and growth of the city.
4. The sign will be placed on the highway side of the property.
5. The rezoning will allow better visibility to existing business and promote economic growth in the city.

Conditions of Approval:

1. The existing (ESB) freestanding sign (westside) on Walnut Street will be removed.
2. The non-conforming ESB freestanding sign located at 111 South Walnut (eastside) will be removed.
3. The sign will be placed on the highway side of the property.

Additional Conditions:

4. The applicant will abide by all representations made by the applicant or their agents made during the permitting process, to the extent those representations were not negated by the Planning Commission or City Council and to the extent they are not inconsistent with the spirit of letter explicit conditions of the conditional use permit.
5. The applicant complies with all applicable federal, state and local regulations.

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

**MOTION TO APPROVE THE REZONING OF THE PROPERTY AT 109 WALNUT STREET SOUTH (EITZEN STATE BANK) FROM THE CENTRAL BUSINESS DISTRICT (CBD) TO HIGHWAY COMMERCIAL (C-I) ZONING DISTRICT WITH THE ABOVE STATED CONDITIONS AND ADDITIONAL CONDITIONS AND TO ADOPT THE FINDINGS STATED ABOVE AND AS STATED IN THE OCTOBER 2, 2018 PLANNING COMMISSION MINUTES.**

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Mike Poellinger	Yes

Member Dale Williams voted against the same. The motion was declared duly carried by a 4-1 vote.

The second recommendation from the Planning Commission was to approve the zoning change request of 111 South Walnut Street (Rose Street Business Condos) from the Central Business District (CBD) to Highway Commercial (C-I) Zoning District. The Planning Commission referenced the following condition and findings of fact for City Council to consider:

Findings of Fact:

1. Rose Street Business Condos is adjacent to the highway with highway visibility other commercial zoning.
2. This is a reasonable request since the property abuts the highway.
3. The request is in the spirit and intention of the comprehensive plan and sign ordinance.
4. The sign will be placed on the highway side of the property.
5. The property owner Cindy Gerke was present and acknowledged that further development of the property maybe impeded with the rezoning from Central Business District to Commercial zoning. The property owner has asked for the rezoning and is aware of the setback requirements and potential difficulties/differences with any future redevelopment.

Condition of Approval:

1. The existing (ESB) freestanding sign on Walnut Street (westside) will be removed.

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

**MOTION TO APPROVE THE REZONING OF THE PROPERTY AT 111 SOUTH WALNUT STREET (ROSE STREET BUSINESS CONDOS) FROM THE CENTRAL BUSINESS DISTRICT (CBD) TO HIGHWAY COMMERCIAL (C-I) ZONING DISTRICT WITH THE ABOVE STATED CONDITION AND TO ADOPT THE FINDINGS STATED ABOVE AND AS STATED IN THE OCTOBER 2, 2018 PLANNING COMMISSION MINUTES.**

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Mike Poellinger	Yes

Member Dale Williams voted against the same. The motion was declared duly carried by a 4-1 vote.

The third recommendation from the Planning Commission was to approve the conditional use permit submitted by Eitzen State Bank, 109 South Walnut Street, to allow financial services with a drive through. The Planning Commission referenced the following conditions and findings of fact for City Council to consider:

Findings of Fact:

1. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.
2. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
6. The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
7. The use is not in conflict with the policies of the City of La Crescent.
8. The use will not cause traffic hazards or congestion.
9. Existing uses will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.

The above findings were based in part on the existing use of the building for financial services with a drive through. The above described use has benefited the City and not injurious to adjoining property owners.

Conditions of Approval:

1. The existing (ESB) freestanding sign on Walnut Street (Westside) will be removed.
2. The non-conforming ESB freestanding sign located at 111 South Walnut (Eastside) will be removed.
3. ESB will work with the city with the redevelopment of the Wagon wheel/Bike Bridge entrance on South 1st street.

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

**MOTION TO APPROVE THE CONDITIONAL USE PERMIT SUBMITTED BY EITZEN STATE BANK, 109 SOUTH WALNUT STREET, TO ALLOW FINANCIAL SERVICES WITH A DRIVE THROUGH WITH THE ABOVE STATED CONDITIONS AND TO ADOPT THE FINDINGS STATED ABOVE AND AS STATED IN THE OCTOBER 2, 2018 PLANNING COMMISSION MINUTES.**

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

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

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

**ITEM 3.5 – ELECTION JUDGE RESOLUTION**

City Council reviewed a resolution that appoints the election judges for the 2018 elections, including alternative judges. Following discussion, Member Krenz introduced the following resolution and moved its passage and adoption:

**RESOLUTION NO. 10-18-26**

**RESOLUTION APPOINTING ELECTION JUDGES FOR 2018 ELECTIONS**

Be it resolved by the City Council of the City of La Crescent as follows:

1. The persons below named are hereby appointed judges for the 2018 elections to be held in the City of La Crescent on November 6, 2018. The judges appointed, the chairperson of the election board of each precinct designated and precinct and voting are as following:

A. First Precinct.....Community Building  
To serve from 7:00 AM to 8:00 PM.

Bill Goff, Chair  
Rose Albrecht  
Barb Hammes  
Steve Oliver  
Jan Schild  
Catherine Acevedo  
Jim Nissen  
Mike Trnka

B. Second Precinct.....Ice Arena  
To serve from 7:00 AM to 8:00 PM

Judy Lehmann, Chair  
Suzanne Harm  
JoAnn Olson  
Rosanne Buehler  
Lys Swift  
Judy Graf  
Carolynn Devine  
Greg Schild

C. Third Precinct.....Ice Arena  
To serve from 7:00 AM to 8:00 PM

Sara Goff, Chair  
Ricardo Acevedo  
Darlene Erickson  
Jeanne Baures  
Deb Oliver

D. Fourth Precinct.....Mailed Ballot

ADOPTED this 8<sup>th</sup> day of October, 2018.

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

Ryan Hutchinson	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

with Member Buehler abstaining 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 3.6 – SOFT DRINK LICENSES**

City Council reviewed a memo from La Crescent Police Chief Stavenau regarding the removal of soft drink license from the City Fee Schedule. In the annual review of the Fee Schedule it was noted there is a provision written into La Crescent Ordinance 110.17, Kinds of Liquor Licenses, which touches on Soft Drinks and Liquor Licenses in the City of La Crescent. Last year (2018) 15 licenses were issued at a cost of \$45. The number of licenses issued has been consistent for the past several years. As soft drink sales are not regulated by Minnesota State Statute in the same manner as Alcohol and Tobacco Sales, it was recommended to City Council to waive the annual Soft Drink License application and fee. If the fee were waived there would be minimal financial implication to the City of La Crescent as it is expected staff time would be more efficiently spent on other higher priority issues. Following discussion, Member Buehler made a motion, seconded by Member Krenz, as follows:

**MOTION TO APPROVE THE RECOMMENDATION TO NO LONGER REQUIRE LICENSES FOR SOFT DRINKS AND WAIVE THE ANNUAL APPLICATION AND FEE.**

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

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

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

**ITEM 3.8 – 2019 BUDGET/LEVY REVIEW**

City Administrator Waller reviewed with City Council the proposed 2019 General Fund Budget and the proposed Resolution that sets the preliminary levy. This item was informational, and no action was taken.

**ITEM 8 – CHAMBER OF COMMERCE**

The La Crescent Chamber of Commerce gave an update on the Candidate Forum they will host on October 23, 2018 at the Fine Arts Center.

There being no further business to come before Council at this time, Member Williams made a motion, seconded by Member Krenz, to adjourn the meeting. Upon a roll call vote taken and tallied by the City Administrator, all Members voted in favor thereof, viz;

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	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 6:22 PM.

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

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

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

## EXHIBIT A

THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE¼ NW¼) OF SECTION 9, TOWNSHIP 104, RANGE 4, HOUSTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 9, AS MONUMENTED BY A HOUSTON COUNTY MONUMENT; THENCE SOUTH 89 DEGREES 52 MINUTES, 36 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE¼ NW¼), 577.32 FEET; THENCE SOUTH 26 DEGREES 27 MINUTES 28 SECONDS WEST, 223.48 FEET; THENCE NORTH 55 DEGREES 31 MINUTES 17 SECONDS WEST, 468.04 FEET TO A ONE-HALF INCH IRON PIPE MONUMENT; THENCE NORTH 56 DEGREES 53 MINUTES 13 SECONDS WEST, 230.25 FEET TO A ONE-HALF INCH IRON PIPE MONUMENT; THENCE NORTH 34 DEGREES 00 MINUTES 51 SECONDS EAST, 190.97 FEET TO A ONE-HALF INCH IRON PIPE MONUMENT AND THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE NORTH 60 DEGREES 26 MINUTES 26 SECONDS WEST, 93.84 FEET TO A ONE-HALF INCH IRON PIPE MONUMENT; THENCE NORTH 28 DEGREES 24 MINUTES 19 SECONDS EAST, 183.67 FEET TO THE CENTER LINE OF HOUSTON COUNTY HIGHWAY NO. 6; THENCE SOUTH 59 DEGREES 42 MINUTES 30 SECONDS EAST, ALONG SAID COUNTY HIGHWAY CENTERLINE, 111.74 FEET TO THE INTERSECTION OF A LINE BEARING NORTH 34 DEGREES 00 MINUTES 51 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 34 DEGREES 00 MINUTES 51 SECONDS WEST, ALONG SAID LAST INTERSECTED LINE, 182.75 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PART OF THE ABOVE DESCRIBED PARCEL CONTAINED WITHIN COUNTY ROAD 6 RIGHT OF WAY.