

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
NOVEMBER 13, 2017

Pursuant to due call and notice thereof, the first meeting of the City Council of the City of La Crescent for the month of November was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Monday, November 13, 2017, 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 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 23, 2017
- 1.2 BILLS PAYABLE THROUGH NOVEMBER 9, 2017
- 1.3 CASH BALANCE/ACTIVITY REPORT – SEPTEMBER 2017
- 1.4 LIBRARY REPORT – SEPTEMBER 2017

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 Hutchinson, 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
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 – MIKE/KAREN WOODS

This item was moved to the November 27, 2017 City Council Meeting. No action taken.

ITEM 3.2 – ANIMAL RESCUE BYLAWS

At the request of City Council Member Hutchinson this item was added to the agenda. City Administrator Waller, Member Hutchinson and City Attorney Wieser reviewed with City Council proposed revised/updated bylaws for La Crescent Animal Rescue (LAR). The agreement between the City and LAR contains a provision that prior to the adoption of any bylaws or amendments for LAR, the draft proposed bylaws shall be provided to the City Administrator and City Attorney for their review and approval prior to their adoption. Agenda requests from Naomi Morris, Jane Mrozek, and Judie West were also reviewed. Following discussion, Member Williams made a motion, seconded by Member Hutchinson, as follows:

MOTION TO ADOPT THE BYLAWS FOR LA CRESCENT ANIMAL RESCUE (LAR) AS PRESENTED AND INCLUDE AN AMENDMENT THAT ONE BOARD SEAT IS FROM OUTSIDE THE CITY GEOGRAPHICAL LIMITS, WITH A MINNESOTA RESIDENCY REQUIREMENT.

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 3.3 – ACCEPT DONATION

City Administrator Waller reviewed with City Council a Resolution regarding a donation from A.L.M. Charities to donate \$20,000.00 to the La Crescent Fire and Police Departments for the purchase of a Utility Task Vehicle to be used by both the Fire and Police Departments. It was recommended to City Council to adopt the Resolution accepting the donation. Following discussion, Member Buehler introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 11-17-25

RESOLUTION ACCEPTING DONATION FROM A.L.M. CHARITIES

WHEREAS, A.L.M. Charities wishes to donate \$20,000.00 to the La Crescent Fire and Police Departments for the purchase of a Utility Task Vehicle to be used by both the Fire and Police Departments.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of La Crescent hereby accepts the donation from A.L.M. Charities in the amount of \$20,000.00.

ADOPTED this 13th day of November, 2017.

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;

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 resolution duly passed and adopted.

ITEM 3.4 – PLANNING COMMISSION MINUTES – NOVEMBER 7, 2017

Don Smith, Planning Commission Chairman, reviewed with City Council the Planning Commission Minutes for the November 7, 2017 meeting. The Planning Commission had one item that required consideration by the City Council. The Planning Commission recommended that the conditional use permit submitted by the owner of 850 Shore Acres Road to allow for an "Alternate elevation method other than the use of fill to elevate a structure's lowest floor above the Regulatory Flood Protection Elevation" in a flood fringe area in an R-1A zoned district be approved. The Planning Commission referenced the following conditions and findings of fact for City Council to consider:

Conditions:

1. The homeowner signs the non-conversion form allowing City Staff to inspect the flood openings to insure they are operational.
2. The lower level only be used for storage.

Findings of Fact:

1. The enclosed area is designed to internally flood.
2. The enclosed area is constructed with flood resistant material.
3. The enclosed area is used solely for storage.
4. The DNR expressed no unresolved reservation and design compliance with City floodplain regulations.
5. This is a permitted use in RI-A Zoning Districts
6. The City has approved similar C.U.P's for alternate means of flood proofing in the floodplain.

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

MOTION TO APPROVE THE CONDITIONAL USE PERMIT SUBMITTED FOR THE PROPERTY LOCATED AT 850 SHORE ACRES ROAD TO ALLOW FOR AN “ALTERNATIVE ELEVATION METHOD OTHER THAN THE USE OF FILL TO ELEVATE A STRUCTURE’S LOWEST FLOOR ABOVE THE REGULATORY FLOOD PROTECTION ELEVATION” IN A FLOOD FRINGE AREA IN AN R-1A ZONED DISTRICT WITH THE ABOVE STATED CONDITIONS AND TO ADOPT THE FINDINGS STATED ABOVE AND AS STATED IN THE NOVEMBER 7, 2017 PLANNING COMMISSION MINUTES.

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.

The Downtown Plan, Bicycle and Pedestrian Plan and Bluffland Plan will be presented to the City Council later this month.

ITEM 3.5 – ENGINEERING AGREEMENT – VETERANS PARK

City Administrator Waller reviewed with City Council an engineering agreement for the Veteran's Park parking lot project. It was reviewed that of the \$120,000 cost, \$75,000 is for the parking lot portion of the project, and \$45,000 is for the West Bank drainage and trail portion of the project. The proposal includes both the preparation of the plans and specifications for the project, along with construction administration and observation. Approximately 60% of the cost is related to the preparation of the plans and specifications, and 40% is related to the construction portion of the project. A portion of the project costs will be assessed to the hotel and event center, and the City will be responsible for a portion of the costs associated with the project. The project will be financed through the issuance of bonds. The City is suggesting that the developers escrow 50% of the costs to prepare the plans and specifications for the parking lot portion of the project. This would amount to \$22,500. This would be returned to the developers when the project proceeds. In the event that the project does not proceed to construction, the City would retain those funds. The escrow agreement will be reviewed as the next item on the agenda. It was recommended to the City Council to accept the engineering proposal, contingent upon the developers satisfactorily completing the provisions of the escrow agreement. An agenda request from Jeff Henthorne was also reviewed. Following discussion, Member Krenz made a motion, seconded by Member Hutchinson, as follows:

MOTION TO APPROVE THE PROFESSIONAL SERVICE AGREEMENT BETWEEN THE CITY OF LA CRESCENT AND WHKS & CO. FOR THE VETERAN'S PARK PARKING FACILITY CONTINGENT UPON THE DEVELOPERS SATISFACTORILY COMPLETING THE PROVISIONS OF THE ESCROW AGREEMENT.

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.

City Council also reviewed allocation of parking lost costs.

ITEM 3.6 – ESCROW AGREEMENT – VETERANS PARK

City Attorney Wieser reviewed with City Council the Escrow Agreement with modifications between the City of La Crescent, La Crescent Area Event Center, Inc., and La Crescent Hotel Group, LLC regarding the hotel/event center project. This agreement was drafted to safeguard the City from preparing plans and specifications for an improvement project that does not happen. Following discussion, Member Buehler made a motion, seconded by Member Krenz, as follows:

MOTION TO APPROVE THE ESCROW AGREEMENT BETWEEN THE CITY OF LA CRESCENT, LA CRESCENT AREA EVENT CENTER, INC., AND LA CRESCENT HOTEL GROUP, LLC REGARDING THE HOTEL/EVENT CENTER PROJECT.

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 3.7 – AUTHORIZE EXPENDITURES

City Administrator Waller reviewed with City Council that the radio system that controls the City's water treatment plant, wells, booster stations and sanitary sewer lift station is obsolete and in need of replacement. The current system was installed 10 years ago as part of the construction of the water treatment facility. City Council also reviewed a diagram of the City's infrastructure. The City received two proposals to upgrade the City's radio system: Automatic Systems Co. for \$66,986.00; and Werner Electric for \$73,229.00. It was recommended to City Council to accept the proposal submitted by Automatic Systems Co. It was also recommended to shift the \$48,500.00 that was included in the 2017 capital equipment certificate for the trailer

mounted generator to this project, with the balance of the funds coming from the City's sewer fund. Following discussion, Member Buehler made a motion, seconded by Member Hutchinson, as follows:

MOTION TO ACCEPT THE PROPOSAL SUBMITTED BY AUTOMATIC SYSTEMS CO. FOR \$66,986.00 TO REPLACE THE RADIO SYSTEM THAT CONTROLS THE CITY'S WATER TREATMENT PLANT, WELLS, BOOSTER STATIONS AND SANITARY SEWER LIFT STATION AND TO SHIFT THE \$48,500.00 THAT WAS INCLUDED IN THE 2017 CAPITAL EQUIPMENT CERTIFICATE FOR THE TRAILER MOUNTED GENERATOR TO THIS PROJECT, WITH THE BALANCE OF THE FUNDS COMING FROM THE CITY'S SEWER FUND.

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 3.8 – PERSONNEL COMMITTEE RECOMMENDATION

City Administrator Waller reviewed with City Council the following recommendations from the Personnel Committee:

1. That the City Council approve the hiring of Erin Heiting as the City's GreenStep Intern. Ms. Heiting is a junior at Viterbo University majoring in Environmental Biology. The rate of pay would be \$12 per hour.
2. That the City Council accept Assistant Fire Chief Terry Fruechte's retirement and authorize that the position be posted.

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

MOTION TO APPROVE THE HIRING OF ERIN HEITING AS THE CITY'S GREENSTEP INTERN AT A RATE OF PAY OF \$12.00 PER HOUR.

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.

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

MOTION TO ACCEPT LA CRESCENT FIRE DEPARTMENT ASSISTANT FIRE CHIEF TERRY FRUECHTE'S RETIREMENT AND AUTHORIZE THAT THE POSITION BE POSTED.

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 3.9 – LEASE 333 MAIN STREET

City Administrator Waller reviewed with City Council the current lease for the City owned property at 333 Main Street. As part of the purchase agreement, the seller was allowed to lease the property from the City until December 15, 2017. It was recommended to City Council to approve leasing the property to the seller on a month to month basis between December 15, 2017 until June 15, 2018. The lease would be \$750 per month, and the seller would be responsible for all of the utilities. The City would be able to enter into the lease without impacting the proposed 2019 property taxes. A lease agreement prepared by City Attorney Wieser was also reviewed. Following discussion, Member Hutchinson made a motion, seconded by Member Krenz, as follows:

MOTION TO APPROVE LEASING THE CITY OWNED PROPERTY AT 333 MAIN STREET TO THE SELLER ON A MONTH TO MONTH BASIS BETWEEN DECEMBER 15, 2017 UNTIL JUNE 15, 2018 WITH THE LEASE TO BE \$750 PER MONTH, AND THE SELLER RESPONSIBLE FOR ALL OF THE UTILITIES.

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 3.10 – UPDATED AWAIR POLICY

City Administrator Waller reviewed with City Council that the City is the process of reviewing and updating City policies. City Council reviewed an updated AWAIR Policy (A Workplace Accident and Injury Reduction). It was recommended to City Council to approve the policy as presented. Following discussion, Member Krenz made a motion, seconded by Member Hutchinson, as follows:

MOTION TO APPROVE THE UPDATED AWAIR POLICY (A WORKPLACE ACCIDENT AND INJURY REDUCTION) 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
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 3.11 – GAMBLING PERMIT APPLICATION

City Administrator Waller gave an overview to City Council regarding a gambling permit application from the La Crescent Area Event Center Inc. for an event to be held on December 31, 2017 at the American Legion. The application appears to be in order and it was recommended to City Council to approve the application and authorize it be forwarded to the Minnesota Gambling Control Board. Following discussion, Member Williams made a motion, seconded by Member Krenz, as follows:

MOTION TO AUTHORIZE THE ISSUANCE OF A GAMBLING PERMIT TO THE LA CRESCENT AREA EVENT CENTER INC. AN EVENT TO BE HELD ON DECEMBER 31, 2017 AT THE AMERICAN LEGION AND AUTHORIZE IT BE FORWARDED TO THE MINNESOTA GAMBLING CONTROL BOARD.

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 3.12 – 2018 GENERAL FUND BUDGET REVIEW

City Administrator Waller reviewed the 2018 General Fund Budget with City Council. At the November 27, 2017 meeting, the City Council will review and consider adopting the 2018 general fund budget and levy resolution. No action taken.

ITEM 3.13 – AMERICAN LEGION LIQUOR LICENSE

City Administrator Waller reviewed with City Council that the American Legion Club plans to no longer operate after January 7, 2018 and that they have inquired about how they can operate for the first week of 2018

without renewing a liquor license for the entire year. Representatives at the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Divisions have indicated that in situations like this the City Council has the discretion to waive the 2018 fee, and allow the American Legion to operate during that period of time, as long as they comply with all other rules, regulations, and insurance requirements. It was recommended to City Council to waive the 2018 liquor license application fee for the La Crescent American Legion Club, and allow them to continue operations through January 7, 2018. This is subject to the American Legion Club complying with all appropriate rules, regulations and insurance requirements. Following discussion, Member Buehler made a motion, seconded by Member Williams, as follows:

MOTION TO WAIVE THE 2018 LIQUOR LICENSE APPLICATION FEE FOR THE LA CRESCENT AMERICAN LEGION CLUB, AND ALLOW THEM TO CONTINUE OPERATIONS THROUGH JANUARY 7, 2018 AND SUBJECT TO THE AMERICAN LEGION CLUB COMPLYING WITH ALL APPROPRIATE RULES, REGULATIONS AND INSURANCE REQUIREMENTS.

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 3.14 – 2018 LICENSE RENEWALS

City Council reviewed a list of proposed license renewals for 2018. The applications appear to be in order and it was recommended to City Council to approve the license renewal applications. Following discussion, Member Buehler made a motion, seconded by Krenz, as follows:

MOTION TO APPROVE THE PRESENTED LIST OF LICENSE RENEWALS FOR 2018 FOR THE FOLLOWING:

SOFT DRINK – WIESER PROPERTIES; HETH’S HARDWARE HANK; CORKY’S PIZZA; KADDY’S KAFE; ABC WORKS; KWIK TRIP #437; KWIK TRIP #614; MINEGAR’S SPORTS HUB; BAUER’S MARKET & NURSERY; PUMP 4 LESS – SOUTHSIDE CORNER; PUMP 4 LESS – SOUTHSIDE LIQUOR; QUILLIN’S

CIGARETTES – KWIK TRIP #437; KWIK TRIP #614; PUMP 4 LESS – SOUTHSIDE CORNER

OFF-SALE 3.2 - KWIK TRIP #437; KWIK TRIP #614; QUILLIN’S

LIQUOR OFF- SALE – MINEGAR’S SPORTS HUB; PUMP 4 LESS – SOUTHSIDE LIQUOR; SCHMITTY’S TIMEOUT TAVERN

LIQUOR ON-SALE - MINEGAR'S SPORTS HUB; SCHMITTY'S TIMEOUT TAVERN

LIQUOR SUNDAY - MINEGAR'S SPORTS HUB; SCHMITTY'S TIMEOUT TAVERN

GAS INSTALLERS – SCHNEIDER HEATING & AIR CONDITIONING; NIEBUHR PLUMBING & HEATING; 7 RIVERS MECHANICAL; HEATING & COOLING SPECIALISTS; BOB'S SERVICE; HORMAN'S HVAC; WINONA HEATING & VENTILATING

SOLID WASTE – RICHARD'S SANITATION

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 9 – CHAMBER OF COMMERCE

The La Crescent Chamber did not have a report.

There being no further business to come before the Council at this time, Member Buehler made a motion, seconded by Member Hutchinson, 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 6:13 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator