

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
NOVEMBER 13, 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 November was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Tuesday, November 13, 2018, followed by the Pledge of Allegiance.

Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Ryan Hutchinson, Brian Krenz, Dale Williams and Mayor Mike Poellinger. Members absent: Bernie Buehler - Excused. 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 – OCTOBER 22, 2018
- 1.2 BILLS PAYABLE THROUGH NOVEMBER 8, 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 Krenz 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, the following Members present voted in favor thereof, viz;

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 – ELECTION RESULTS – CANVASSING BOARD

City Administrator Waller presented information on the results of the City General Election, which took place in conjunction with the General Election on Tuesday, November 6, 2018.

Following review and discussion on this information, Member Hutchinson introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 11-18-28

A RESOLUTION CANVASSING ELECTION RETURNS AND DECLARING THE RESULTS OF THE 2018 CITY ELECTION, CITY OF LA CRESCENT, MINNESOTA

BE IT RESOLVED by the City Council of the City of La Crescent, Houston and Winona Counties, Minnesota, as follows:

1. It is hereby found, determined and declared that the Judges duly appointed, qualified and acting for the conduct of the City Election for the City of La Crescent for the year 2018 in Precinct No. 1, Precinct No. 2, Precinct No. 3 and Precinct No. 4 in said City, which elections were held in and for said City on November 6, 2018, having duly made and filed with the City Clerk the necessary certificates, registration forms and returns for each and both of said precincts for said City Elections, all of which are now on file with the City Clerk.

2. It is hereby found, determined and declared that the City Election held in and for said City of La Crescent on the 6th day of November, 2018, were in all respects duly and legally called and held and that the official returns thereof have been duly canvassed by this City Council pursuant to and as provided for by law.

3. It is hereby found, determined and declared that the ballots cast in Precinct No. 1, Precinct No. 2, Precinct No. 3 and Precinct No. 4 in said City and said City Election, City of La Crescent, November 6, 2018, for the following offices were as follows:

<u>Mayor</u>	<u>Precinct 1</u>	<u>Precinct 2</u>	<u>Precinct 3</u>	<u>Precinct 4</u>	<u>Total Votes</u>
Mike Poellinger	980	691	367	21	2059
Write-In	42	23	15	0	80
<u>Council Member</u>	<u>Precinct 1</u>	<u>Precinct 2</u>	<u>Precinct 3</u>	<u>Precinct 4</u>	<u>Total Votes</u>
Ryan Hutchinson	496	268	156	6	926
Adam Kimball	190	145	80	5	420
Joel Schmidt	157	116	84	0	357
Teresa O'Donnell-Ebner	534	399	220	11	1164
Cherryl K. Jostad	483	335	190	8	1016
Write-In	4	4	2	0	10

4. It is hereby found, determined and declared that the results of the City Election, held in and for said City on November 6, 2018, are in accordance with the tallied aforesaid and that the results of said elections as certified by the said Judges are in all things, correct; that Mike Poellinger was duly elected as Mayor of the City of La Crescent for a term of two (2) years and that Teresa O'Donnell-Ebner and Cherryl K. Jostad were duly elected for City Council members for a term of four (4) years.

ADOPTED this 13th day of November 2018.

SIGNED:

Mayor

ATTEST:

City Administrator

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

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 3.2 – APPLE BLOSSOM ACRES 3 DEVELOPMENT AGREEMENT

City Attorney Skip Wieser reviewed with City Council the Development Agreement between the City of La Crescent and the Developer of the Apple Blossom Acres 3 Development. Also reviewed were an Irrevocable Letter of Credit and Notice of Construction Deficiencies recently sent to the Developer. The Letter of Credit terminates on November 30, 2018. An update was provided to City Council regarding the Notice of Deficiencies stating they had not been corrected prior to the meeting. It was recommended to City Council if the work is not done by November 16, 2018 or if the bond is not extended, to authorize the City Administrator and City Attorney to file a claim against the Letter of Credit. Following discussion, Member Krenz made a motion, seconded by Member Williams, as follows:

MOTION TO AUTHORIZE THE CITY ADMINISTRATOR AND CITY ATTORNEY TO FILE A CLAIM AGAINST THE LETTER OF CREDIT TO THE DEVELOPER OF APPLE BLOSSOM ACRES 3 DEVELOPMENT IF THE DEFICIENCIES ARE NOT CORRECTED BY NOVEMBER 16, 2018 OR IF THE BOND IS NOT EXTENDED.

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

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

ITEM 3.3 – LANCER YOUTH HOCKEY LEASE AGREEMENT

City Attorney Wieser reviewed with City Council an updated Agreement between the City of La Crescent ("City") and Lancer Youth Hockey ("Lancer"). The key terms of the Agreement are as follows:

1. Lancer will pay all utilities to operate the facility. For 2017 the cost of electricity was \$34,237.33 and natural gas was \$7,114.78, totaling \$41,352.11. Lancer will not seek reimbursement for any utility expense from City or Healthy Community Partnership.
2. The City will reserve the right to utilize the facility for purposes of conducting elections.
3. Upon thirty (30) day notice, the City has the right to begin to bill Lancer for the cost of water and sewer charges for the facility.
4. Each party will set aside \$25,000.00 per year for capital improvements.
5. Upon termination of the Healthy Community Partnership Agreement, Lancer would take over that space at no additional cost.

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

MOTION TO APPROVE THE LEASE AGREEMENT BETWEEN THE CITY OF LA CRESCENT AND LANCER YOUTH HOCKEY AND AUTHORIZE THE CITY ADMINISTRATOR AND MAYOR TO SIGN THE AGREEMENT AND CORRECT CLERICAL ERROR.

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

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

ITEM 3.4 – PLANNING COMMISSION MINUTES – NOVEMBER 7, 2018

City Zoning/Building Official Wetterlin reviewed with City Council the Minutes from the November 7, 2018 Planning Commission Meeting. The Planning Commission recommended to City Council to approve the revised Floodplain Ordinance and updated FEMA Floodplain maps. This item was informational, no action taken.

ITEM 3.5 – FLOODPLAIN ORDINANCE ADOPTION

City Attorney Wieser reviewed with City Council the proposed Ordinance No. 528. The ordinance deletes the existing Floodplain Regulations and replaces them with the new Floodplain Regulations. The ordinance is being adopted to incorporate the Flood Insurance Study for Houston County and the accompanying Flood Insurance Rate Maps (FIRMs). The ordinance needs to be effective prior to December 7, 2018. Also reviewed was the conditional approval from the Minnesota DNR for the proposed ordinance. The proposed ordinance will allow the City to continue with the National Flood Insurance Program. It was recommended to City Council to adopt the Ordinance. Following adoption, a summary publication of the ordinance must be published and provide verification to the DNR that the ordinance was adopted prior to the deadline. City Attorney Wieser reviewed the process for adoption of the ordinance. Following discussion, Member Krenz introduced the following Ordinance, and moved its passage and adoption:

ORDINANCE NO. 528

**AN ORDINANCE OF THE CITY OF LA CRESCENT AMENDING
CHAPTER 12 OF THE ZONING ORDINANCE**

The City Council of the City of La Crescent, Houston County, Minnesota, hereby ordains:

SECTION I: That Chapter 12 of the Zoning Ordinance is hereby amended as follows:

12.29 through 12.40 are hereby deleted and replaced with the following:

See Attached Exhibit A

SECTION II: This provision shall become effective from and after due passage and enactment and publication, according to law.

PASSED AND ENACTED this 13th day of November, 2018.

SIGNED:

Mikel Poellinger, Mayor

ATTEST:

Bill Waller, 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
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 Hutchinson then made a motion, seconded by Member Krenz as follows:

MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 528 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;

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 3.6 – CITY OF LA CROSSE – SEWER AGREEMENT

City Attorney Wieser gave an update to City Council regarding the status of discussions with the City of La Crosse regarding amending the current Agreement for Sanitary Sewer Conveyance and Treatment. The term of the existing Agreement is from January 1, 2007 to December 31, 2027. Following discussion, Member Williams made a motion, seconded by Member Krenz, as follows:

MOTION TO AUTHORIZE THE CITY ADMINISTRATOR AND CITY ATTORNEY TO KEEP COMMUNICATION OPEN WITH THE CITY OF LA CROSSE REGARDING AMENDING THE AGREEMENT FOR SANITARY SEWER CONVEYANCE AND TREATMENT AND TO CONTINUE DISCUSSIONS WITH ONALASKA, SHELBY AND CAMPBELL.

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

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

ITEM 3.7 – GREENSTEP COMMITTEE APPOINTMENTS

City Administrator Waller recommended to City Council to approve the appointment of Janelle Ramaker and John Lambert to the City’s GreenStep Committee. Following discussion, Member Krenz made a motion, seconded by Member Hutchinson, as follows:

MOTION TO APPROVE THE APPOINTMENT OF JANELLE RAMAKER AND JOHN LAMBERT TO THE CITY OF LA CRESCENT’S GREENSTEP COMMITTEE.

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

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

ITEM 3.8 – CHAMBER OF COMMERCE – PARADE REQUEST

City Council reviewed a Memo from Chief Stavenau regarding a request from the La Crescent Chamber of Commerce to hold its annual Winter Parade beginning at 5:30 p.m. on Friday, December 14, 2018 to coincide with other Christmas in La Crescent activities. As in last year, they would like to have a “Standing Parade” where the units do not move; instead, the units are parked in a location and the parade goes walk the parade route to see the different units. The Chamber is requesting to block South 1st Street from Oak to Walnut and Oak Street from South 1st to South 2nd Street. The blocks will be posted “No Parking” early Friday afternoon and the barricades would be placed at approximately 4:30 p.m. until 7:00 p.m. It was recommended to City Council to approve this request. Following discussion, Member Williams made a motion, seconded by Member Krenz, as follows:

MOTION TO APPROVE THE LA CRESCENT CHAMBER OF COMMERCE’S REQUEST FOR A WINTER PARADE IN THE CITY OF LA CRESCENT ON DECEMBER 14, 2018 AS OUTLINED ABOVE WITH PARADE WITH THE “STANDING PARADE” FROM 5:30 TO 6:30 PM ALONG THE PROPOSED ROUTE.

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

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 – 2018 PROJECT UPDATE

City Administrator Waller gave an overview to City Council regarding the major construction projects for the City, along with their current and expected status for the season. These projects included: 2018 Street and Utility Improvements; Veterans Park Parking Lot; Wagon Wheel Trail; and South 3rd Street. It was recommended to City Council to approve extensions to Veterans Park Parking Lot and South 3rd Street to May 15, 2019. Following discussion, Member Williams made a motion, seconded by Member Krenz, as follows:

MOTION TO APPROVE THE EXTENSIONS TO VETERANS PARK PARKING LOT AND SOUTH 3RD STREET TO MAY 15, 2019.

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

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

ITEM 3.10 – DNR GRANT RESOLUTION

City Administrator Waller gave an overview of the Wagon Wheel improvement project. For this project, the City received \$2,500,000 in the 2018 State bonding bill for the Third Phases of the Wagon Wheel Improvement Project. The next step in the process is for the City Council to adopt a resolution accepting the construction grant and enter into an agreement with the State for the project. City Council reviewed the resolution and it was recommended for it to be approved. City Council also reviewed a previous memo regarding the 2018 State bonding bill. Following review and discussion on this information, Member Krenz introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 11-18-27

RESOLUTION ACCEPTING CONSTRUCTION GRANT FOR PHASE THREE OF THE WAGON WHEEL TRAIL PROJECT AND APPROVAL TO ENTER INTO AGREEMENT WITH THE STATE OF MINNESOTA FOR THE PROJECT

BE IT RESOLVED that the City of La Crescent act as legal sponsor for Phase Three of the Wagon Wheel Trail including predesign, design, engineering, and construction of a grade-separated crossing of marked Trunk Highway 14, 16 and 61 near downtown La Crescent that will connect to the existing Wagon Wheel Trail.

BE IT RESOLVED, the City of La Crescent agrees to accept the grant and may enter into an agreement with the State of Minnesota for the above referenced project. The City will comply with all applicable laws, environmental requirements and regulations as stated in the grant agreement, and

BE IT FURTHER RESOLVED that the City of La Crescent has the financial capability to meet the match requirement and ensure adequate construction, operation, maintenance and replacement of the proposed project for the useful life of the project.

BE IT FURTHER RESOLVED that the City of La Crescent has not incurred any construction costs.

BE IT FURTHER RESOLVED that, upon approval of its application by the state, the City of La Crescent may enter into an agreement with the State of Minnesota for the above-referenced project, and that the City of La Crescent certifies that it will comply with all applicable laws and regulations as stated in the grant agreement.

NOW, THEREFORE BE IT RESOLVED that Bill Waller, La Crescent City Administrator, is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the City.

ADOPTED this 13th day of November, 2018, by the La Crescent City Council.

SIGNED:

Mayor

ATTEST:

City Administrator

The motion for the adoption of the foregoing resolution 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
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 3.11 – 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 for discussion only, no action taken.

ITEM 6.1 – STAFF CORRESPONDENCES/COMMITTEE UPDATES – GREENSTEP MEETING MINUTES – OCTOBER 10, 2018

City Council reviewed the Minutes from the October 10, 2018 La Crescent GreenStep Committee meeting. No action taken.

ITEM 6.2 – STAFF CORRESPONDENCES/COMMITTEE UPDATES – PARK & RECREATION COMMISSION MINUTES – OCTOBER 15, 2018

City Council reviewed the Minutes from the October 15, 2018 La Crescent Park and Recreation Commission meeting. No action taken.

ITEM 8 – CHAMBER OF COMMERCE

Sarah Danielson from the La Crescent Chamber of Commerce reported on the Holiday Parade and Holiday Train.

There being no further business to come before the Council at this time, Member Hutchinson made a motion, seconded by Member Krenz, to adjourn the meeting. 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

and none voted against the same. The motion was declared duly carried and the meeting duly adjourned at 6:06 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator