

MINUTES, REGULAR MEETING  
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA  
NOVEMBER 13, 2023

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 5:00 PM in the La Crescent Community Building, La Crescent, Minnesota, on Monday, November 13th, 2023.

Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Ryan Hutchinson, Cherryl Jostad, Teresa O'Donnell-Ebner, Dale Williams, and Mayor Mike Poellinger. Members absent: None. Also present were City Attorney Skip Wieser, City Administrator Bill Waller, Sustainability Coordinator Jason Ludwigson, and Deputy Clerk Angie Boettcher.

Also present via Zoom was Tammy Omdal from Northland Securities.

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, 2023
- 1.2 BILLS PAYABLE THROUGH – NOVEMBER 9, 2023
- 1.3

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 Hutchinson made a motion, seconded by Member O'Donnell-Ebner, 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 voted in favor thereof, viz;

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

Mike Poellinger

Yes

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

## **2. PUBLIC HEARING/MEETING**

### 5:00 PM PUBLIC HEARING - CAPITAL IMPROVEMENT PLAN

At 5:00 pm the regular City Council meeting was adjourned for the Public Hearing on the Capital Improvement Plan. Tammy Omdal from Northland Securities was present via Zoom and presented the information. There were no questions from the public.

The regular City Council reconvened at 5:08 pm

### **ITEM 3.1 – RESOLUTION ADOPTING CAPITAL IMPROVEMENT PLAN AND GIVING PRELIMINARY APPROVAL TO THE ISSUANCE OF G.O. BONDS**

City Council reviewed for approval a Resolution adopting the Capital Improvement Plan and preliminary approval to the issuance of G.O. bonds. Following review and discussion, Member Hutchinson introduced the following Resolution and moved its passage and adoption as follows:

#### **RESOLUTION NO. 11-23-46**

#### **RESOLUTION GIVING PRELIMINARY APPROVAL TO THE ISSUANCE OF GENERAL OBLIGATION CAPITAL IMPROVEMENT PLAN BONDS IN AN AMOUNT NOT TO EXCEED \$525,000 AND ADOPTING THE CITY OF LA CRESCENT, MINNESOTA, AMENDED AND RESTATED CAPITAL IMPROVEMENT PLAN FOR THE YEARS 2022 - 2026**

WHEREAS, the City Council of the City of La Crescent, Minnesota (the "City") proposes to issue its general obligation capital improvement plan bonds (the "Bonds") and adopt the City of La Crescent, Minnesota, Amended and Restated Capital Improvement Plan for the years 2022 through 2026 (the "Plan"); and

WHEREAS, the City has caused notice of the public hearing on the intention to issue the Bonds and on the proposed adoption of the Plan to be published pursuant to and in accordance with Minnesota Statutes, Section 475.521; and

WHEREAS, a public hearing on the intention to issue the Bonds and on the proposed Plan has been held on this date, following published notice of the public hearing as required by law; and

WHEREAS, in approving the Plan, the City Council considered for each project and for the overall Plan:

1. The condition of the City's existing infrastructure, including the projected need for repair and replacement;
2. The likely demand for the improvement;
3. The estimated cost of the improvement;
4. The available public resources;
5. The level of overlapping debt in the City;
6. The relative benefits and costs of alternative uses of the funds;
7. Operating costs of the proposed improvements; and
8. Alternatives for providing services more efficiently through shared facilities with other local governmental units; and

WHEREAS, the City Council has determined that the issuance of general obligation capital improvement plan bonds in the aggregate principal amount of up to \$525,000 is the best way to finance the capital improvements identified in the Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of La Crescent, Minnesota, that the City hereby adopts the Plan and authorizes the issuance of up to \$525,000 aggregate principal amount of general obligation capital improvement plan bonds.

ADOPTED this 13<sup>th</sup> day of November 2023.

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

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

The motion for the adoption of the foregoing resolution was duly seconded by Member Williams 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

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.

**ITEM 3.2 – DEVELOPMENT AGREEMENT- 31 SOUTH WALNUT**

City Attorney Skip Wieser reviewed with City Council for approval a Resolution approving the development agreement for 31 South Walnut, LLC with presented date changes and authorization for the Mayor and the City Administrator to sign the agreement. Following review and discussion, Member Williams introduced the following Resolution and moved its passage and adoption as follows:

**RESOLUTION NO. 11-23-47**

**RESOLUTION APPROVING DEVELOPMENT AGREEMENT  
31 SOUTH WALNUT, LLC**

A. WHEREAS, 31 South Walnut, LLC, a Minnesota limited liability company (the "Developer") has requested that the City of La Crescent, Minnesota (the "City") assist with the financing of certain costs in connection with the construction of a commercial building with approximately 4,800 square feet including two residential housing units on the second floor which will be constructed on a parcel occupied by a substandard commercial building (laundromat) to be demolished and removed at 31 S Walnut Street in the City (the "Project").

B. WHEREAS, the Developer and the City have determined to enter into a Development Agreement providing for the City's assistance in connection with the Project (the "Agreement").

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

1. The City Council hereby approves the Agreement in substantially the form submitted, and the City is hereby authorized to execute the Agreement.

2. The approval hereby given to the Agreement includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom, and additions thereto as may be necessary and appropriate and approved by the City officials authorized by a resolution of the City to execute the Agreement. The execution of the Agreement shall be conclusive evidence of the approval of the Agreement in accordance with the terms hereof.

ADOPTED this 13th day of November 2023.

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Deputy Clerk

The motion for the adoption of the foregoing resolution was duly seconded by Member O'Donnell-Ebner 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
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.

**ITEM 3.3 – CARBON REDUCTION PROGRAM GRANT-RESOLUTION/AGREEMENT**

City Sustainability Coordinator Jason Ludwigson reviewed with City Council for approval a Resolution approving the City of La Crescent to enter into a MnDOT Agreement with the State of Minnesota, Department of Transportation for Carbon Reduction Program Funds. Following review and discussion, Member Hutchinson introduced the following Resolution and moved its passage and adoption as follows:

**RESOLUTION NO. 11-23-48**

**A RESOLUTION APPROVING THE CITY OF LA CRESCENT TO ENTER INTO A MNDOT AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION FOR CARBON REDUCTION PROGRAM FUNDS**

BE IT RESOLVED, that pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the City of La Crescent to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

BE IT FURTHER RESOLVED, the Mayor, Mike Poellinger and City Administrator, Bill Waller are hereby authorized and directed for and on behalf of the City of La Crescent to execute and enter into an agreement with the commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 236-080-004, a copy of which said agreement was before the City Council and which was made a part hereof by reference.

ADOPTED this 13<sup>th</sup> day of November, 2023.

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

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

The motion for the adoption of the foregoing resolution was duly seconded by Member O'Donnell-Ebner 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
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.

### **ITEM 3.4 – ANNEXATION PETITION**

City Attorney Skip Wieser reviewed with City Council an annexation petition from the property owners at 1755 County 6. It was recommended that City Council call for a Public Hearing to be held on December 18<sup>th</sup>, 2023 at 5:00 pm. Following discussion, Member Williams made a motion, seconded by Member Jostad as follows:

**MOTION TO CALL FOR A PUBLIC HEARING TO BE HELD ON DECEMBER 18, 2023 AT 5:00 PM FOR AN ANNEXATION PETITION FROM THE PROPERTY OWNERS AT 1755 COUNTY 6, LA CRESCENT.**

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

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

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

**ITEM 3.5 – PARK USE ORDINANCE**

City Administrator Bill Waller reviewed with City Council an Ordinance Regulating Parks, Playgrounds, and Public Grounds. The City's Park & Recreation Commission has reviewed the ordinance and is recommending that City Council adopt the ordinance as proposed. Following discussion, Member O'Donnell-Ebner introduced the following ordinance and moved its passage for adoption:

**CITY OF LA CRESCENT, MINNESOTA**

**ORDINANCE NO. 577**

**AN ORDINANCE REGULATING PARKS, PLAYGROUNDS, AND PUBLIC GROUNDS**

The City Council of the City of La Crescent, Minnesota hereby ordains as follows:

**PARKS, PLAYGROUNDS, AND PUBLIC GROUNDS**

**APPLICATION.**

This Section shall apply to all parks, playgrounds and public grounds owned by or otherwise under the control of the city council within the municipal boundaries of the city, irrespective of whether or not any such lands are open to the unsolicited use thereof by city residents or other persons.

**HOURS OF USE.**

Unless otherwise posted, no person shall be present in or located upon any park, playground or other public ground, including parking areas appurtenant thereto, between the hours of 11:00 p.m. and 5:00 a.m. without the express written approval of the city council; provided, that this section shall not apply to persons who, without delay, are traveling through such parks, playgrounds, or public grounds upon established walks, paths and streets.

#### **USES PROHIBITED.**

- (A) No person not an employee of the city shall pick or cut any wild or cultivated flower or cut, break or in any way injure or deface any tree, shrub or plant or otherwise disturb or disrupt the soil or grounds of such public areas unless prior approval is obtained from the city.
- (B) No person not an employee of the city shall plant any wild, cultivated or exotic tree, shrub or plant.
- (C) No person shall kill, pursue, injure, molest, disturb or have in possession any species of wildlife including birds, waterfowl or other animals found within the confines of the park.
- (D) No person shall operate a motorized or electrified vehicle in any city park or trail, except on designated roadways and parking lots.
- (E) No person shall start any fire in any such public area.
- (F) No person shall tamper with, climb, deface, destroy, disturb, damage or remove any part of any park building, sign, light, table, grill, shelter, equipment or other property found therein.
- (G) No person shall disregard or fail to comply with any posted regulations, directional signs, barriers or other control devices located within any city park or public ground.
- (H) No person shall deposit, allow to accumulate or dispose of any inorganic waste in or upon a stated public area, except to place same in garbage receptacles provided therefor.
- (I) No person shall engage in boisterous, disruptive behavior, or excessively loud music or noise within or upon any stated public area or otherwise conduct himself so as to unreasonably disturb or aggravate another person or persons.
- (J) No person shall erect or place in any or upon any stated public area a tent, camping equipment or other temporarily located structure, nor shall any person leave any vehicle or movable structure which could be used for the purpose of overnight camping unless approved by the La Crescent City Council. No staking is allowed of said structures without written approval from the city.



(K) No person shall place or erect any sign or advertisement on any park land, trees, structures or equipment located therein without prior approval of the City.

(L) No person shall cast, deposit, throw, damage, lay, place or scatter upon any of the stated public areas, or in or upon any water located therein or adjacent thereto, any cigars, cigarettes, glass, bottles, nails, tacks, wire, crockery, cans or any other refuse matter. No person shall have in his possession any glass or other objects easily fragmented in or upon any water located within the park.

(M) No person shall possess, consume or otherwise provide to others any controlled substance in any park, playground or public ground.

(N) All dogs while within any park shall be on a leash and the person in control of the dog shall have in possession tools or equipment suitable for the sanitary pick-up, removal and disposal of all dog fecal matter.

(O) No person shall possess, ride, or drive a horse in any park, playground, or public ground.

(P) No person shall utilize any park, playground, or public ground for a for-profit enterprise unless in conjunction with a City approved event.

(Q) Hunting with the use of a weapon is not permitted, and deer stands are not allowed to be installed on City property.

(R) No person shall sell liquor in any park or public ground owned by or otherwise under control of the City unless in compliance with City of La Crescent Ordinance No. 543.

(S) No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place in compliance with City of La Crescent Ordinance No. 572.

(T) No person shall use any form of tobacco at or on any public grounds owned by the City of La Crescent.

**VIOLATION; PENALTY.**

(A) Any person violating any of the provisions of this article shall be guilty of a misdemeanor.

(B) Any person violating any of the provisions of this article may be expelled or ejected at such time from a park at the discretion of a law enforcement officer.

**SEVERABILITY.**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

The City may establish hours of operation or other rules or regulations regarding specific parks by future action of the City Council.

**Section 2.** This ordinance shall become effective upon its passage and publication.

**REPEAL.**

Upon adoption and publication of this ordinance, any ordinance inconsistent is repealed.

ADOPTED this 13th day of November 2023.

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
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.

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

**MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 577 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, the following Members present voted in favor thereof, viz;

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

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

**ITEM 3.6 – HORSE TRACK MEADOWS NORTH REQUEST FOR PROPOSALS**

City Attorney Skip Wieser reviewed with City Council for approval the Request for Proposals (RFP) for the sale of the City-owned property commonly known as Horse Track Meadows North. The intent is to post the RFP at the same locations where the City posts meeting notices and notify parties that have expressed interest in the property by mailing them the RFP. The RFP will also be posted on the City's website and social media account. It was recommended that City Council approve the RFP with a change of the Submission Date to January 4, 2024, by 4:00 pm. Following discussion, a request was made for the additional language 'including aging in place opportunities' to the fourth bullet point under the section of what proposal packages must include. Member Jostad made a motion, seconded by Member Williams as follows:

**MOTION TO APPROVE THE REQUEST FOR PROPOSALS FOR THE SALE OF THE CITY-OWNED PROPERTY COMMONLY KNOWN AS HORSE TRACK MEADOWS NORTH WITH A CHANGE OF THE SUBMISSION DATE TO JANUARY 4, 2024 BY 4:00 PM, AND THE ADDITIONAL LANGUAGE TO THE FOURTH BULLET POINT UNDER WHAT THE PROPOSAL PACKAGES MUST INCLUDE TO READ 'INCLUDING AGING IN PLACE OPPORTUNITIES'.**

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

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

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

### **ITEM 3.7 – AUTHORIZE CAPITAL EXPENDITURE**

City Administrator Bill Waller reviewed with City Council for approval a recommendation from the Fire Cooperative for the purchase of a red 2024 Chevrolet Tahoe from the State bid for \$50,029.16. The vehicle would be used by Josh Tarrence to perform his duties as Fire Marshal/Assistant Fire Chief for the Fire Department along with his duties as the City's Building Inspector. The Fire Department received \$40,000 in funding from Houston County that would be used for the purchase, with the balance of the purchase price coming from the Fire Department's 2023 operating budget. A portion of the \$233,374 in Public Safety Aid funds that the City will be receiving in December of 2023 will be used to outfit the vehicle. Following discussion, Member Hutchinson made a motion, seconded by Member Williams as follows:

**MOTION TO APPROVE THE PURCHASE OF A RED 2024 CHEVROLET TAHOE FROM THE STATE BID FOR \$50,029.16 FOR FIRE MARSHAL/ASSISTANT FIRE CHIEF, JOSH TARRENCE TO USE FOR THE FIRE DEPARTMENT ALONG WITH HIS DUTIES AS THE CITY'S BUILDING INSPECTOR. FUNDS IN THE AMOUNT OF \$40,000 THAT THE FIRE DEPARTMENT RECEIVED FROM HOUSTON COUNTY WILL BE USED FOR THE PURCHASE WITH THE BALANCE COMING FROM THE FIRE DEPARTMENT'S 2023 OPERATING BUDGET, WITH A PORTION OF THE \$233,374 IN PUBLIC SAFETY AID FUNDS THAT THE CITY WILL RECEIVE IN DECEMBER OF 2023 TO BE USED TO OUTFIT THE VEHICLE.**

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

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

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

**ITEM 3.8 – GAMBLING PERMIT APPLICATION**

City Council reviewed a Gambling Permit Application from the La Crescent Softball Boosters to hold a raffle on Saturday, February 10, 2024, at the La Crescent Area Event Center. The application appears to be in order and it was recommended that City Council approve the application and authorize that it be forwarded to the Minnesota Gambling Control Board. Following discussion, Member Williams made a motion, seconded by Member O’Donnell-Ebner as follows:

**MOTION TO APPROVE A GAMBLING PERMIT APPLICATION FROM THE LA CRESCENT SOFTBALL BOOSTERS TO HOLD A RAFFLE ON SATURDAY, FEBRUARY 10, 2024 AT THE LA CRESCENT AREA EVENT CENTER AND TO AUTHORIZE THAT IT BE FORWARDED TO THE MINNESOTA GAMBLING CONTROL BOARD.**

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O’Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 3.9 – COMMISSION RESIGNATIONS**

City Council reviewed for approval the resignation of Planning Commissioner Dave Coleman and the resignation of GreenSteps Committee member Todd Bille. Following discussion, Member Hutchinson made a motion, seconded by Member O’Donnell-Ebner as follows:

**MOTION TO ACCEPT THE RESIGNATION OF DAVE COLEMAN FROM THE PLANNING COMMISSION AND THE RESIGNATION OF TODD BILLE FROM THE GREENSTEPS 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
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.

## **6. STAFF CORRESPONDENCE/COMMITTEE UPDATES**

- 6.1 City Council reviewed the October 17<sup>th</sup>, 2023 Explore La Crosse meeting agenda and the September 19, 2023 meeting minutes.
- 6.2 City Council reviewed the October 30, 2023, Park & Recreation meeting minutes.
- 6.3 City Council reviewed the November 1, 2023, GreenStep meeting minutes.
- 6.4 City Council reviewed the November 6, 2023, Development Commission meeting minutes.

## **9. CHAMBER OF COMMERCE**

Chamber of Commerce President Sarah DeLacy was in attendance and gave an update.

There being no further business to come before the Council at this time, Member Williams made a motion, seconded by Member Hutchinson 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
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 and the meeting duly adjourned at 5:58 P.M.

APPROVAL DATE: November 27, 2023.

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

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