

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
NOVEMBER 22, 2021

Pursuant to due call and notice thereof, the second 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 22, 2021.

Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Ryan Hutchinson, Cheryl Jostad, Teresa O'Donnell-Ebner, Dale Williams, and Mayor Mike Poellinger. Members absent: None. Also present was City Administrator Bill Waller, City Engineer Tim Hruska, and City Administrative Assistant Angie Boettcher.

Mayor Poellinger asked if anyone wished to take action to change the agenda as presented. There were no changes requested.

ITEM 1 – CONSENT AGENDA

At this time, the Mayor read the following items to be considered as part of the Consent Agenda for this regular meeting:

- 1.1 MINUTES – NOVEMBER 8, 2021
- 1.2 BILLS PAYABLE THROUGH NOVEMBER 18, 2021
- 1.3 CASH BALANCE/ACTIVITY REPORT – OCTOBER 2021
- 1.4 LIBRARY REPORT – OCTOBER 2021

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
Cheryl 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 3.1 – HETH HARDWARE STREET VACATION

City Administrator Waller reviewed with City Council that the City has received a petition from Heth Hardware to vacate a very small piece of South First Street. In order to proceed with the street vacation as

requested, it is necessary for City Council to call for a public hearing. City Council reviewed a copy of the petition and a copy of the Resolution calling for a public hearing. It was recommended to City Council to adopt the Resolution calling for a public hearing to vacate a portion of South First Street. Following discussion, Member O'Donnell-Ebner introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 12-21-36

A RESOLUTION DECLARING SUFFICIENCY OF PETITION AND SETTING A PUBLIC HEARING ON THE PROPOSED VACATION OF A PORTION OF SOUTH 1ST STREET

WHEREAS, a petition signed by the majority of property owners adjacent to a portion of South 1st Street in La Crescent was received by the City Administrator on the 16th day of November, 2021; and

WHEREAS, the petition requested that the City Council pursuant to Minnesota Statute §412.851 vacate a portion of South 1st Street, legally described as:

See Exhibit A.

WHEREAS, the City Administrator has reviewed and examined the signatures on said petition and determined that such signatures constitute a majority of the landowners adjacent to the portion of street to be vacated; and

WHEREAS, a copy of said petition is attached hereto.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA CRESCENT, MINNESOTA AS FOLLOWS:

The City Council will consider the vacation of such street and a public hearing shall be held on such proposed vacation on the 13th day of December, 2021, in the City Hall located at 315 Main Street, La Crescent, Minnesota at 5:30 p.m. and

BE IT FURTHER RESOLVED that the City Administrator is hereby directed to give published, posted and mailed notice of such hearing as required by law.

ADOPTED this 22nd day of November, 2021.

SIGNED:

Mayor

ATTEST:

City Administrator

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;

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 resolution duly passed and adopted.

ITEM 3.2 – CITY HALL HOURS OF OPERATION

City Administrator Waller reviewed with City Council that at the last City Council meeting, the City Council approved that in 2022 City Hall would be open 5 days a week, with a recommendation on the hours of operation to be presented at this meeting. It was recommended to City Council to approve that the hours of operation for City Hall be 7:30 am – 4:00 pm, Monday thru Friday. The 7:30 am opening would still allow customers to access City Hall during a somewhat non-traditional time. This window of time has been utilized quite a bit by customers since the hours were first changed in May of 2020. City Staff has reviewed staggered start and end times. However, there is not enough staff at City Hall for this to be a viable alternative. In most instances there is only one individual in each position, which further limits the option of flexible scheduling. Following discussion, Member Williams made a motion, seconded by Member O'Donnell-Ebner, as follows:

MOTION TO APPROVE THAT THE HOURS OF OPERATION FOR CITY HALL BE 7:30 AM – 4:00 PM, MONDAY THRU FRIDAY, BEGINNING JANUARY 3, 2022.

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

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

and Member Cherryl Jostad voted against the same. The motion was declared duly carried by a 4-1 vote.

ITEM 3.3 – HAZARDOUS BUILDING RESOLUTION

City Administrator Waller reviewed with City Council a memo from Attorney Jason J. Kuboushek regarding the hazardous building at 226 3rd Street N in the City of La Crescent. On May 19, 2021, the District Court issued an Order which:

1. Permitted the City of La Crescent, Minnesota to raze and remove the structure from 226 3rd Street North, La Crescent, Minnesota;
2. Permitted the City of La Crescent, Minnesota to assess necessary costs expended by the City of La Crescent against the real estate concerned and collect those costs in accordance with Minnesota Statutes 5463.21 and 5463.22;
3. Granted the City of La Crescent, Minnesota a lien against the real estate for the costs expended by the City pursuant to Minnesota Statutes 5463.21, which lien may be collected as a special assessment in the manner provided by Minnesota Statutes 55429.061 to 429.081; and
4. Granted the City of La Crescent, Minnesota a money judgment against the owner of the Property for the costs expended by the City of La Crescent pursuant to Minnesota Statutes 5463.21.

The razing and removal of the structure at 226 3rd Street N has been completed. The next step in the process is to have the City submit an accounting of expenses incurred to the Court pursuant to Minnesota Statutes § 463.22. The Court will then review the accounting. If everything looks accurate, the Court will then certify the amount and allow the City Clerk to work with the County Auditor on collection via assessment. City Council reviewed an accounting of the filing fees, attorney's fees, and demolition fees related to the removal of the structure, along with the proposed Resolution. The fees totaled \$35,654.56. It was recommended to City Council to adopt the Resolution verifying the City has incurred these fees and directing the expenses be sent to the District Court for certification. Following discussion, Member O'Donnell-Ebner introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 12-21-37

CITY OF LA CRESCENT

**RESOLUTION RELATING TO THE RAZING OF A HAZARDOUS BUILDING
LOCATED AT 226 3RD STREET NORTH, LA CRESCENT, MINNESOTA**

WHEREAS, on May 19, 2021, the Houston County District Court issued an Order which:

1. Permitted the City of La Crescent, Minnesota to raze and remove the structure from 226 3rd Street North, La Crescent, Minnesota;
2. Permitted the City of La Crescent, Minnesota to assess necessary costs expended by the City of La Crescent against the real estate concerned and collect those costs in accordance with Minnesota Statutes §463.21 and §463.22;
3. Granted the City of La Crescent, Minnesota a lien against the real estate for the costs expended by the City pursuant to Minnesota Statutes §463.21, which lien may be collected as a special assessment in the manner provided by Minnesota Statutes §§429.061 to 429.081; and
4. Granted the City of La Crescent, Minnesota a money judgment against the owner of the Property for the costs expended by the City of La Crescent pursuant to Minnesota Statutes §463.21.

WHEREAS, the razing and removal of the structure at 226 3rd Street, La Crescent, Minnesota has been completed.

WHEREAS, the City incurred legal and demolition expenses related to the removal of the structure at 226 3rd Street, La Crescent, Minnesota. See Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LA CRESCENT, MINNESOTA, AS FOLLOWS:

1. That pursuant to Minnesota Statute § 463.22, the City Council directs the City Attorney to submit the accounting of expenses listed on Exhibit A to the Houston County District Court for approval and allowance.
2. The City Council further directs the City Attorney and City Staff, upon the receipt of certification of the expenses by the District Court, to work on the collection process set forth under Minnesota Statutes §§ 463.22, 463.161 and 463.21.

Adopted by the City Council of the City of La Crescent on November 22, 2021.

Approved:

Mayor

Attested:

City Administrator

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;

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 resolution duly passed and adopted.

ITEM 3.4 – SHORT-TERM FINANCING – BRIDGE PROJECT

City Administrator Waller reviewed with City Council that at the October 11, 2021 City Council meeting, the City Council accepted a proposal from ESB Bank for temporary bonding of up to \$1,000,000.00 for a maximum of 12 months to cover costs associated with the bridge project. The temporary bonding authority will be utilized to cover gaps from the time that payments are made to the contractor, and when reimbursement requests are received from the Minnesota Department of Natural Resources and the Minnesota Department of Transportation. In the bills payable for this meeting, the City Council approved the first payment request from ICON for the project in the amount of \$651,988.13. Based on this, the City will need to activate its short-term borrowing authority for the project and authorize the Mayor and City Administrator to sign the temporary bond and the agreements with ESB Bank. It was recommended to City Council to call for the public hearing at 5:30 pm, on Monday, December 20, 2021 to approve the activation of the City’s short-term borrowing authority. Following discussion, Member Jostad made a motion, seconded by Member Hutchinson as follows:

MOTION TO CALL FOR A PUBLIC HEARING AT 5:30 PM, ON MONDAY, DECEMBER 20, 2021, REGARDING THE ACTIVATION OF THE CITY’S SHORT-TERM BORROWING AUTHORITY TO COVER COSTS ASSOCIATED WITH THE BRIDGE PROJECT.

Upon a roll call vote taken and tallied by the City Administrator, all 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 3.5 – ENGINEERING AGREEMENT – WAGON WHEEL PROJECT

City Engineer Hruska reviewed with City Council an engineering agreement from WHKS to provide construction observation services on the third phase of the Wagon Wheel Improvement Project, the construction of the bicycle/pedestrian bridge over Trunk Highway No. 14/61. These costs will be reimbursed from the proceeds of the grant agreement with the Minnesota Department of Natural Resources, and possibly from Municipal State Aid funds. It was recommended to City Council to approve the professional services agreement with WHKS and authorize the required signature. Following discussion, Member Hutchinson made a motion, seconded by Member O’Donnell-Ebner, as follows:

MOTION TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT WITH WHKS & CO. TO PROVIDE CONSTRUCTION OBSERVATION SERVICES ON THE THIRD PHASE OF THE WAGON WHEEL IMPROVEMENT PROJECT, THE CONSTRUCTION OF THE BICYCLE/ PEDESTRIAN BRIDGE OVER TRUNK HIGHWAY NO. 14/61, AND TO AUTHORIZE THE REQUIRED SIGNATURE.

Upon a roll call vote taken and tallied by the City Administrator, all 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 – REVIEW WALNUT STREET IMPROVEMENT PROJECT

City Engineer Hruska reviewed with City Council the Walnut Street improvement project and discussed options and alternatives that the City Council may want to consider. City Council also reviewed preliminary information regarding the project. This project is tentatively planned for the 2023 construction season. The City will continue to review funding alternatives, including the new infrastructure funding that may be available, along with the possibility of American Rescue Funds and other potential funding sources that may have application to this project. This item was informational, and no action was taken.

ITEM 3.7 – ENGINEERING PROJECT REVIEW

City Engineer Hruska reviewed with City Council the current engineering projects for the City. These projects include the following: MS4 Permit; Street Inventory / 5-year CIP / Walnut Street; Train Whistle; Shore Acres Road Improvements; Wagon Wheel Phase 3; Wagon Wheel Phase 1; Stormwater Review; Horse Track Meadows; Horse Track Meadows West; High School Ditch Stormwater Project; Sanitary Sewer Agreement; Eagles Bluff Trail Easement; Risk Assessment and Response Plan – Mn Department of Health (MDH); City Hall Site Planning; Wildwood Court Drainage; DNR Roadway Grant; TH 14/61/16 Project; Shore Acres RR Underpass; SRTS Demonstration Project; 2021 Street Project; and 2022 Street Project. This item was informational, and no action was taken.

ITEM 3.8 – PERSONNEL COMMITTEE RECOMMENDATION

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

1. A request from the Chief of Police for a medical leave of absence. City Council reviewed a correspondence from Chief Douglas Stavenau. The Personnel Committee is recommending that the City Council approve the medical leave of absence request, beginning on December 5, 2021. Rather than set an end date to the medical leave of absence request, the Personnel Committee is recommending that it be left open at this time and that the City Council would be updated periodically on the Police Chief's return to active duty.
2. The Personnel Committee is recommending that effective December 5, 2021, Sergeant Luke Ahlschlager be named the Interim Police Chief and that his rate of pay be increased by \$3.00 per hour for the duration of the time that he serves in that capacity. It was recommended that the City Council authorize the City Attorney to prepare a memo of understanding with the LELS Union that formalizes this agreement.

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

MOTION TO APPROVE A MEDICAL LEAVE OF ABSENCE FOR LA CRESCENT POLICE CHIEF DOUGLAS STAVENAU BEGINNING DECEMBER 5, 2021 WITH THE RETURN DATE LEFT OPEN AT THIS TIME AND THAT THE CITY COUNCIL WOULD BE UPDATED PERIODICALLY ON THE POLICE CHIEF'S RETURN TO ACTIVE DUTY.

Upon a roll call vote taken and tallied by the City Administrator, all 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 TO APPOINT SERGEANT LUKE AHLSCHLAGER INTERIM POLICE CHIEF OF THE LA CRESCENT POLICE DEPARTMENT EFFECTIVE DECEMBER 5, 2021 AND THAT HIS RATE OF PAY BE INCREASED BY \$3.00 PER HOUR FOR THE DURATION OF THE TIME THAT HE SERVES IN THAT CAPACITY AND TO AUTHORIZE THE CITY ATTORNEY TO PREPARE A MEMO OF UNDERSTANDING WITH THE LELS UNION THAT FORMALIZES THIS AGREEMENT.

Upon a roll call vote taken and tallied by the City Administrator, all 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 – 2022 LICENSE RENEWALS

City Council reviewed a list of proposed license renewals for 2022. The applications appear to be in order, and it was recommended to City Council to approve the license renewal applications. Following discussion, Member Williams made a motion, seconded by Member O'Donnell-Ebner, as follows:

MOTION TO APPROVE THE PRESENTED LIST OF LICENSE RENEWALS FOR 2022 FOR THE FOLLOWING:

CIGARETTES – KWIK TRIP #437; KWIK TRIP #614; QUILLIN’S

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

LIQUOR ON SALE-3.2 – CORKY’S PIZZA; LA CRESCENT HOTEL GROUP, LLC

LIQUOR ON SALE-WINE – CORKY’S PIZZA

LIQUOR OFF-SALE – SCHMITTY’S TIMEOUT TAVERN

LIQUOR ON-SALE - SCHMITTY’S TIMEOUT TAVERN

LIQUOR SUNDAY - SCHMITTY’S TIMEOUT TAVERN

GAS INSTALLERS – 7 RIVERS MECHANICAL; AMERICAN HOME FIREPLACE & PATIO; B & C PLUMBING & HEATING INC; BOB’S APPLIANCE SERVICE; HALEY COMFORT SYSTEMS INC; K & S HEATING A/C & PLUMBING; MIDWEST TV & APPLIANCE; MIKE SHERMAN PLUMBING & HEATING INC; NIEBUHR PLUMBING & HEATING; PRIME SOURCE PLUMBING & HEATING CORP; RISCH HEATING & A/C; RIVER CITY HEATING & AIR CONDITIONING LLC; RON HAMMES REFRIGERATION INC; SCHNEIDER HEATING & A/C; VIS PLUMBING & HEATING; WINONA CONTROLS; WINONA HEATING & VENTILATING CO INC

SOLID WASTE – RICHARD’S SANITATION LLC

MASSAGE-BUSINESS – ERIN EDWARDS

MASSAGE-TECHNICIAN – ERIN EDWARDS

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 3.10 – TAX CERTIFICATION RESOLUTION

City Administrator Waller reviewed with City Council a Resolution presented annually for properties making special levies for the collection with real estate taxes payable in the Calendar Year 2022.

Following discussion, Member Jostad introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 12-21-38

**RESOLUTION MAKING SPECIAL LEVIES FOR
COLLECTION WITH REAL ESTATE TAXES PAYABLE IN THE
CALENDAR YEAR 2022**

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

1. It is hereby found and determined and declared that the amounts set forth in a column at the right to be levied as a special assessment against the listed property and to be collected in the calendar year 2022 as provided by law.

HOUSTON CO. AUDITOR REF. NUMBER	PROPERTY OWNER	CITY ACCOUNT #	AMOUNT TO BE LEVIED IN 2022	CODE
25.0022000	TIPPETTS RENTALS, LLC	11101203	161.72	80
25.0021000	TIPPETTS RENTALS, LLC	11101404	42.90	80
25.0071000	TIPPETTS RENTALS, LLC	11103521	42.32	80
25.0071000	TIPPETTS RENTALS, LLC	11103522	25.98	80
25.0257000	MARY PIETRI	20100901	376.87	80
25.0295000	RYAN MAHLUM	20201401	109.52	80
25.0295000	RYAN MAHLUM	INV 2660	51.70	80
25.0576000	JAMIE PUENT	30105401	265.13	80
25.1257006	BILL KISTER	30306502	440.63	80
25.1392000	GREAT RIVER INVESTMENT	31103912	672.92	80
25.1392000	GREAT RIVER INVESTMENT	31104014	527.35	80
25.1266025	AMANDA KLOSS	31304901	296.78	80
25.0640000	LEONARD GREENWOOD	INV 2661	51.70	80
25.2016000	MUNEER IBRAHIM SH ALBENJABI	INV 2707 & 2756	103.40	80
25.1257002	SUSAN WARNKE-LASKA	INV 2713	103.40	80
25.0241000	DOUGLAS BUCHNER	INV 2745	103.40	80
25.1257006	BILL KISTLER	INV 2685	154.00	80

ADOPTED this 22nd day of November, 2021.

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 and the resolution duly passed and adopted.

ITEM 7.1 – CORRESPONDENCE – LA CROSSE CENTER OPEN HOUSE

City Council reviewed a flyer regarding the Open House for the newly renovated and expanded La Crosse Center to be held on December 15, 2021 from 4:00 to 7:00 PM. No action taken.

ITEM 8 – CHAMBER OF COMMERCE

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

There being no further business to come before the Council at this time, Member Hutchinson made a motion, seconded by Member Jostad, 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 6:37 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator