

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
NOVEMBER 23, 2015

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 23, 2015, 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, with additional bills:

- 1.1 MINUTES – NOVEMBER 9, 2015
- 1.2 BILLS PAYABLE THROUGH NOVEMBER 19, 2015

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, WITH ADDITIONAL BILLS.

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 – STEVE MAU – LA CRESCENT MUSIC EXTRAVAGANZA

Steve Mau of the La Crescent Rotary Club gave an update to City Council of the La Crescent Music Extravaganza to be held on January 8, 2016. This item was informational and no action was taken.

ITEM 3.2 – CROSS/STAR UPDATE

City Council reviewed a letter from the La Crescent Lions Club regarding the plans for the cross/star. The Lions are requesting to light the star at its current location as a seasonal decoration from November 27, 2015 through January 10, 2016. A new star/cross organization is being formed and will enter into a formal agreement with a private property owner to place the star/cross display on land in La Crescent Township. City Attorney Wieser reviewed with City Council the potential findings of fact for consideration:

1. According to newspaper accounts as early as 1973, the Lions Club of La Crescent, Inc., a Minnesota nonprofit corporation, constructed and maintained a lighted holiday display located on real property on the westerly edge of the City of La Crescent. Oral history indicates the display was in existence prior to 1973.
2. On or about November 3, 1938, the City of La Crescent obtained a deed for property within the general Stoney Point area for the location of the City's water reservoir;
3. On or about June 16, 1977, the City of La Crescent acquired additional real property within the Stoney Point area. This land was acquired for expansion of the city water reservoir. It is on this land where the holiday display sits.
4. The display is located in a fenced in area of City owned property with various "No Trespass" signs. That property also contains the City water reservoir, well pump, and facilities building.
5. Since at least 1995, all expenses relating to the display have been paid for by Lions Club of La Crescent, Inc.
6. The display is powered through a separate utility meter that is billed directly to the Lions Club of La Crescent, Inc.
7. Since the summer of 2015, there has been interest and discussion regarding the continuation of the display on City owned property.
8. At the September 28, 2015 City Council meeting, the City Council was provided with various options/scenarios regarding the future of the display on City owned property.
9. On October 13, 2015, at the request of concerned citizens, the City Council held a special meeting to receive public input.
10. On October 21, 2015, Lions Club of La Crescent, Inc. wrote to the City regarding an interest in purchasing from the City the land where the display currently sits.
11. On November 9, 2015, the Lions Club of La Crescent, Inc. indicated to the City that they have located private property on which to relocate the display. Lions Club of La Crescent, Inc. have assured the City that this relocation will take place as soon as practical.
12. The holiday display will not be located on City owned property after January 29, 2016.
13. The Lions Club of La Crescent, Inc. has requested permission to illuminate the star nightly with white lights from November 27, 2015 through January 10, 2016.
14. Government can celebrate Christmas as a national public holiday. That can be celebrated with traditional symbols. The star serves as a traditional symbol of the Christmas holiday season.

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

MOTION TO APPROVE THE LIGHTING OF THE CHRISTMAS STAR CONSISTENT WITH HISTORICAL USE.

Upon clarification of the Motion, Member Krenz withdrew his second. The Motion failed due to a lack of a second.

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

MOTION TO GRANT THE LA CRESCENT LIONS CLUB’S REQUEST TO LIGHT THE STAR AT ITS CURRENT LOCATION AS A SEASONAL DECORATION FROM NOVEMBER 27, 2015 THROUGH JANUARY 10, 2016 AND TO ALLOW THE LIONS CLUB TO RELOCATE THE CROSS/STAR DISPLAY CONSISTENT WITH THE LETTER RECEIVED FROM THE LIONS CLUB DATED NOVEMBER 20, 2015.

THE ABOVE MOTION INCORPORATES THE FINDINGS OF FACT REVIEWED BY THE CITY ATTORNEY.

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 – OAK STREET ENGINEERING AGREEMENT

The City Council reviewed an engineering agreement with WHKS for the 2016 Oak Street improvement project. The total project cost is approximately \$1,294,000. The municipal state aid portion of the project is approximately \$653,000. In 2016 the City’s municipal state aid fund balance will be approximately \$369,202. There is the possibility that the City may seek an advance of the City’s 2017 municipal state aid allocation. The balance of the cost of the proposed improvement project is approximately \$641,000. These portions of the project costs are not eligible for municipal state aid funding. The City will be working with Northland Securities to develop a financing alternative for the balance of the project. It was recommended to City Council to approve the engineering agreement. Following discussion, Member Krenz made a motion, seconded by Member Hutchinson, as follows:

MOTION TO APPROVE AMENDMENT #2 TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF LA CRESCENT AND WHKS & CO. FOR ENGINEERING SERVICES FOR THE 2015 OAK STREET IMPROVEMENTS 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 3.4 – WINTER PARADE REQUEST

Council reviewed a request from the La Crescent Chamber of Commerce Christmas Committee to hold its annual Winter Parade beginning at 6:30 p.m. on Friday, December 11, 2015 to coincide with other Christmas in La Crescent activities. The set-up area will be in the Crucifixion School parking lot with the staging areas to be on S. 2nd Street and S. Oak Street. The parade would start on S. Oak Street, turn right onto Main Street and proceed east on Main Street and would turn right onto Walnut Street and proceed south to S. 1st Street. It would then turn right onto S. 1st and go west towards Oak Street. A color coded map showing the route was provided. Following discussion, Member Buehler made a motion, seconded by Member Hutchinson, 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 11, 2015 AT 6:30 P.M. AND ALSO THE ROUTE 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 3.5 – PERSONNEL COMMITTEE RECOMMENDATIONS

City Administrator Waller gave an overview to City Council regarding the following recommendations from the Personnel Committee:

1. That the City Council authorize the posting of the Deputy Fire Marshals position in the Fire Department. This position is vacant due to Tom Paulson’s promotion to Fire Chief.
2. That the probationary period for Justin Thorsen and Luke Ahlschlager as Sergeants in the Police Department has been successfully completed. A letter from the Police Chief regarding this recommendation is included.

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

MOTION TO AUTHORIZE THE POSTING OF THE DEPUTY FIRE MARSHALS POSITION WITH THE LA CRESCENT FIRE DEPARTMENT DUE TO THE VACANCY WITH THE PROMOTION OF TOM PAULSON TO FIRE CHIEF.

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

MOTION TO APPROVE THE SATISFACTORY COMPLETION OF JUSTIN THORSEN AND LUKE AHLISCHLAGER'S PROBATIONARY PERIOD AS SERGEANTS IN THE LA CRESCENT POLICE DEPARTMENT.

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 3.6 – 2016 LICENSE RENEWALS

City Council reviewed the proposed license renewals for 2016. The applications appear to be in order and it was recommended to City Council to approve the license applications and authorize that they be forwarded to the State of Minnesota. Following discussion, Member Krenz made a motion, seconded by Member Hutchinson, as follows:

MOTION TO APPROVE THE PRESENTED LIST OF LICENSE RENEWALS FOR 2016 FOR THE FOLLOWING AND AUTHORIZE THAT THEY BE FORWARDED TO THE STATE OF MINNESOTA:

**WINONA CONTROLS, INC. – GAS INSTALLERS
KWIK TRIP STORES 614 – SOFT DRINK, CIGARETTES AND OFF-SALE 3.2 LIQUOR
KWIK TRIP STORES 437 – SOFT DRINK, CIGARETTES AND OFF-SALE 3.2 LIQUOR
A.B.C. WORKS – SOFT DRINK
WIESER PROPERTIES, INC. – SOFT DRINK**

HEATING & COOLING SPECIALISTS – GAS INSTALLERS
SCHNEIDER HEATING & AIR – GAS INSTALLERS
HETH HARDWARE – SOFT DRINK
HENGEL BROTHER’S INC. – GAS INSTALLERS
SCHMITZ REFRIGERATION – GAS INSTALLERS
SUBWAY – SOFT DRINK
WINONA HEATING/VENTILATION – GAS INSTALLERS
TRI-STATE TACKLE – SOFT DRINK
QUILLINS - SOFT DRINK, CIGARETTES AND OFF-SALE 3.2 LIQUOR
APPLE VILLAGE LIQUOR - SOFT DRINK AND CIGARETTES
NIEBUHR PLUMBING/HEATING – GAS INSTALLERS
HARTER’S TRASH & RECYCLING – SOLID WASTE
MAINSTREET MASSAGE – MASSAGE BUSINESS
BOB’S SERVICE – GAS INSTALLERS
LA CRESCENT WINE & SPIRITS – OFF-SALE 3.2 LIQUOR
MINEGAR’S SPORTS HUB – OFF-SALE 3.2, ON-SALE AND SUNDAY LIQUOR

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 – POLICY ON ANONYMOUS LETTERS

Member Buehler reviewed with City Council an agenda request regarding a policy on anonymous letters. Following discussion, it was the consensus of City Council to have City Attorney Wieser draft a policy to be presented to City Council at a later meeting. No action taken.

ITEM 3.8 – AGENDA REQUEST FORMS

City Council reviewed agenda request forms from Kim Czechowicz, Dave Heeter, Jim Czechowicz and Kent Northrup on various issues regarding the star/cross. Kim Czechowicz, Dave Heeter, and Jim Czechowicz each addressed City Council with their issue. No action taken.

ITEM 3.9 – SPRINGBROOK VILLAGE DEVELOPMENT AGREEMENT

City Attorney Wieser reviewed with City Council a revised site plan regarding the SpringBrook Village project on County 25. The site plan updates are as follows:

1. The developer is requesting the sidewalk that goes around the campus be private. This request is made for the safety of the residents.

2. We are anticipating a future request regarding the condition imposed by the City requiring the water main be “looped” or connect with the main on Rosewood Drive.
3. We are anticipating the site plan will need further revision as the current site plan encroaches upon City utilities for water and sewer along County Road 25.
4. We further anticipate that the City will receive a variance application from the developer regarding the building construction material ordinance.

The only item requiring Council approval at this time is regarding the sidewalks. We anticipate the other items above along with other issues will be addressed in the near future. Once definitive requests have been received they will be provided to City Council. Following discussion, Member Buehler made a motion, seconded by Member Krenz, as follows:

MOTION TO APPROVE THE REVISION TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LA CRESCENT AND SPRINGBROOK VILLAGE FOR THE SENIOR HOUSING DEVELOPMENT ON COUNTY ROAD 25 REGARDING THE SIDEWALK THAT GOES AROUND THE CAMPUS BE PRIVATE AND APPROVE PUTTING UP APPROPRIATE SIGNAGE.

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 – RESOLUTION MAKING SPECIAL LEVIES

City Council reviewed a Resolution making special levies for the collection with Real Estate taxes payable in the Calendar Year 2016. Following discussion, Member Buehler introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 11-15-30

**RESOLUTION MAKING SPECIAL LEVIES FOR
COLLECTION WITH REAL ESTATE TAXES PAYABLE IN THE
CALENDAR YEAR 2016**

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 2016 as provided by law.

HOUSTON CO. AUDITOR REF. NUMBER	PROPERTY OWNER	CITY ACCOUNT #	AMOUNT TO BE LEVIED IN 2016	CODE
25.0170000	DORAN SCHULTZ	115045.00	196.60	80
25.0170000	DORAN SCHULTZ	115046.00	196.60	80
25.0836000	JOSHUA & JESSICA TOVSEN	218026.01	324.43	80
25.1257003	BILL KISTLER	303023.03	199.34	80
25.1257060	BILL KISTLER	303062.02	489.29	80
25.1257002	SUSAN LASKA	304002.01	319.43	80
25.1109000	PAUL & SARA WAGNER	306025.00	109.73	80
25.1345000	VIRGIL PETERS	309086.00	30.33	80
25.1391000	GREAT RIVER INVESTMENTS	311036.08	115.52	80
25.0657000	JACQUELINE GERKE- EDWARDS	401199.02	364.85	80

ADOPTED this 23rd day of November, 2015.

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;

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 3.11 – 2016 GENERAL FUND BUDGET/LEVY REVIEW

City Administrator Waller gave an update to City Council on the 2016 general fund budget and levy that will be considered at the December 14, 2015 City Council Meeting. No action taken.

ITEM 7.1 – CORRESPONDENCE – MINNESOTA BOARD OF PEACE OFFICERS

City Council reviewed a correspondence from the Minnesota Board of Peace Officer Standards and Training dated November 13, 2015 stating the La Crescent Police Department had passed the review conducted on November 4 by a POST Board Standards Coordinator. No action taken.

ITEM 7.2 – CORRESPONDENCE – MARY LUDWIG

City Council reviewed a correspondence from Mary Ludwig received on November 19 regarding the star/cross issue. No action taken.

ITEM 8 – CHAMBER OF COMMERCE

Travis Minegar from the La Crescent Chamber of Commerce gave an update to City Council on the Holiday Train on December 8 and the Holiday Parade on December 11.

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, all Members 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 6:05 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator