

MINUTES, REGULAR MEETING  
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA  
NOVEMBER 9, 2015

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 9, 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 – OCTOBER 26, 2015
- 1.2 BILLS PAYABLE THROUGH NOVEMBER 5, 2015
- 1.3 CASH BALANCE/ACTIVITY REPORT – SEPTEMBER 2015
- 1.4 LIBRARY REPORT – SEPTEMBER 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 Krenz, 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 – HIRING RECOMMENDATION – FIRE CHIEF**

The Personnel Committee recommended to City Council that Deputy Fire Marshall Tom Paulson be promoted to Fire Chief. Pursuant to the La Crescent Fire Department Rules and Regulations, Mr. Paulson would serve a

one year probationary period as the Fire Chief. It was also recommended that Mayor Poellinger and Member Hutchinson abstain from voting on this recommendation. Following discussion, Member Buehler made a motion, seconded by Member Williams, as follows:

**MOTION TO APPROVE THE HIRING OF DEPUTY FIRE MARSHALL TOM PAULSON TO FIRE CHIEF OF THE LA CRESCENT FIRE DEPARTMENT AND PURSUANT TO THE LA CRESCENT FIRE DEPARTMENT RULES AND REGULATIONS, MR. PAULSON SERVE A ONE YEAR PROBATIONARY PERIOD AS THE FIRE CHIEF.**

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

Mayor Poellinger and Member Hutchinson abstained from voting. The motion was declared duly carried by a 3-0 vote.

**ITEM 3.2 – FIRE CHIEF SWEARING IN**

Mayor Mike Poellinger conducted the official swearing in of Tom Paulson as Fire Chief for the City of La Crescent Fire Department. No action taken.

**ITEM 3.3 – CROSS/STAR UPDATE**

In observation of Veteran’s Day, the La Crescent Lions Club is requesting that City Council allow the lighting of the star with the lights being changed to green in support of Greenlight a Veteran, a program designed to show support of this Country’s military Veterans. It is proposed that the green lighting of the star would remain in effect from November 11 thru November 25. A proposed transition plan for the structure will be presented at the November 23 City Council Meeting. City Attorney Wieser updated City Council on the proposed sale of the site, along with reviewing interest from the Lions Club in relocating the structure to an alternative site. Following discussion, Member Krenz made a motion, seconded by Member Williams, as follows:

**MOTION TO APPROVE THE LIGHTING OF THE STAR WITH THE LIGHTS BEING CHANGED TO GREEN IN SUPPORT OF GREENLIGHT A VETERAN, A PROGRAM DESIGNED TO SHOW SUPPORT OF THIS COUNTRY’S MILITARY VETERANS, FOR ONE WEEK.**

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

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

**ITEM 3.4 – STONEY POINT PROJECT REVIEW**

City Engineer, Tim Hruska, reviewed with City Council the layout options for the property acquired around the water reservoir. He reviewed the cost opinions and the number of lots for each option. Two concept layouts were initially developed for the site with a third option added that would use the lower roadway for homes instead of the upper roadway. A fourth option was developed after the on-site meeting to present a minimum development along the lower roadway. Following discussion, Member Buehler made a motion, seconded by Member Krenz, as follows:

**MOTION TO ADOPT THE CONCEPT FOR LAYOUT 4 WHICH INCLUDES SEVEN (7) LOTS WITH 6.3 ACRES IMPACTED AT A COST OPINION OF \$644,000.**

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Mike Poellinger	Yes

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

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

**MOTION TO APPROVE WHKS TO PREPARE AN ENGINEERING PROPOSAL FOR LAYOUT 4.**

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Mike Poellinger	Yes

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

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

**MOTION TO APPROVE THE CITY OF LA CRESCENT TO ASSUME MAINTENANCE OF THE EXISTING STONEY POINT ROAD.**

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Mike Poellinger	Yes

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

**ITEM 3.5 – OAK STREET PROJECT REVIEW**

City Engineer, Tim Hruska, gave an extended overview to City Council regarding the layout options for the reconstruction of Oak Street and the state aid funding. The scope of the project was to reconstruct Oak Street between South 14<sup>th</sup> Street and South 4<sup>th</sup> Street, including pedestrian and bike access. The probable cost opinion for a reconstruction option is as follows: 9<sup>th</sup> Street between Elm and Oak Street, Cost Opinion \$205,000; 10<sup>th</sup> Street between Elm and Oak Street, Cost Opinion \$205,000; and Oak Street between 14<sup>th</sup> Street and 6<sup>th</sup> Street, Cost Opinion \$992,000, which includes \$182,000 for water main. Also reviewed was 7<sup>th</sup> Street connection, only if Oak Street is reconstructed, and the option of reclaiming the existing bituminous surface, shaping the in place aggregate base, and paving the roadways. This would utilize the existing curb and gutter along the project routes. Reclaiming is a 15-17 year maintenance option. The flooding issues of Redwood Street East was also discussed with a full reconstruct of the roadway needed to construct the storm sewer system and re-grade the roadway to provide a safe overflow along the road. Following discussion, Member Williams made a motion, seconded by Member Krenz, as follows:

**MOTION TO APPROVE THE RECLAIMING OPTION AND TO AUTHORIZE AN ENGINEERING PROPOSAL FOR PLANS AND SPECIFICATIONS TO BE REVIEWED AT AN UPCOMING MEETING.**

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 – STORM/SANITARY SEWER LINING PROPOSALS**

City Engineer, Tim Hruska, reviewed with City Council the 2015 sewer lining project. The project will line existing concrete sanitary sewer on South 1<sup>st</sup> Street from Maple Street to the west one block. A portion of storm sewer in the West Bank area is also included in the lining project. Funding for this improvement project would come from the City's 2015 general fund budget, and from the City's sewer department budget. There were three (3) quotes received with the lowest bid for the project from Visu-Sewer, Inc. in the amount of \$34,314.00. It was recommended by the City Engineers for City Council to award the contract to Visu-Sewer, Inc. and amend the 2015 general fund budget for the storm sewer portion of the project and the City's sewer department budget for the sanitary sewer portion of the project. Following discussion, Member Williams made a motion, seconded by Member Buehler, as follows:

**MOTION TO APPROVE THE PROPOSAL SUBMITTED BY VISU-SEWER, INC. IN THE AMOUNT OF \$34,314.00 FOR THE 2015 SEWER LINING PROJECT AND TO AMEND THE 2015 GENERAL**

**FUND BUDGET FOR THE STORM SEWER PORTION OF THE PROJECT AND THE CITY'S SEWER DEPARTMENT BUDGET FOR THE SANITARY SEWER PORTION OF THE 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 – ENGINEERING AGREEMENT – TRAIN WHISTLES**

City Engineer, Tim Hruska, reviewed with City Council the engineering agreement with WHKS & Co. and the City for the project described as Railroad Quiet Zone Cost Estimates regarding train whistles. It was recommended to City Council to accept this engineering proposal and to amend the 2016 general fund budget to reflect this expenditure. Following discussion, Member Krenz made a motion, seconded by Member Hutchinson, as follows:

**MOTION TO ACCEPT THE ENGINEERING PROPOSAL WITH WHKS & CO. FOR THE RAILROAD QUIET ZONE COST ESTIMATES PROJECT WITH AN ESTIMATED FEE OF \$7,500.00 INCLUDING EXPENSES AND TO AMEND THE 2016 GENERAL FUND BUDGET TO REFLECT THIS EXPENDITURE.**

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 – ANNEXATION REVIEW/RECOMMENDATION**

City Attorney Wieser reviewed with City Council two (2) Notices of Intent to annex real property currently located in La Crescent Township. The properties are generally located on County Highway 6 and Cornforth Road. Four (4) of the properties are more than 60% surrounded by real property within the current City limits, and the other two (2) abut the City. The Notice of Intent for Annexation for the four (4) 60% or more surrounded properties will be served both on La Crescent Township, along with the Office of Administrative Hearings. Thereafter, the Township would have a 90 day period by which to object to the annexation and the matter would proceed pursuant to Minnesota State Statute. For the two (2) properties that abut the City, a

Resolution would need to be adopted and was reviewed. Following discussion, Member Buehler made a motion, seconded by Member Krenz, as follows:

**MOTION TO APPROVE THE NOTICE OF INTENT FOR ANNEXATION FOR THE FOUR (4) 60% OR MORE SURROUNDED PROPERTIES TO BE SERVED ON LA CRESCENT TOWNSHIP, ALONG WITH THE OFFICE OF ADMINISTRATIVE HEARINGS.**

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.

Member Krenz then introduced the following resolution and moved its passage and adoption:

**RESOLUTION NO. 10-15-29**

**RESOLUTION FOR ANNEXATION PROCEEDINGS**

WHEREAS, on November 9, 2015 the City Council for the City of La Crescent viewed a map regarding annexation of unincorporated areas outside of the City limits at 1295 County 6 and 1315 County 6, La Crescent, Minnesota;

WHEREAS, on November 9, 2015, the City Council for the City of La Crescent authorized the City Administrator and City Attorney to move forward and commence an annexation proceeding for these properties; and

WHEREAS, the City Council for the City of La Crescent finds that it is in the best interest of the City to move forward with said annexation.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of La Crescent hereby approves the following:

1. That the Petition for Annexing Unincorporated Property by Chief Administrative Law Judge's Order in the Matter of the Petition of the City of La Crescent for Annexation of Unincorporated Abutting Property to the City of La Crescent, Minnesota Pursuant to Minnesota Statutes § 414.031, attached hereto, is hereby approved by the City Council.

2. Upon the expiration of the 30 day Notice of Intent, the City Administrator and City Attorney are hereby authorized to file the Petition for Annexation with the Office of Administrative Hearings, Municipal Boundary Adjustment Unit and to do all other things ancillary thereto to continue the annexation process.

ADOPTED this 9<sup>th</sup> day of November, 2015.

SIGNED:

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Mayor

ATTEST:

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City Administrator

The foregoing motion was duly seconded by Member Buehler 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 3.9 – SPRINGBROOK VILLAGE DEVELOPMENT AGREEMENT**

City Attorney Wieser reviewed with City Council the proposed Development Agreement between the City of La Crescent and SpringBrook Village for the senior housing development on County Road 25. Following discussion, Member Buehler made a motion, seconded by Member Hutchinson, as follows:

**MOTION TO APPROVE THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LA CRESCENT AND SPRINGBROOK VILLAGE FOR THE SENIOR HOUSING DEVELOPMENT ON COUNTY ROAD 25 AND AUTHORIZING THE CITY ADMINISTRATOR, CITY ATTORNEY AND WHKS TO MAKE ANY MINOR CHANGES TO THE AGREEMENT WITH ANY SIGNIFICANT CHANGES TO COME BACK TO CITY COUNCIL FOR APPROVAL.**

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 – 2016 LICENSE RENEWAL**

City Council reviewed the proposed liquor 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 LIQUOR LICENSE RENEWALS FOR 2016 FOR THE FOLLOWING AND AUTHORIZE THAT THEY BE FORWARDED TO THE STATE OF MINNESOTA:**

**AMERICAN LEGION 595 – ON SALE AND SUNDAY  
SCHMITTY’S TIMEOUT TAVERN – OFF SALE, ON SALE, SUNDAY  
APPLE VILLAGE LIQUOR – OFF SALE  
SOUTHSIDE CORNER – OFF SALE**

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 6.1 – STAFF CORRESPONDENCE/COMMITTEE UPDATES – DEVELOPMENT COMMISSION MINUTES –SEPTEMBER 14, 2015**

City Council reviewed the Minutes from the La Crescent Economic Development Commission meeting on September 14, 2015. No action taken.

**ITEM 6.2 – STAFF CORRESPONDENCE/COMMITTEE UPDATES – DEVELOPMENT COMMISSION MINUTES –OCTOBER 19, 2015**

City Council reviewed the Minutes from the La Crescent Economic Development Commission meeting on October 19, 2015. No action taken.

**ITEM 7.1 – CORRESPONDENCE – MPCA – GREENSTEP PROGRAM**

City Council reviewed a correspondence from GreenStep Cities program coordinator at the MPCA dated October 21, 2015 welcoming the City to the program. No action taken.

**ITEM 7.2 – CORRESPONDENCE – MEDICAL MARIJUANA PROGRAM**

City Council reviewed an article from the *Star Tribune* regarding the Minnesota medical marijuana program. No action taken.

**ITEM 8 – CHAMBER OF COMMERCE**

The La Crescent Chamber of Commerce gave an update to City Council on the Holiday Parade on December 11.

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;

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 6:28 PM.

APPROVAL DATE: \_\_\_\_\_

SIGNED:

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Mayor

ATTEST:

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