

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
DECEMBER 21, 2020

Pursuant to due call and notice thereof, the second meeting of the City Council of the City of La Crescent for the month of December was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Monday, December 21, 2020.

Pursuant to Minn. Stat. § 13D.021 and due to the COVID-19 pandemic, members of the City Council and City Staff were given the option to attend the meeting by telephone or Zoom. Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Cheryl Jostad, Teresa O'Donnell-Ebner, Dale Williams, and Mayor Mike Poellinger. Members absent: Ryan Hutchinson. Also present was City Administrator Bill Waller, City Attorney Skip Wieser, 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 2 – PUBLIC HEARING – HORSE TRACK MEADOWS SPECIAL ASSESSMENT HEARING

At 5:30 PM the City Council held a public hearing to consider the proposed Resolution adopting the final assessment roll regarding the Horse Track Meadows Development improvements of 2020. City Attorney Wieser reviewed with City Council the Resolution and the May 2020 Feasibility Report prepared by WHKS & Co. which estimated the assessable amount of the project to be \$1,854,503.02. Utilizing this initial number, the City has collected \$28,098.53 for each lot sale that has taken place in 2020. The final figure prepared by WHKS & Co. is \$1,804,594.94. At the time this figure was prepared, the Developer had paid for 12 lots utilizing the initial number and has also made additional prepayments from the sale of lots. City Council also reviewed a summary of the assessment calculations that were contained on the bottom righthand side of the Assessment Roll. The credit of \$66,000.00 to the Developer was agreed to in Article 4.2 of the Development Agreement. WHKS & Co. has indicated that the Developer has satisfied their requirements and is entitled to this credit. As part of the Development Agreement, the Developer has waived the ability to contest or otherwise challenge the assessments. It was recommended to City Council to adopt the proposed Resolution and Assessment Roll and authorize City staff to transmit the same to the Houston County Auditor's Office for inclusion in the 2021 real estate taxes.

Mayor Poellinger opened the meeting for public comment. There were no public comments. Mayor Poellinger closed the public hearing.

Following review and discussion, Member O'Donnell-Ebner introduced the following resolution and moved its passage and adoption including the approval of the City Administrator and City Attorney modifying assessment roll if additional payments are paid before the end of the year:

RESOLUTION 12-20-41

**RESOLUTION ADOPTING ASSESSMENTS FOR
HORSE TRACK MEADOWS DEVELOPMENT IMPROVEMENTS OF 2020**

WHEREAS, pursuant to notice duly given as required by law, the La Crescent City Council has met, heard and passed upon all objections to the proposed assessment for Horse Track Meadows Development Improvements of 2020, and has amended such proposed assessment as it deems just.

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein is hereby found to be benefitted by the proposed improvement.
2. Such assessments shall be as follows:
 - a. The assessments shall be payable in equal annual installments including principal and interest extending over a period of ten (10) years, with interest at the rate of 3.75 percent (3.75%) per annum, in the amount annually required to pay the principal over such period at such rate, the first of said installments to be payable with general taxes for the year 2021, collectable with such taxes during the year 2021. Interest shall accrue from and after January 1, 2021.
 - b. The owner of the property so assessed may at any time prior to the certification of the assessment to the County Auditor, pay to the County Auditor/Treasurer, and thereafter any time prior to November 15 of any year pay to the County Auditor/Treasurer, the whole of the principal amount of the assessment on such property provided that no such prepayment shall be accepted without payment of all installments due to and including December 31 of the year of prepayment, and the original principal amount reduced only by the amounts of principal included in such installments computed on an annual amortization basis.
3. The City Administrator shall forthwith transmit a certified duplicate copy of this assessment to the County Auditor/Treasurer to be extended on the tax list of the County.

ADOPTED this 21st day of December, 2020.

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, all Members present voted in favor thereof, viz;

| | |
|------------------------|-----|
| 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 by a 4-0 vote and the resolution duly passed and adopted.

Mike Sexauer, the developer for Horse Track Meadows Development, addressed City Council.

City Council reconvened with the schedule of the Regular City Council Meeting.

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 – DECEMBER 14, 2020
- 1.2 BILLS PAYABLE THROUGH DECEMBER 17, 2020

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. It was recommended to amend the December 14, 2020 Minutes regarding Item 3.10 – 2021 Fee Schedule Amendments to waive the 2021 liquor license fees for 2021 for existing bars and restaurants and to remove the words on-sale. Member Jostad made a motion, seconded by Member Williams, as follows:

A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED INCLUDING AN AMENDMENT TO THE DECEMBER 14, 2020 MINUTES REGARDING ITEM 3.10 – 2021 FEE SCHEDULE AMENDMENTS TO WAIVE THE 2021 LIQUOR LICENSE FEES FOR 2021 FOR EXISTING BARS AND RESTAURANTS AND TO REMOVE THE WORDS ON-SALE.

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

| | |
|------------------------|-----|
| 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 by a 4-0 vote.

ITEM 3.1 – HAZARDOUS BUILDING UPDATE

City Administrator Waller updated City Council regarding the determination of a hazardous building at 322 South 1st Street. One-half (1/2) of the building has been removed. The City continues to have discussions with the property owner. This item will be placed on the next City Council agenda.

ITEM 3.2 – PLANNING COMMISSION MINUTES – 12/15/2020

City Attorney Wieser reviewed with City Council the Planning Commission Minutes from the December 15, 2020 meeting. The Planning Commission recommended to City Council that the final plat for the Graf Addition be approved, with the findings that were included in the Planning Commission meeting minutes. City Attorney Wieser reviewed these findings and the Resolution with City Council. The following findings of fact were presented for City Council to consider:

Findings of Fact:

1. The request will not alter the essential character of the locality.
2. The property owner proposes to use the property in a reasonable manner permitted by the zoning ordinance in residential areas to wit, residential housing.
3. The proposed Townhome is allowable in the R-3 High Density Residential District.
4. The request is in harmony with the general purposes and intent of the ordinance and consistent with the comprehensive plan by improving the housing stock.

Following discussion, Member O'Donnell-Ebner introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 12-20-42

**A RESOLUTION APPROVING THE FINAL PLAT FOR GRAF ADDITION
IN THE CITY OF LA CRESCENT**

WHEREAS, Graf Electric Inc., owner and developer of certain lands lying and being in the City of La Crescent, Houston County, Minnesota, more particularly described in the official plat to which this resolution is referenced, has duly petitioned the City of La Crescent City Council for approval of the final plat of Graf Addition, City of La Crescent, pursuant to Section 13.16, Chapter 13, City Code, City of La Crescent, and have in connection therewith satisfied the requirement of said City Code;

WHEREAS, the recommendations of the City Planning Commission and City Engineer will be satisfied and duly noted;

WHEREAS, the City Council took under consideration the following findings of fact:

1. The request will not alter the essential character of the locality.
2. The property owner proposes to use the property in a reasonable manner permitted by the zoning ordinance in residential areas to wit, residential housing.
3. The proposed Townhome is allowable in the R-3 High Density Residential District.
4. The request is in harmony with the general purposes and intent of the ordinance and consistent with the comprehensive plan by improving the housing stock.

NOW THEREFORE BE IT RESOLVED as follows:

1. That the final plat of Graf Addition will be filed with the City Administrator of the City of La Crescent.

2. That the Mayor and City Administrator are hereby authorized and directed to execute the plat in accordance with the laws of the State of Minnesota and City Code thereunto appertaining and to execute and deliver such other certificates and documents which may be required to effectuate said plat.

Adopted this 21st day of December, 2020.

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, the following Members voted in favor thereof, viz;

| | |
|------------------------|-----|
| 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 by a 4-0 vote.

ITEM 3.3 – 2021 PROFESSIONAL SERVICES AGREEMENTS

City Administrator Waller reviewed with City Council the 2021 professional service agreements/contracts with City Council regarding WHKS & Co. for engineering, Wieser Law Office for legal, Terry Erickson for Community Development, and Jason Ludwigson for Sustainability Coordinator for the City of La Crescent. It was recommended to City Council to approve the 2021 fee schedules for WHKS & Co. and Wieser Law Office. It was also recommended to City Council to approve an increase in the fee charged by Terry Erickson from \$35.70 per hour to \$36.80 per hour for Community Development. For Jason Ludwigson for 2021 it was recommended that the fee charged remain at \$28.00 per hour and the hours of the contract be expanded from 8 to 20 hours per week. City Council reviewed a revised agreement with the additional duties highlighted for the Sustainability Coordinator. Following discussion, the following Motions were made:

Member O'Donnell-Ebner made a motion, seconded by Member Williams, as follows:

MOTION TO APPROVE THE 2021 FEE SCHEDULE WITH WHKS & CO. AS PRESENTED FOR ENGINEERING SERVICES.

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

| | |
|------------------------|-----|
| 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 by a 4-0 vote.

Member Williams made a motion, seconded by Member O'Donnell-Ebner, as follows:

MOTION TO APPROVE THE 2021 FEE SCHEDULE WITH WIESER LAW OFFICE, P.C. AS PRESENTED FOR LEGAL SERVICES.

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

| | |
|------------------------|-----|
| 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 by a 4-0 vote.

Member Williams made a motion, seconded by Member O'Donnell-Ebner, as follows:

MOTION TO APPROVE AN INCREASE IN THE HOURLY FEE OF TERRY ERICKSON FOR COMMUNITY DEVELOPMENT TO \$36.80 PER HOUR.

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

| | |
|------------------------|-----|
| 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 by a 4-0 vote.

Member O'Donnell-Ebner made a motion, seconded by Member Williams, as follows:

MOTION TO APPROVE A REVISED CONTRACT WITH JASON LUDWIGSON FOR SUSTAINABILITY COORDINATOR THAT EXPANDS TO 20 HOURS PER WEEK AND INCLUDES ADDITIONAL DUTIES.

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

| | |
|------------------------|-----|
| Teresa O'Donnell-Ebner | Yes |
| Dale Williams | Yes |
| Mike Poellinger | Yes |

Member Cheryl Jostad voted against the same. The motion was declared duly carried by a 3-1 vote.

After the vote, Member Jostad inquired of Member O'Donnell-Ebner's eligibility to vote on the Professional Services Agreement for Mr. Ludwigson as she previously abstained from voting on the initial agreement. As the vote was already tallied, the question was referred to the City Attorney to review for the next City Council meeting.

ITEM 3.4 – REVIEW LETTER TO HOUSTON COUNTY

City Administrator Waller reviewed with City Council the revised letter to Houston County addressing the ongoing concerns over the way certain functions of Houston County government are performed that was presented at the prior Council Meeting. It was recommended to City Council to approve the revised correspondence. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Williams, as follows:

MOTION TO APPROVE THE REVISED CORRESPONDENCE TO HOUSTON COUNTY ADDRESSING THE ONGOING CONCERNS OVER THE WAY CERTAIN FUNCTIONS OF HOUSTON COUNTY GOVERNMENT ARE PERFORMED

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

| | |
|------------------------|-----|
| 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 by a 4-0 vote.

ITEM 3.5 – CRESCENT VALLEY ANNEXATION

City Administrator Waller reviewed with City Council that in October of this year, City Council was provided with an update on the orderly annexation agreement that pertains to Crescent Valley. At that time the plan was to present this item for consideration at a meeting in December, with a public hearing to be held in February 2021. After review by City Staff, and given the current state of things, it was recommended that the City Council delay this item until the summer of 2021. From a process standpoint, the timing can be pushed back without impacting the overall goal of the City. Following discussion, it was the consensus of City Council to delay the start of decision making process for Crescent Valley annexation until the summer of 2021.

ITEM 3.6 – ANNEXATION PETITION

City Attorney Wieser reviewed with City Council a Petition requesting annexation by the property owners at 1703 County 6. Before the adoption of an Ordinance, the City will need to hold a public hearing and provide 30 days written notice to La Crescent Township and contiguous property owners. It was

recommended that the Petition be accepted and that a Public Hearing be scheduled for January 25, 2021 at 5:30 p.m. Following discussion, Member Williams made a motion, seconded by Member Jostad, as follows:

MOTION TO ACCEPT THE PETITION FOR ANNEXATION FROM THE PROPERTY OWNERS AT 1730 COUNTY 6 AND TO CALL FOR A PUBLIC HEARING ON JANUARY 25, 2021 AT 5:30 PM AT CITY HALL.

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

| | |
|------------------------|-----|
| 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 by a 4-0 vote.

ITEM 3.7 – ANIMAL RESCUE REQUEST

City Police Chief Stavenau reviewed with City Council a request for release of funds from the La Crescent Animal Rescue. This year the Police Department, as Animal Control, has turned over 42 cats and 2 dogs to La Crescent Animal Rescue in accordance to the established agreement. As 2020 has been unprecedented, it is the first-time impounded animal counts have been so few and money remains in the budget. The La Crescent Animal Rescue has requested the unexpended funds from this year be released to the organization to further their mission. Essentially, the explanation of the request is regarding \$6,000.00 appropriated yearly with a \$100.00 fee distributed as each animal is turned over from Animal Control to the organization for care. This year there is a remaining balance of \$1,600.00 and it is anticipated very few (if any) animals will be turned over as the calendar year concludes. In previous years, the funds have been exhausted long before the year end and La Crescent Animal Rescue received no remuneration from the City as the year concluded. It was recommended to City Council that the request for the unexpended funds be released for this year only, as it would be a small gesture on behalf of the City in attempt to balance previous years where animals were turned over and no funding was available for reimbursement of care costs. Following discussion, Member Jostad made a motion, seconded by Member Williams, as follows:

MOTION TO APPROVE THE RELEASE OF \$1,600.00 IN UNEXPENDED FUNDS FROM 2020 FUNDS APPROPRIATED FOR THE CARE COSTS OF IMPOUNDED ANIMALS BY THE LA CRESCENT POLICE DEPARTMENT TO LA CRESCENT ANIMAL RESCUE TO FURTHER THEIR MISSION.

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

| | |
|------------------------|-----|
| 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 by a 4-0 vote.

ITEM 3.8 – AUTHORIZE CAPITAL EQUIPMENT EXPENDITURES

City Administrator Waller reviewed with City Council the following capital equipment expenditures:

1. The 2017 capital equipment certificate includes funds for the purchase of a new park mower. The following proposals were obtained for a 25 hp 72" rear discharge deck: MTI – Toro - \$18,168.24; and Breyers Sales & Service – Exmark - \$17,704.00. It was recommended to City Council to accept the proposal submitted by Breyers Sales & Service in the amount of \$17,704.00.
2. The 2017 capital equipment certificate includes funds for the purchase of a Bobcat track loader that would be used at Pine Creek Golf Course and the City Public Works Department. It was recommended to City Council to approve the purchase of a T650 Bobcat from the State bid through Bobcat of the Coulee Region at a price of \$40,900.00.

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

MOTION TO APPROVE THE PURCHASE OF A 25 HP 72" REAR DISCHARGE DECK MOWER FROM BREYERS SALES & SERVICE FOR \$17,704.00 WITH FUNDS FROM THE 2017 CAPITAL EQUIPMENT CERTIFICATE.

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

| | |
|------------------------|-----|
| 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 by a 4-0 vote.

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

MOTION TO APPROVE THE PURCHASE OF A T650 BOBCAT TRACK LOADER THAT WOULD BE USED AT PINE CREEK GOLF COURSE AND THE CITY PUBLIC WORKS DEPARTMENT FROM THE STATE BID THROUGH BOBCAT OF THE COULEE REGION AT A PRICE OF \$40,900.00.

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

| | |
|------------------------|-----|
| Cherryl Jostad | Yes |
| Teresa O’Donnell-Ebner | Yes |
| Mike Poellinger | Yes |

Member Dale Williams abstained from voting and none voted against the same. The motion was declared duly carried by a 3-0 vote.

ITEM 3.12 – COVID-19

City Council reviewed the following items relating to the current COVID-19 pandemic:

1. Minnesota Department of Revenue – COVID-19 business relief payments.
2. Emergency Executive Order 20-100 extending the Peacetime Emergency.
3. Emergency Executive Order 20-103 extending and modifying Executive Order 20-99.

These items were informational, and no action was taken.

ITEM 8 – CHAMBER OF COMMERCE

The La Crescent Chamber of Commerce thanked the City for the assistance with the Train and with the parade for the Christmas in La Crescent event.

There being no further business to come before the Council at this time, Member Williams 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;

| | |
|------------------------|-----|
| 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 by a 4-0 vote and the meeting duly adjourned at 6:22 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator