

MINUTES, REGULAR MEETING  
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA  
DECEMBER 22, 2014

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 22, 2014, 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, Greg Husmann, 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:

- 1.1 MINUTES – DECEMBER 8, 2014
- 1.2 BILLS PAYABLE THROUGH DECEMBER 18, 2014
- 1.3 CASH BALANCE/ACTIVITY REPORT – NOVEMBER 2014
- 1.4 LIBRARY REPORT – NOVEMBER 2014

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**

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

Bernie Buehler	Yes
Greg Husmann	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 – BUILDING NAMING**

Member Husmann proposed to City Council the naming of the Radium Removal Water Treatment Facility in honor of Michael A. Albrecht in honor of his dedication and service to his country and the City of La Crescent.

Member Buehler suggested the item be tabled for another meeting. Following discussion, Member Husmann made a motion, seconded by Member Williams, as follows:

**MOTION TO AUTHORIZE THE NAMING OF THE RADIUM REMOVAL WATER TREATMENT FACILITY AS THE “MICHAEL ALBRECHT MEMORIAL BUILDING” AND TO AUTHORIZE THE APPROPRIATE SIGNAGE AND EXPENSE FOR THIS.**

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

Bernie Buehler	Yes
Greg Husmann	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 3.2 – SWEAR IN FIREFIGHTERS**

John Meyer, Fire Chief of the La Crescent Fire Department, conducted the official swearing in of all new Firefighters for the City of La Crescent Police Department. No action taken.

**ITEM 3.3 – OAK STREET DEVELOPMENT PROJECT**

City Attorney Wieser reviewed with City Council that I&B of La Crosse, LLC has indicated they will not be requesting an extension for the Commercial Option Agreement they entered into with the City for the purchase of City owned property lying east of Oak Street. The current option expires at the end of 2014. Following discussion, Member Husmann made a motion, seconded by Member Krenz, as follows:

**MOTION TO ALLOW THE COMMERCIAL OPTION AGREEMENT TO EXPIRE BETWEEN THE CITY OF LA CRESCENT AND I&B OF LA CROSSE, LLC FOR THE PURCHASE OF CITY OWNED PROPERTY LYING EAST OF OAK STREET AND TO AUTHORIZE THE CITY ADMINISTRATOR AND CITY ATTORNEY TO PROVIDE A NOTICE OF TERMINATION TO THE DEVELOPER.**

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

Bernie Buehler	Yes
Greg Husmann	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 – 2015 LICENSE RENEWALS**

City Council reviewed the Solid Waste license renewal for Hilltopper Refuse for 2015. It was recommended to Council that this license be for residential bag and recycling per the contract with the City. Following discussion, Member Buehler made a motion, seconded by Member Williams, as follows:

**MOTION TO AUTHORIZE A SOLID WASTE LICENSE RENEWAL TO HILLTOPPER REFUSE FOR RESIDENTIAL BAG AND RESIDENTIAL RECYCLING.**

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

Bernie Buehler	Yes
Greg Husmann	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

City Council also reviewed a listing presented at the meeting of the license renewals for 2015. All licenses appear to be in order and it is recommended the City Council approve the licenses as presented. Following discussion, Member Krenz made a motion, seconded by Member Buehler, as follows:

**MOTION TO APPROVE THE PRESENTED LIST OF LICENSE RENEWALS FOR 2015 FOR SOFT DRINK, CIGARETTES, OFF SALE 3.2, GAS INSTALLERS, SOLID WASTE, MASSAGE BUSINESS AND MASSAGE TECHNICIANS.**

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

Bernie Buehler	Yes
Greg Husmann	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

Based on recommendation of City Attorney Wieser, Richard's Sanitation license for Solid Waste does not include bag or recycling service.

**ITEM 3.5 – MEDIATION SETTLEMENT AGREEMENT**

City Attorney Wieser reviewed with City Council a correspondence from Daniel Kurtz of the League of Minnesota Cities outlining the settlement reached at mediation with Yaggy Colby Associates (YCA) over damages that occurred as a result of YCA's design of the water treatment plant in La Crescent. The negotiated settlement was in the amount of \$80,000.00. The settlement proceeds will be allocated between the City and

the League of Minnesota Cities Insurance Trust. It was recommended to City Council to approve the settlement. Following discussion, Member Husmann made a motion, seconded by Member Krenz, as follows:

**MOTION TO ACCEPT THE NEGOTIATED SETTLEMENT AMOUNT OF \$80,000.00 REACHED IN MEDIATION REGARDING THE CASE WITH YAGGY COLBY ASSOCIATES REGARDING DAMAGES THAT OCCURRED AS A RESULT OF THE DESIGN OF THE WATER TREATMENT PLANT.**

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

Bernie Buehler	Yes
Greg Husmann	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 – SAFE ROUTES TO SCHOOL RESOLUTION**

Ellen Krenz gave an overview to City Council regarding the application to the Minnesota Department of Transportation (MnDOT) for a bicycle fleet award. Through the bicycle fleet awards, MnDOT will support teachers using the Walk! Bike! Fun! Curriculum and successful applicants will receive from MnDOT up to 40 bicycles (targeted towards children in grades 4-6), helmets, basic supplies and an enclosed trailer to store and move them. In order to meet the state program requirements, MnDOT requires a resolution of support to enter into a contract. The School District is expected to sign their resolution of support at their next school board meeting. It is recommended that the City of La Crescent also enter into a resolution of support. Following discussion, Member Buehler introduced the following resolution and moved its passage and adoption:

**RESOLUTION 12-14-29**

**RESOLUTION SUPPORTING THE SAFE ROUTES TO SCHOOL  
BICYCLE FLEET GRANT APPLICATION**

WHEREAS, the Minnesota Department of Transportation Safe Routes to School Program assists schools and communities by making it safer for children to walk and bike to school; and

WHEREAS, the Minnesota Department of Transportation Safe Routes to School Program solicits applications for bicycle fleets to enable school and communities to implement Safe Routes to School education activities; and

WHEREAS, the Minnesota Department of Transportation seeks organizations to teach the Walk! Bike! Fun! Curriculum, store and maintain the bikes and the fleet with other schools and organizations; and

WHEREAS, no local match funding is required; and

WHEREAS, delivery of the fleet is expected spring 2015 with a commitment to continue the program for at least five years.

NOW THEREFORE BE IT RESOLVED that the La Crescent City Council supports the Safe Routes to School bicycle fleet grant application.

BE IT FURTHER RESOLVED, that if the La Crescent City Council is awarded the grant the City Council authorizes the City Administrator to enter into an agreement with the Minnesota Department of Transportation to accept the bicycle fleet and trailer, teach the Walk! Bike! Fun! Curriculum, store and maintain the fleet, and share it with other schools and organizations for a period of at least five years.

BE IT FURTHER RESOLVED, that the City Administrator and the Community Development Director are hereby authorized to execute such Agreement and amendments.

ADOPTED this 22<sup>nd</sup> day of December, 2014.

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;

Bernie Buehler	Yes
Greg Husmann	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 3.7 – PLANNING COMMISSION MINUTES – 12/2/2014**

City Council reviewed the minutes from the December 2, 2014 Planning Commission Meeting. No action taken.

### **ITEM 3.8 – 2015 SERVICE AGREEMENT RENEWALS**

City Council reviewed the 2015 service agreement renewals with WHKS & Co., Wieser Law Office, and Terry Erickson. Copies of the fee schedules for WHKS & Co. and Wieser Law Office were reviewed and Council

was informed that Terry Erickson's 2015 fee is proposed to be set at \$26.00 an hour. Following discussion, Member Buehler made a motion, seconded by Member Williams, as follows:

**MOTION TO APPROVE THE 2015 SERVICE AGREEMENT RENEWALS WITH WHKS & CO., WIESER LAW OFFICE, AND TERRY ERICKSON 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
Greg Husmann	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

**ITEM 5.1 – MAYOR'S COMMENTS**

Mayor Poellinger recognized Member Greg Husmann for 20 years of service to the City Council.

**ITEM 7.1 – CORRESPONDENCE – CENTURY LINK**

City Council reviewed the December 12, 2014 correspondence from CenturyLink regarding the Notice of Application for Authority to Provide Local Telephone Service. 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 Husmann 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;

Bernie Buehler	Yes
Greg Husmann	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 5:55 PM.

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

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

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