

**TO: Planning Commission Members
Honorable Mayor and City Council Members**
FROM: Jason Ludwigson, Sustainability Coordinator
DATE: February 23rd, 2022
RE: Meeting Notice
March 1st, 2022
5:30 p.m., La Crescent City Hall, 315 Main Street

AGENDA

1. Elect Chair and Vice-Chairperson
2. Approval of meeting minutes from the January 4th, 2021 meeting of the Planning Commission.
3. Review Rules and Bylaws of the Planning Commission
4. Review City Code of Conduct Policy
5. Review Social Media Policy
6. 5:45 Public Hearing, CUP Application and Zoning Code Text Amendment
215 South Chestnut Street
7. Building lighting compliance ISD 300 Elementary School
8. Letter from the Office of the County Assessor – 2022 valuations
9. Discussion of HF 3256 - Legalizing Affordable Housing Act; local land use
and building permit provision modified
10. Discussion and update on bike trail plan
11. Adjourn

NOTE: Please call City Hall, 895-4409, if you will not be able to attend.

	#1	#2	#3	#4	#5	#6	#7	#8
Dave Hanifl	—	—	—	—	—	—	—	—
Ryan Stotts	—	—	—	—	—	—	—	—
Gregory Husmann	—	—	—	—	—	—	—	—
Annie Stoecklein	—	—	—	—	—	—	—	—
Michael Welch	—	—	—	—	—	—	—	—
Dave Coleman	—	—	—	—	—	—	—	—
Jerry Steffes	—	—	—	—	—	—	—	—
Dale Williams	—							

cc: Honorable Mayor, City Council Members and City Attorney.

TO: Planning Commission Members
Honorable Mayor and City Council members
FROM: Jason Ludwigson, Sustainability Coordinator
DATE: January 5th, 2022
RE: Meeting Minutes from January 4th, 2022

The Planning Commission met at 5:30 p.m., on Tuesday, January 4th 2022 in the City Council Chambers at City Hall. The following members were present: Ryan Stotts, Annie Stoecklein, Dave Coleman, and Jerry Steffes. City Sustainability Coordinator, Jason Ludwigson, Building/Zoning Official Shawn Wetterlin, were also in attendance. Mike Welch, Greg Husmann, and Dave Hanifl were absent.

Vice Chair Annie Stoecklein served as chairperson for the meeting in Chair Hanifl's absence.

1. The meeting was called to order by Chair Stoecklein who asked for a motion to approve the December 7th, 2021 minutes.

Following discussion Member Stotts made a motion, seconded by Steffes to approve the minutes.

Upon a roll call vote, taken and tallied by the Sustainability Coordinator, all members present voted in favor.

Stoecklein – Yes

Stotts – Yes

Steffes – Yes

Coleman – Yes

2. At 5:35 the Planning Commission held a Public Hearing to approve the Variance Application to install architectural metal siding as a primary building material at 215 South Chestnut Street.

Chair Stoecklein opened the meeting.

Jason Rouleau, representing City Door spoke in regards to the variance application.

Chair Stoecklein closed the public meeting.

Members discussed the variance application. Possible findings were presented. Member Stotts made a motion to approve the variance with the following findings. Member Coleman seconded the motion.

CRITERIA FOR GRANTING VARIANCE

Zoning Ordinance states the following:

A variance is a modification or variation of the provision of this zoning code as applied to a specific piece of property.

Subd. 2.

A. Variances shall only be permitted

1. when they are in harmony with the general purposes and intent of the ordinance, and
2. when the variances are consistent with the comprehensive plan.

B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

Subd. 3. "Practical difficulties," as used in connection with the granting of a variance, means that

1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
3. The variance, if granted, will not alter the essential character of the locality.

1. Is the request in harmony with the general purposes and intent of the ordinance?

The variance is in harmony with the purpose and intent of the zoning ordinance based on the following findings of the Planning Commission because: a building along the State and Federal highway corridors will be improved with higher quality materials and design.

2. Would granting the variance be consistent with the Comprehensive Plan?

Granting the variance is consistent with the Comprehensive Plan because: the variance allows for the use of sustainable building materials. The variance encourages infill development within the City.

Practical Difficulties Analysis

3. Does the property owner propose to use the property in a reasonable manner not permitted by the ordinance?

The property owner does propose to use the property in a reasonable manner not permitted by the ordinance, given the purpose of the protections because: the property owner does purpose to use the property in a reasonable manner. The property owner is advancing plans to improve the exterior of the building. The exterior building materials used will enhance the appearance of the building will improve the area in general.

4. Is the plight of the landowner due to circumstances unique to the property owner not created by the landowner?

There are circumstances unique to the property that would prevent compliance with the ordinance because: current ordinance does not permit primary materials to include corrugated metal siding. In recent history the Board of

Adjustment has granted similar variances. The use of metal accent materials has become more common in recent history.

5. Would granting the variance allow the essential character of the locality to stay the same?

Granting the variance will not alter the essential character of the locality because: the use of the property will stay the same. The underlying use of the property will remain unchanged. Granting the variance will improve the character of the locality and will compliment other commercial buildings in the area.

1. The Applicant will abide by all representations made by the Applicant or their agents made during the permitting process, to the extent those representations were not negated by the Board of Adjustment to the extent they are not inconsistent with the spirit of letter explicit conditions of the variance.
2. The Applicant complies with all applicable federal, state, and local regulations.

Upon a roll call vote, taken and tallied by the Sustainability Coordinator, all members present voted in favor of granting the variance for 215 South Chestnut street.

Stoecklein – Yes

Stotts – Yes

Steffes – Yes

Coleman – Yes

3. The planning commission discussed text amendment changes for the commercial (CD-1) zoning district to allow architectural sheet metal as a primary building material. The commission asked staff to draft possible text amendments for presentation to the planning commission at a future meeting.

4. Member Steffes discussed grading issues he has observed with the ISD 300 Elementary school building construction. Member Steffes was advised to ask the building architect and school board about these issues. City engineer Tim Hruska will also review the grading plan and sidewalks for ADA compliance.

5. Meeting adjourned at 6:15 p.m.

Rules and Bylaws of the Planning Commission City of La Crescent

November, 2016

I. AUTHORITY

The Planning Commission is established as a Standing Commission by the City Council.

The Bylaws of the City of La Crescent Planning Commission are established in accordance with City ordinances. The Bylaws and Rules are adopted by the Planning Commission to facilitate the performance of its duties and functions. Where there is a conflict between the provisions of the Bylaws and the City Ordinances, the provision of the City Ordinances will govern.

II. REPORTING TO COUNCIL

The Planning Commission shall report to the City Council routinely after each meeting. The Commission shall make written specific findings of fact together with its recommendations on any subject matter referred to it for study, consideration and recommendation, and shall transmit such written fact findings and recommendations to the City Administrator for consideration by the City Council at a subsequent meeting thereof.

III. PLANNING COMMISSION

A. Qualifications of members; terms of office; vote

1. The Planning Commission, hereinafter referred to as the "Commission", shall consist of seven (7) members appointed by the City Council from among the adult residents of the city. Members of the City desiring to serve on the Commission shall complete an application prior to November 30 of each year to be considered for appointment. Existing Commissioners whose terms are expiring shall also complete an application to indicate their desire to continue for another term. Appointments to the Commission shall be made during the annual meeting of the City Council for a three-year period. Terms shall be staggered such that, absent unanticipated resignations or removals, no more than 3 members come up for reappointment in any given calendar year.

2. In addition, one ex-officio member shall be appointed from the membership of the City Council. The Ex-officio member shall be appointed for an annual term. The Council ex-officio member is not entitled to vote on matters that come before the Commission.

3. The Building Official, City Attorney, Chief of Police and the City Administrator/Public Works Director are ex-officio members of all commissions, and the duration of their terms in such ex-officio capacities shall correspond with their respective tenures in their general capacities. Ex-officio members of the Commission are encouraged to provide input, ask questions and offer opinions, at their discretion, but are not entitled to vote on matters that appropriately come before the Commission. The Building Official shall staff the Commission and shall serve without a vote as its secretary.

4. Members, other than ex-officio, shall be appointed from among persons in a position to represent the best interest of the City, and no person shall be appointed with personal or financial interests likely to conflict with the City's best interest. If any person appointed shall find that his or her personal or financial interests are involved in any matter coming before the Commission, he or she shall disqualify himself or herself from taking part in action on the matter, or in cases where a personal or financial interest is involved he or she shall abstain.

B. Removal from office; vacancies.

1. Appointments to the Commission are subject to cancellation or revocation at any time, with or without cause in the sole discretion of the City Council. In the event of vacancies, appointments to fill any vacancy shall be by the City Council for the unexpired period of the vacant Commission position(s).

2. It shall be the duty of the chairperson of the Commission to notify the City Council promptly of any vacancies occurring in membership, and the City Council shall fill such vacancies within a reasonable amount of time.

C. Officers, rules, employees, salaries and expenses.

1. At its first meeting following the City Council's annual meeting, the Commission shall elect a chairperson and vice-chairperson from among those of its members who are not appointed ex-officio, and may create, with ratification of the City Council, such other offices as it may determine. The Chairperson shall preside over meetings and shall have the authority to add or cancel regular meetings and to call special meetings as provided in III.G.2. The Chairperson shall work with appropriate city staff in organizing agendas of all Commission meetings. The Chairperson is responsible for the orderly conduct of Commission meetings and hearings. The Chairperson may interpret and apply rules of procedure, decide whether motions are properly made, decide when to recognize speakers, call for motions or recommend motions and enforce speaking procedures. The Chairperson may invoke reasonable time limits on speakers, appoint spokespersons for a group with common interests, take action to maintain order, or close and schedule follow up hearings if a hearing cannot be concluded in a reasonable time. The Chairperson shall also sign documents of the Commission and see that all actions of the Commission are properly taken.

The Vice Chairperson shall assume the duties of the Chairperson in the absence of the Chairperson. In the event of the absence both the Chair and Vice-Chairperson, those members present shall elect a temporary chairperson to preside over the meeting.

2. The Commission shall adopt rules for its governance and for the transaction of its business.

3. Commission members are encouraged to participate in at least one educational offering each year in order to enhance their knowledge and expertise relative to City government, planning, zoning ordinances and other relevant state and local regulations. A first time member will be required to review existing relevant regulations, ordinances, laws, plans, etc. with the Chair or Vice Chair of the committee within the first three months of their appointment to the Commission. In addition, new members are encouraged to complete online instruction for new Plan Commission members offered by the League of Minnesota Cities.

4. Subject to prior approval of the City Council and within limits set by appropriations or other funds made available, the Commission may employ such staff, technicians and experts as may be deemed proper, and may incur such other expenses as may be necessary and proper for the conduct of its affairs.

5. Members of the Commission shall receive a stipend for each regular and special meeting of the Planning Commission where they were in attendance, at rates approved by the Council and provided for in the operating budget.

6. With prior approval of City Council, Commission members shall receive reimbursement for expenses incurred as a result of commission duties, including:

- (a) Fees incidental to attendance at out-of-town meetings and seminars
- (b) Ordinary and necessary expenses incurred while attending and in connection with out-of-town meetings and seminars
- (c) Necessary special equipment and supplies

D. Appropriations, fees, and other income. The City Council shall make available to the Commission such appropriations as it may see fit for fees and expenses necessary in the conduct of its work.

E. Functions, powers and duties.

1. The functions, powers and duties of the Commission shall generally be to act as fact finder concerning matters appropriately before it and in further regards thereto make recommendation to and advise the City Council concerning but not necessarily limited to:

(a) The gathering and maintenance in current form such basic information and background data as is necessary to an understanding of past trends, present conditions, and forces at work to cause changes in their conditions as relate to the comprehensive plan.

(b) To prepare and keep current for City Council approval, adoption and implementation a comprehensive plan for meeting present requirements and such future needs as may be foreseen; and to conduct public meetings required to amend the comprehensive plan.

(c) To review the Comprehensive Plan early in the City's budget cycle for the purpose of identifying items which require financial resources in the upcoming year, recommending to the City Administrator and Council the operating or capital budget allocations necessary to achieve goals and objectives of the Comprehensive Plan.

(d) Prepare and revise a plan of work for the Commission.

(e) To recommend to the City Council principles and policies for guiding action affecting development in the city and its environs.

(f) To recommend to the City Council ordinances, regulations and other proposals promoting orderly development along lines indicated as desirable by the comprehensive plan.

(g) To develop data for the City Council along with fact-findings and recommendation concerning proposed developments to facilitate conformance to the principles and requirements of the comprehensive plan and the ordinances.

(h) To keep the City Council and the general public informed and advised as to all planning and development matters.

(i) To conduct such public hearings as applicable law and ordinance (code) provisions require, to gather information enabling the City Council to knowledgeably draft, establish and maintain the comprehensive plan and ordinances and regulations related to it and to collect and compile information necessary for the plan, or for the purpose of promoting the accomplishment of the plan in whole or in part.

(j) To perform other duties which may be lawfully assigned to it, or which may have bearing on the preparation or accomplishment of the plan.

2. In connection with its duties, and within the limit of its funds and with the prior approval of the City Council, the Commission may make, cause to be made, or obtain maps, aerial photographs and surveys, and special studies on the location, condition and adequacy, including but not limited to: studies on housing; commercial and industrial facilities; economic development; parks; playgrounds and other recreational facilities; schools; public and private utilities; and traffic, transportation, and parking.

3. Consistent with organizational structure and specific duty assignments, all city employees shall, upon request and within a reasonable time, furnish to the Commission or its employees or agents such available records or information as are required in its work.

4. The Commission may establish such other ad hoc or subcommittees as may be necessary to accomplish its goals. The establishment of subcommittees are subject to the approval of the City Council. Any Ad Hoc or subcommittee will be advisory only and shall have no ability to bind either the Commission or City Council. Membership of any ad hoc or subcommittee shall consist of at least 2 Commission members and up to 5 members of the general public. Committees will meet as needed, with approval of City Council and the Commission shall be updated regularly on actions and/or recommendations of its committees.

F. Plat review by Commission. It shall be the responsibility of the Commission to pass upon all proposed new or amended plats coming directly or indirectly under the jurisdiction of the city. No new plat, and no amendment or vacation of an existing plat or portion thereof, shall thereafter be caused to be recorded by the city without the prior review of the Commission. Once reviewed by the Commission and subsequently approved by the City Council, to the extent required by law, the plat shall be deemed approved by the Planning Commission.

G. Meetings. Quorum. Attendance

1. In accordance with the Minnesota Open Meeting Law (Minnesota Statute Chapter 13D), all official meetings of the Planning Commission shall be open to the public.

2. The Commission shall hold regular meetings. Meetings will generally be held the First Tuesday of each month commencing at 5:30 PM.

3. Special Meetings may be called by the chairperson upon sufficient notice to all the Commission members. In no event shall notice be less than twenty-four (24) hours.

4. Robert's Rules of Order Newly Revised shall be the governing authority for meetings of the Commission.

5. The business transacted at all commission meetings shall follow a standard agenda form as prescribed by the City Council and available at the City Administrator's office. The agenda serves two important functions. It focuses Planning Commission deliberations by determining which matters will be considered at the meeting, when each matter will be considered and the context in which it will be considered. It also serves as the public's guide to what will be considered at the meeting, the matters will be dealt with, who will participate in the discussion, and when public comment may be made. The agenda should be prepared so as to best achieve these functions. The agenda should be prepared by City Staff and the Chairperson of the Plan Commission. Agenda items may be added during a Commission meeting subject to a majority vote of members present. Discussion of such additions may occur but no formal action may be taken at that meeting.

6. The Commission shall keep a record of attendance at its meetings and of resolutions, transactions, findings and determinations, showing the vote of each member on each question requiring a vote, or if absent or abstaining from voting, indicating such fact. The records of the Commission shall be a public record.

7. City Staff shall assure that minutes of all proceedings which are public information are posted on the City's website and available, in written form, at all reasonable times and frequencies as public information.

8. Regular or special meetings may be canceled by the chairperson in the event that there are no items of business requiring the attention of the Commission, or for lack of quorum, inclement weather or other good and sufficient reason.

9. A quorum shall consist of a majority of the non ex-officio members of the Commission.

10. Members are expected to make reasonable efforts to ensure regular attendance. Attendance records will be kept on a calendar year basis and reported to the Council in November of

each year. Commission members shall advise the Building Official of an anticipated absence from any scheduled Planning Commission meeting.

H. Public Hearings. The purpose of a hearing is to collect information and facts in order for the Commission to develop a planning recommendation for the City Council. At a public hearing the following procedure shall be followed for each case for which a public hearing is held.

1. Chair shall call the public hearing to order and state the case to be heard.
2. Chair shall call upon the Building Official or designee to provide a staff report.
3. Chair shall ask the applicant to present his/her case.
4. Members of the Planning Commission shall be allowed to question the applicant about their proposal.
5. Interested persons may address the Commission giving relevant information regarding the proposal before the commission with questions being directed through the chair. Reasonable rules limiting individual time to speak may be established to ensure that time is equitably available to all interested parties.
6. The hearing shall be closed by the Chair unless a majority of the Commission objects. Interested persons shall not be heard again except by agreement of the chair.
7. The Commission shall discuss and clarify the issue before it and take action.

I. These Bylaws and Rules shall be adopted or amended by an affirmative vote of two-thirds (2/3) of the Commission members present at a regular or special meeting, notwithstanding that no rule or amendment can be in conflict with City Ordinance(s). A copy of the Bylaws and Rules shall be forwarded to the City Council for its information.

CITY OF LA CRESCENT, MINNESOTA

Code of Conduct

Purpose.

The city council of the City of La Crescent determines that a code of conduct for its members, as well as the members of the various boards and commissions of the City of La Crescent, is essential for the public affairs of the city. By eliminating conflicts of interest and providing standards for conduct in city matters, the city council hopes to promote the faith and confidence of the citizens of La Crescent in their government and to encourage its citizens to serve on its council and commissions.

Standards of Conduct.

Subd. 1. No member of the city council or a city board or commission may knowingly:

- a. Violate the open meeting law.
- b. Participate in a matter that affects the person's financial interests or those of a business with which the person is associated, unless the effect on the person or business is no greater than on other members of the same business classification, profession, or occupation.
- c. Use the person's public position to secure special privileges or exemptions for the person or for others.
- d. Use the person's public position to solicit personal gifts or favors.
- e. Use the person's public position for personal gain.
- f. Except as specifically permitted pursuant to Minn. Stat. 471.895, accept or receive any gift of substance, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstances in which it could be reasonably expected to influence the person, the person's performance of official action, or be intended as a reward for the person's official action.
- g. Disclose to the public, or use for the person's or another person's personal gain, information that was gained by reason of the person's public position if the information was not public data or was discussed at a closed session of the city council.
- h. Disclose information that was received, discussed, or decided in conference with the city's legal counsel that is protected by the attorney-client privilege unless a majority of the city council has authorized the disclosure.

Subd. 2. Except as prohibited by the provisions of Minn. Stat Sec. 471.87, there is no violation of subdivision 1 b. of this section for a matter that comes before the council, board, or commission if the member of the council, board, or commission publicly discloses the circumstances that would violate these standards and refrains from participating in the discussion and vote on the matter. Nothing herein shall be construed to prohibit a contract with a member of the city council under the circumstances described under Minn. Stat. Sec. 471.88, if proper statutory procedures are followed.

Complaint, Hearing.

Any person may file a written complaint with the city clerk alleging a violation of the standards of conduct. The complaint must contain supporting facts for the allegation. The city council may hold a hearing after receiving the written complaint or upon the council's own volition. A hearing must be held only if the city council determines (1) upon advice of the city attorney, designee, or other attorney appointed by the council, that the factual allegations state a sufficient claim of a violation of these standards or rise to the level of a legally-recognized conflict of interest, and (2) that the complaint has been lodged in good faith and not for impermissible purposes such as delay. The city council's determination must be made within 30 days of the filing of the allegation with the city clerk. If the council determines that there is an adequate justification for holding a hearing, the hearing must be held within 30 days of the city council's determination. At the hearing, the person accused must have the opportunity to be heard. If after the hearing, the council finds that a violation of a standard has occurred or does exist, the council may censure the person, refer the matter for criminal prosecution, request an official not to participate in a decision, or remove an appointed member of an advisory board or commission from office.

Adopted this 14th day of November, 2011.

Approved:

Mayor

Attested:

City Clerk

CITY OF LA CRESCENT COMMUNICATIONS POLICY

Policy No. 24

To better serve our citizens and give our workforce the best tools to do their jobs, the City of La Crescent continues to adopt and make use of new means of communication and information exchange. Many of our employees have access to one or more forms of electronic media and services, including, but not limited to, computers, e-mail, telephones, cellular telephones, pagers, voice mail, fax machines, external electronic bulletin boards, wire services, on-line services, social media, the Internet and the World Wide Web.

The City of La Crescent encourages the use of these media and associated services because they can make communication more efficient and effective and because they are valuable sources of information. However, all employees and everyone connected with the City of La Crescent should remember that electronic media and services provided by the City of La Crescent are City of La Crescent property and their purpose is to facilitate and support City of La Crescent business. No expectation of privacy exists for employees in regard to use of the City of La Crescent's electronic communication systems in any respect related to accessing, transmitting, sorting, or communicating information via the system.

This policy cannot lay down rules to cover every possible situation. The purpose of this policy is to express the City of La Crescent's philosophy and set forth general guidelines governing the use of electronic media and services. By adopting this policy, it is the City of La Crescent's intent to ensure the electronic communication systems are used to their maximum potential for business purposes and not used in a way that is disruptive, offensive to others or contrary to the best interest of the City of La Crescent.

It is recognized that some personal use of communications is necessary, but all personal use should be kept as brief as possible during work time.

General

This policy applies to all full-time, regular part-time, part-time, and temporary employees, contractors, volunteers, customers, and all other individuals who are provided access to the City of La Crescent communication systems. This policy does not constitute a contract. Revisions may be made from time to time at the discretion of the City Administrator. All employees will be provided with a written copy of this policy, which will be signed, and the signature page placed in their personnel file.

Mail

The City of La Crescent employees may purchase postage at the City office for use on their personal mail items. Personal mail items may be included with the City's daily delivery of mail to the U.S. Post Office.

Telephone

Personal telephone calls shall be kept as brief as possible and shall be made during lunch breaks

or rest breaks whenever possible. No charge will apply to local calls. Employees may use their own personal calling cards to make long distance calls. All other long distance calls must be reimbursed to the City. Incoming personal calls may be answered by the employee, but they shall be kept as brief as possible. The City of La Crescent staff will take personal messages for employees. Employees should discourage callers from making personal calls on a regular basis. Employees may check for their messages during lunch breaks, rest breaks, or at the end of the workday. If an incoming message represents an emergency, the City staff will make every effort to contact the employee immediately.

Facsimile (Fax)

The City of La Crescent employees may use the City's fax machine on lunch breaks, rest breaks, before work hours, or after work hours to fax personal communications. No charge will apply to local faxes.

Cellular Phone & Camera

1. Purpose/Policy

- A. Purpose. This policy is intended to define acceptable and unacceptable uses of cellular telephones, cellular phone cameras, cellular phone video, and still and video photography (hereinafter "Cellular Technology." Its application is to insure that Cellular Technology usage is consistent with the best interest of the City of La Crescent without unnecessary restriction of employees in the conduct of their duties. It is recognized that some personal use of communications is necessary to enhance the efficiency of the employee's time. All personal use should be kept as brief as possible during work time. Employees are to use their Cellular Technology in a safe manner at all times. This policy will be implemented to prevent the improper use of or abuse of Cellular Technology and to insure that City of La Crescent employees exercise the highest standards of propriety in their use.
- B. Policy. Employees may not post or publish images of victims, images of emergency scenes, the interior of private dwellings, pictures of our residents, or any other non-public information on any websites of personal use such as but not limited to Facebook, MySpace, Instagram and/or other social media is prohibited.

2. General

This policy applies to all full-time, regular part-time, part-time, temporary employees, contractors, volunteers, customers, and other individuals who are provided access to City of La Crescent communication systems. This policy does not constitute a contract. Revision may be made from time to time at the discretion of the City Administrator.

3. Policy: Employee Cell Phone Per Diem Agreement/Policy

With City Council approval, certain Department Heads and Supervisors shall be entitled to a monthly payment representing a cellular phone allowance. To be eligible for this allowance, a job-related necessity must exist requiring the Department Head/Supervisor to be available, outside of normal office hours. The cell phone allowance must also eliminate

a City owned cell phone and/or the need for the Department Head/Supervisor to seek reimbursement for job-related toll charges made on their own personal phone.

This allowance shall be approved with the understanding that the employee will furnish his/her own cellular phone to be used for City business purposes related to his/her job duties. Such cellular phone number shall be readily available to other City Officials and employees, as well as members of the public, to the same extent as if the City were providing him/her with a cellular phone. All use for official City business purposes shall comply with all City of La Crescent policies and auditing/disclosure practices.

In accepting the monthly Per Diem, the Department Head/Supervisor is obligated/required to maintain a cellular phone and calling plan that is sufficient to meet the needs of their position. Factors determining sufficiency include, but are not limited to, adequate amount of minutes or calling time available, adequate phone battery life and adequate reception to be accessible throughout the City, as technology permits.

Effective June 1, 2013, the monthly Per Diem shall increase to \$50.00 per month for eligible Department Head/Supervisors. Said amount may be reviewed as needed by the Council at the first meeting in January each year hereafter or at other times as determined by the Council in the Council's discretion.

The Department Head/Supervisor is also obligated/required to safeguard any City information or conversations discussed on his/her cellular phone and maintain any City data stored or accessible on the cellular phone according to its classification under the Minnesota Government Data Practices Act (MGDPA).

Employees' use of cellular or wireless devices will comply with applicable Minnesota law including Minnesota Hands Free Law as found in Minnesota Statutes Section 169.475, as maybe amended.

Internet/Email

The City of La Crescent recognizes that the Internet offers a wealth of information that can improve the City's services and the productivity of the City's employees. The City of La Crescent recognizes that e-mail is an efficient and convenient form of communication for both business and personal applications. Confidential information shall not be transmitted via e-mail. E-mail users should be aware the e-mail is easily misdirected or forwarded by the recipient to untold numbers of persons, and the content is easily misconstrued or altered. E-mail and Internet users should also be aware that when they have deleted a message or document from their computer, it may not have been deleted from the entire system and may be stored on the computer's back-up system. E-mail is not a good form of communication with legal counsel when seeking legal advice or transmitting information concerning matters in litigation. Inadvertent disclosure or dissemination of the communication could waive the attorney-client privilege.

The same rules, which apply to record retention for other City of La Crescent documents, apply to e-mail. As a rule, e-mail is a public record whenever a paper message with the same content would be a public record.

The Internet and e-mail are to be accessed for business purpose only, during working hours.

Employees may use the City's Internet access to reach sites of personal interest during lunch breaks, rest breaks, before work hours, or after work hours. Employees may receive personal e-mail communications during work hours but shall not respond to those communications during work-hours, except in the case of an emergency.

Only those employees or officials who are duly authorized to speak to the media, to analysts or in public gatherings on behalf of the city may speak/write in the name of the City to any news group or chat room. Other employees may participate in news groups or chats in the course of business when relevant to their duties, but they do so as individuals speaking only for themselves.

The City provides Internet access to employees for work on City business. Employees may use this access for work-related matters in a professional manner.

Occasional personal use of the Internet and e-mail is acceptable within the bounds of all City policies. The following considerations apply to all uses of the Internet whether business related or personal:

1. There is no quality control on the Internet. All information found on the Internet should be considered suspect until confirmed by another source.
2. Internet use during work hours must be limited to subjects directly related to job duties.
3. Personal use of the Internet during non-work hours (breaks, lunch hour, before or after work) is permitted. However, employees may not, at any time, access inappropriate sites. Some examples of inappropriate sites include but are not limited to adult entertainment, sexually explicit material, or material advocating intolerance of other people, races or religions, or in manners that otherwise violate City policies related to respectful workplace and harassment prevention. This prohibition includes information on social media sites such as Facebook and MySpace, blogs and microblogs such as Twitter.
4. No software or files may be downloaded from the Internet unless approved in advance by the technology department or City Administrator. This includes but is not limited to free software or downloads, maps, weather information, toolbars, music or photofiles, clipart, screensavers and games.
5. Employees may not participate in any Internet chatroom – an online meeting place to discuss a particular topic, sometimes in semi-privacy – unless the topic area is related to City business.
6. The City may monitor any employee's use of the Internet for any purpose without prior notice, as deemed appropriate by the City Administrator.
7. Employees may not post or publish images of victims, images of emergency scenes, the interior of private dwellings, pictures of our residents, or any other non-public information on any websites of personal use such as but not limited to Facebook, MySpace, Instagram and/or other social media.

Participation in On-Line Forums or Social Media

1. Employees should remember that any messages or information sent on City of La Crescent-provided facilities to one or more individuals via an electronic network (for example: Internet mailing lists, bulletin boards and on-line services) are statements identifiable and attributable to the City of La Crescent.
2. The City of La Crescent recognizes that participation in some forums might be important to the performance of an employee's job. For instance, an employee might find the answer to a technical problem by consulting members of a newsgroup devoted to the technical area.
3. Employees shall include the following disclaimer in all of their postings to public forums:

The views, opinions and judgments expressed in this message are solely those of the author. The message contents have not been reviewed or approved by the City of La Crescent.
4. Employees should note that even with a disclaimer, a connection with the City of La Crescent exists and a statement could be imputed legally to the City of La Crescent. Therefore, employees should not rely on disclaimers as a way of insulating the City of La Crescent from the comments and opinions they contribute to forums. Instead, employees must limit their discussion to matters of fact and avoid expressing opinions while using the City of La Crescent's systems or provided account.
5. Employees must receive authorization from their department head prior to participating in an online forum.

The Following Shall Apply to All Means of Communication:

1. Access Rules:

Employees shall only use software that is supplied by the City, including but not limited to, web browser and e-mail applications. Employees shall not install hardware or software on the City's system without the express permission of Information Management Specialists or City of La Crescent personnel so designated. Employees shall not access, intercept, record, read, modify, or delete the files belonging to others. Employees shall only use the usernames provided by the City. Employees may not subscribe to receive e-mail from news groups or list services without the permission of Information Management Services or the City of La Crescent personnel so designated.

Individual workstations are configured to operate in a complex, networked environment. Users shall not change their system's setup files. Users who believe their setup files are not configured correctly should contact Information Management System for assistance.

2. Security:

Every employee must maintain the security of the City of La Crescent's communication systems. Employees shall not divulge passwords or security protocols to anyone outside of the City of La Crescent. Employees shall not permit unauthorized users to use their password(s) or the City of La Crescent's Internet or e-mail access.

Unacceptable Use of The City of La Crescent's Communication Systems

At no time, during work hours or non-work hours, shall an employee use any of the City of La Crescent's communications system for any of the following purposes:

1. To access, transmit, upload, download, receive or distribute pornographic, obscene, abusive, or sexually explicit materials or materials containing unclothed or partially clothed people.
2. To transmit or receive obscene, abusive or sexually explicit language or profanity.
3. To violate any local, state or federal law or engage in any type of illegal activities.
4. To vandalize, damage or disable the property of another person or organization.
5. To access the materials, information, files or e-mail of another person or organization without permission or without a legitimate business reason.
6. To violate any applicable state, federal, or international copyright, trademark, or intellectual property laws or regulations, or otherwise use another person or organization's property without prior approval or proper attribution consistent with copyright laws, including unauthorized downloading or exchanging of pirated or otherwise unlawful software, or copying software to or from any of the City of La Crescent's computer.
7. To engage in any form of gambling, wagering, betting, or selling.
8. To engage in any type of harassment or discrimination, including but not limited to; sexual harassment, harassment, or discrimination based upon race, gender, sexual orientation, religion, national origin, marital status, status with respect to public assistance, disability or any other type of harassment or discrimination prohibited by law and by the City of La Crescent policy.
9. To engage in any type of commercial enterprise unrelated to the specific purposes and needs of the City of La Crescent.
10. To engage in any form of solicitation for private purpose that is not related to the business purpose of the City of La Crescent.
11. To promote any political or private causes or other activities that are not related to the business purpose of the City of La Crescent.
12. To enter into financial or contractual obligations without the prior express consent of the City Administrator.
13. To advocate or access information advocating any type of unlawful violence, vandalism or illegal activity.
14. To download large files, requiring the City of La Crescent's storage capacity, from the Internet for personal use.

15. To connect personal social media account names or e-mail addresses to the City of La Crescent.

16. To disclose private or non-public information.

Receipt of Inappropriate E-Mail or Access of Inappropriate Internet Sites

If an inappropriate and unsolicited e-mail message is received, it should be immediately deleted unless the message includes reference to an illegal activity as noted above. Messages referring to illegal activities should be immediately reported to the employee's Department Head. If an employee inadvertently accesses an Internet site which is inappropriate or prohibited, the employee shall immediately escape from such site. Employees should be aware that every transaction on the Internet leaves a trail that can be easily traced and timed.

Enforcement

Any employee who abuses the provisions of this policy will be subject to discipline, including discharge, for abuse of this policy and/or for any other related applicable policies, rules or state and federal laws. In addition, violations of the policy or misuse of the communication systems, which are of a criminal nature, may be referred for criminal prosecution.

Disclaimer/User Liability

While the City of La Crescent has adopted and shall enforce this policy to the extent practicable, it does not have the resources or technical capability to ensure complete compliance by its users, who shall be individually responsible for adhering to the terms of this policy. The City of La Crescent shall not assume, and hereby expressly disclaims, liability for the misuse of its communication systems, computers, equipment or Internet access, which violates this policy or any law.

CITY OF LA CRESCENT COMMUNICATIONS POLICY
ACKNOWLEDGEMENT OF RECEIPT OF COMMUNICATION POLICY

I, _____, an employee of the City of La Crescent,
acknowledge that I have received a copy of the City Communication Policy and understand that
this receipt will be filed with my personnel records.

Date: _____

Signature

Print Name

RECEIVED

JAN 10 2022

Building / Zoning
City of La Crescent, MN

**CITY OF LA CRESCENT ZONING AUTHORITY
APPLICATION FOR CONDITIONAL USE PERMIT**

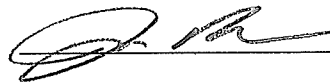
The undersigned being the owner(s) of record (optionee(s) with regard to enforceable exclusion options to purchase) of the hereinafter described premises hereby makes application for a **CONDITIONAL USE PERMIT for the property located at 215 South Chestnut Street, La Crescent, MN 55947. TO WIT:** The applicant seeks approval for the conditional use of out door commercial vehicle storage and parking consistent with the proposed text amendment submitted concurrently with this conditional use permit. The proposed conditional use would allow the La Crescent school district's contracted bus service company to continue to park and store the buses at this location.

In the event the text amendment application submitted with this conditional use permit is approved, then the conditional use applied for in this application would be consistent with those allowed under the newly modified C-1 Highway Commercial zoning district. to park and store their buses at the property owned by me and more fully described in the the lands to which this application has reference are described as follows, to wit:

the property commonly referred to as the "Old Commodore" located at 215 S Chestnut St, La Crescent, MN 55947. The property is currently zoned as C-1 Highway Commercial District. The conditional use of commercial vehicle storage and parking will be an allowed conditional use of the property if the text amendment application submitted with this conditional use application is also approved.

Attached is a sketch of the site plan showing North arrow and other relevant data with reference hereto. I (we) understand that additional data may be requested by the City of La Crescent Planning Commission with regard hereto.

Dated: 1-10-21



(Owners (s))

(Optionee(s))

RECEIVED

JAN 10 2022

Building / Zoning
City of La Crescent, MN

**CITY OF LA CRESCENT ZONING AUTHORITY
APPLICATION FOR DISTRICT ZONING CHANGE**

The undersigned being the owner(s) of record (optionee(s) with regard to enforceable exclusion options to purchase) of the hereinafter described premises hereby makes application for a: **DISTRICT ZONING CHANGE.**

TO WIT: Rouleau Properties, LLC submits this application for a text amendment to the C-1 Highway Commercial district zoning classification. The proposed text amendment would add the following language to the conditional uses permitted in that certain zoning classification noted above, subd. 4, new subsection "s":

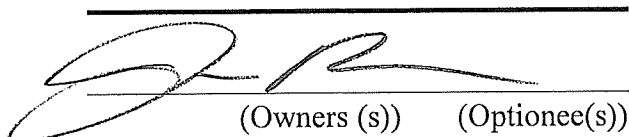
"s.) outdoor parking and storage of commercial vehicles, including busses."

the lands to which this application has reference are described as follows, to wit:

the property commonly referred to as the "Old Commodore" located at 215 S Chestnut St, La Crescent, MN 55947. The property is currently zoned as C-1 Highway Commercial District. The additional conditional use included in the zoning ordinance shall apply to this property and allow Rouleau Properties, LLC and the La Crescent school district, through its contracted bus service provider, to continue to use the property consistent with prior use and adapt the current applicable zoning district to allow this use.

Attached is a sketch of the site plan showing North arrow and other relevant data with reference hereto. I (we) understand that additional data may be requested by the City of La Crescent Planning Commission with regard hereto.

Dated: 1-10-21


(Owners (s)) (Optionee(s))

**CITY OF LA CRESCENT
NOTICE OF PUBLIC HEARING
CONDITIONAL USE PERMIT**

Notice is hereby given that the Planning Commission of the City Zoning Authority will hold a public hearing at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, March 1st 2022 at 5:45 o'clock P.M. to consider the application for the following conditional use permit.

1. Allow the La Crescent's school district's contracted bus service company to park and store the buses at 215 South Chestnut Street.

The conditional use permit request concerns certain premises situated in said City described as follows; parcel #25.006.7000, more commonly identified as 215 Chestnut Street South.

All persons having an interest in the matter will be given the opportunity to be heard with reference thereto.

Dated: February 14th, 2022

By order of the City Zoning Office

Jason Ludwigson
Sustainability Coordinator
P. O. Box 142
La Crescent, MN 55947

**CITY OF LA CRESCENT
NOTICE OF PUBLIC HEARING
TEXT AMENDMENT CHANGE**

Notice is hereby given that the Planning Commission of the City Zoning Authority will hold a public hearing at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, March 1st 2022 at 5:45 o'clock P.M. to consider the application for the following a district zoning change.

1. The proposed text amendment, to the C-1 highway Commercial district zoning classification, would add the following language to the conditional uses permitted in that certain zoning classification noted above, subd. 4 new subsection "s":

"s.) outdoor parking and storage of commercial vehicles, including buses."

The lands to which this application has reference are described as follows: in said City; parcel #25.006.7000, more commonly identified as 215 Chestnut Street South.

All persons having an interest in the matter will be given the opportunity to be heard with reference thereto.

Dated: February 14th, 2022

By order of the City Zoning Office

Jason Ludwigson
Sustainability Coordinator
P. O. Box 142
La Crescent, MN 55947

**PLANNING COMMISSION
CUP PUBLIC HEARING
STAFF REPORT**

MEETING DATE: March 1, 2022

CASE NUMBER: PC-22-01- ZCTA - Zoning Code Text Amendment
PC-22-02 - CUP "215 South Chestnut Street"

OWNER: Rouleau Properties, LLC
738 4th Street North
La Crescent, MN 55947

PARCEL ID: 25.0067.000 (.26 acres, 11,325 square feet)

APPLICANT: Mr. Jason Rouleau

REQUEST: 1) Proposed Zoning Text Amendment – to allow “outdoor parking and storage of commercial vehicles, including busses” in the C-1 Highway Commercial District.

2) Proposed Conditional Use Permit (“CUP”) to allow outdoor parking and storage of commercial vehicles, including busses

LOCATION: The property is located northeast of the intersection of U.S. Highway 14/61 - MN16 and South 3rd Street.

**GENERAL PLAN/
ZONING DESIGNATION:** Shoreland Mixed Use / C-1 Highway Commercial

SURROUNDING USES: North: Commercial Office, Auto Repair/sales;

South: U.S. Highway 14/61 Right-of-Way;

East: Soo Line RR, Houston County Recycling site;

West: U.S. Highway 14/61 Right-of-Way, City S. Chestnut Street Right-of-Way.

BACKGROUND

The property has a number of historical uses including a night club, flea market and is currently a door company. Most recently, the applicant/owner has remodeled the interior of the property as well as modified the exterior of the building with metal materials. This property was recently the subject of a variance to allow for a higher percentage of metal exterior finishes than that allowed by the zoning code. Both the interior and exterior remodeling were done without city permits. The applicant is currently parking busses on the property in violation of the zoning code.

PROPOSAL

PC-22-01- ZCTA is a proposed Text Amendment to the city Zoning Ordinance to allow for the parking and storage of commercial vehicles, including busses.

PC-22-02 - CUP is a proposed Conditional Use Permit to allow for the parking and storage of commercial vehicles, including busses at 215 South Chestnut Street.

PLANNING STAFF ANALYSIS

Relationship to Comprehensive Plan:

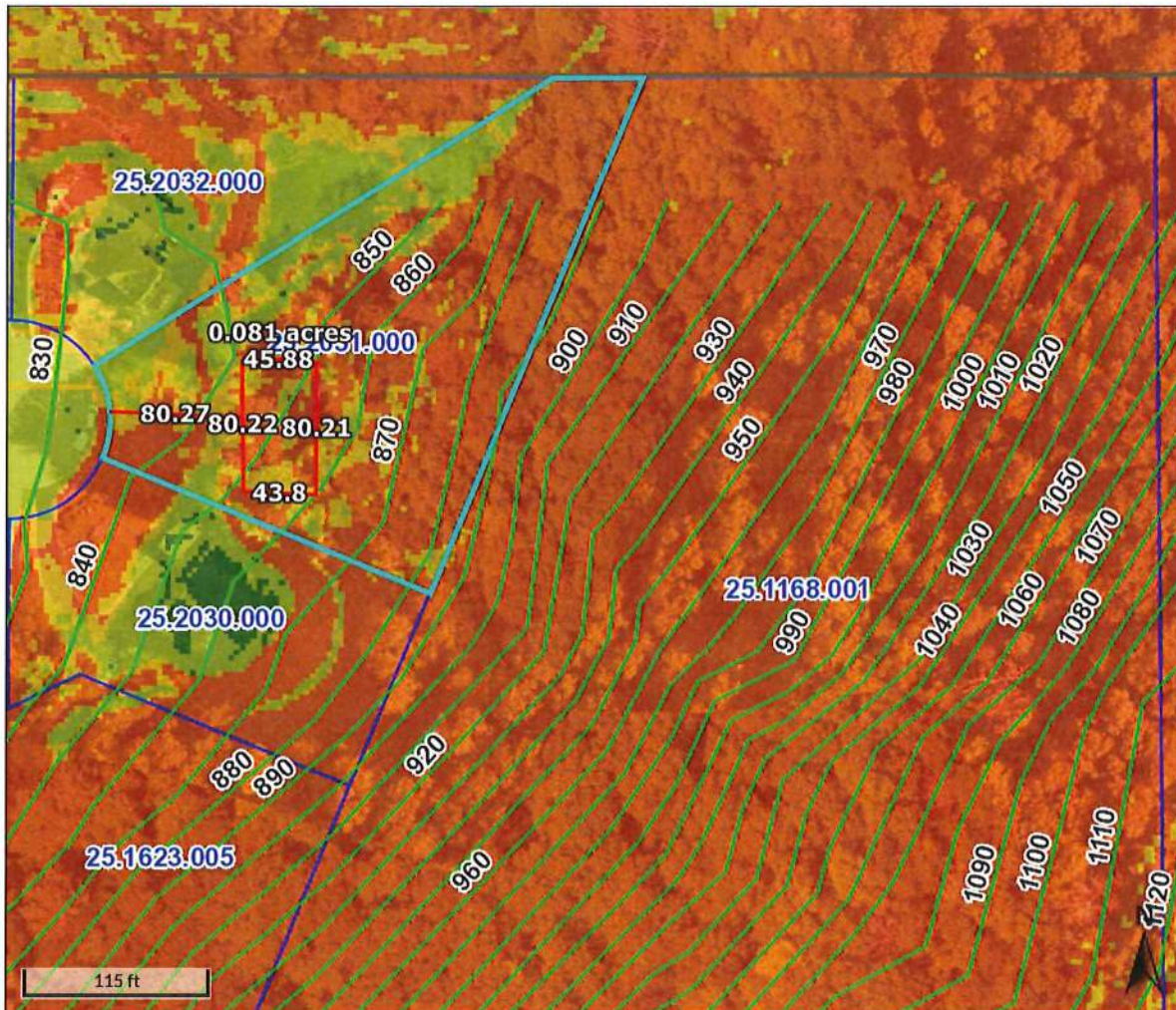
The subject site is designated by the City's General Plan as "Shoreland Mixed Use." The Comprehensive Plan states that this land use designation *will continue to function as the primary supply of highway-oriented uses while leading to improvements in the appearance and environmental performance of these areas*. Land Uses include Wholesale and Distributing Facilities, Industrial, Retail Sales and Service, Restaurants and Entertainment, Professional Offices, Civic and Institutional, Park and Recreation, and Multi-family residential. The preferred design strategies note that "Storage and loading areas should be screened from view from the highway." Further that "Generous landscaping, preferably with native species is strongly encouraged."

The Zoning Ordinance does not permit parking and storage of commercial vehicles and busses in the C-1 Highway Commercial.

C-1 Highway Commercial District, no structure or land shall be used except for one or more of the following uses: A. Bakery B. Bowling Alley with no more than eight (8) lanes C. Copy Shop D. Financial Services, without drive through E. Health clubs and fitness centers F. Hotels, Motels, Inn G. Office, including Medical and Dental H. Public Buildings I. Public Infrastructure J. Restaurants, without drive through K. Retail goods and services within a fully enclosed building L. Temporary/seasonal outdoor sales use, subject to the provisions of this title.

**Beacon**TM

Houston County, MN



Overview



Legend

- Parcels
- Roads
 - <Null>
 - COUNTY
 - STATE
 - US
- Contours
- Political Township

Parcel ID	252031000	Alternate ID	n/a	Owner Address	GALLATI, THOMAS & STACI
Sec/Twp/Rng	03/104/004	Class	Residential		251 SKUNK HOLLOW RD
Property Address	400 14TH STN	Acreage	n/a		LA CRESCENT, MN 55947
	LA CRESCENT				
District	LCSTC/SD300/FD6				
Brief Tax Description	408 14TH STN DOC #218330; DOC 243199 DOC 262500; DOC 291314				
	(Note: Not to be used on legal documents)				

Date created: 2/23/2022

Last Data Uploaded: 2/23/2022 4:03:57 AM

Developed by Schneider
GEOSPATIAL

Site Context:

The .26-acre site consists of two tax parcels. One parcel is .06 acres and appears to include the rail road tracks. The other tax parcel is .2 acres in size and is split with an access through the middle to the county yard recycling site. The property is surrounded by various rights-of-way for the highway system and South Chestnut Street as well as the Soo Line Rail Road. Lands on the east side of Chestnut Street are zoned C-1 Highway Commercial. The proposed use is abutting city right-of-way and the busses that have been parked encroach into the city right-of-way. Staff has reviewed the proposed site plan and note that there is no reference to screening via a screen wall or landscaping.

Infrastructure Improvements:

N/A

Public Input:

Staff has not received any public input regarding this application.

FINDINGS OF FACT FOR CONDITIONAL USE PERMIT

As required by Chapter 12, Zoning Ordinance, the Planning Commission shall advise the council, make recommendations and findings on the effect of the proposed use on the health, safety, morals, and general welfare of occupants of surrounding lands.

The applicant submitted findings however the applicant's response/findings are framed as statements and conclusionary in nature.

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS.

- A. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

Applicant Response:

Response (Findings): The proposed conditional use will have no effect on the adjacent properties ability to use their property, nor will it affect their respective values because the proposed conditional use is consistent with the character and uses already made of property in the area.

Staff comment: The property immediately to the north has an office character and the county recycling yard is more industrial in nature. Further north is an auto repair/sales business. The storage of busses is not in character with the adjacent office use or retail car sales that front along South Chestnut Street.

- B. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Applicant Response:

Response (Findings): The conditional use proposed is consistent with the current approved and actual uses of the neighboring properties and therefore will not have an effect on the development or improvement of other properties in that area.

Staff comment: There are no similar uses to the proposed use in the surrounding area (north and east of the highway). The uses are more commercial in character (office, auto sales, car wash).

- C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Applicant Response:

Response (Findings): The current utilities, access roads, drainage, and facilities are sufficient to support the proposed conditional use.

Staff comment: There exists sufficient utilities, access roads, drainage and facilities for the proposed use.

- D. That adequate measures have been or will be taken to provide sufficient offstreet parking and loading space to serve the proposed use.

Applicant Response:

Response (Findings): The properties seeking the conditional use has adequate off-street parking and loading space for both the conditional use proposed and the primary use of the owner.

Staff comment: The applicant is utilizing the city right-of-way to park the busses and therefore the site is inadequate for the proposed use.

- E. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.

Applicant Response:

Response (Findings): The proposed conditional use will not cause or create a nuisance at the property and will not disturb neighboring properties.

Staff comment: The applicant has not provided sufficient information regarding odor, fumes, dust, noise and vibration or information about proposed signage or a lighting plan. The proposed use is not consistent with the C-1 Commercial Highway District and the proposed conditional use is also not consistent with other conditional uses in the district.

Subd. 4. CONDITIONAL USES. Within a C-1 district, no structure or land shall be used for the following uses except by a conditional use permit: A. Animal hospital B. Auto filling station, car wash or oil change, and auto repair and maintenance. C. Auto sales and rental. D. Childcare E. Dry cleaning drop-off, incidental pressing and clothing repair without on-site cleaning F. Financial services, with drive through G. Garden supply store or greenhouse with or without outdoor storage or display H. Laundromats I. Mortuary or funeral home J. Museum K. Pawn shops, provided the operator meets license requirements established by the City Council and provided an inventory in the shop is provided on a weekly basis to the Chief of Police. L. Personal Services, such as beauty shops M. Private clubs and lodges N. Repair shops, excluding engine repair O. Restaurants, with drive through P. School Q. Showroom (indoors only) R. Theater, assembly hall or arena

F. The use is not in conflict with the policies of the City of La Crescent.

Applicant Response:

Response (Findings): The proposed conditional use is consistent with the purpose of the zoning code and district in which the property is located.

Staff comment: The applicant has not provided sufficient information to illustrate how the Comprehensive Plan's Goals and Objectives can be met.

Land Use and Community Design, Goals and Objectives

Goal 3: Properties along the State and Federal Highway corridors will be improved and redeveloped.

Objective 3.1: Buildings will be improved or replaced with higher-quality materials and design.

Objective 3.3: Outdoor storage uses on these prominent sites will relocate and/or have improved screening.

G. The use will not cause traffic hazards or congestion.

Applicant Response:

Response (Findings): The proposed conditional use will not cause congestion or traffic hazards.

Staff comment: Chestnut Street in this area is not a heavily trafficked area and the use will generally be twice a day. The morning hours at school time would be expected to be the busiest while the afternoon hours would be prior to the end of the work day.

- H. Existing uses will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.

Applicant Response:

Response (Findings): The proposed conditional use will not affect existing uses in the area of the property.

Staff comment: The applicant has not demonstrated how the busses will be screened from view. This is an area of the city where the city has completed several years of plantings to enhance the most visible intersection in the city.

STAFF FINDINGS AND RECOMMENDATION

City staff has reviewed the submitted application, the applicant's response to the CUP criteria, reviewed the city zoning district regulations for the C-1 Highway Commercial, the adopted Comprehensive Plan Land Use Element, Goals and Objectives and finds that the proposed use for parking and storing commercial vehicles including busses is not consistent with the stated intent of the zoning district, the permitted or conditional uses found in the C-1 Highway Commercial district regulations.

Subd. 1. PURPOSE AND INTENT. The purpose of the C-1 Highway Commercial District is to provide areas with excellent access and visibility to the regional highway system for high quality commercial and related uses serving La Crescent residents, businesses and visitors. While visitors and passersby on the highways may patronize these businesses, the intent is to create an extension of the City's downtown area with an attractive place for La Crescent residents to meet their needs.

Subd. 4. INITIATING CHANGES. Text amendments or district boundary changes may be initiated by either the City Council or Planning Commission. In addition, district boundary changes may be initiated by petition by any property owner within the boundary change area. Property owner petitions shall be submitted to the Building Official three weeks (21 days) prior to the Planning Commission meeting at which the petition is to be heard. The property owner petition for change shall include a legal description of the property to be changed, a description of the existing and intended use of the property lines of the change area and adjacent properties, and the required filing fee. Approval of a request shall require passage by a majority vote of the entire City Council, except an amendment changing a district from residential to commercial or industrial shall require a two-thirds majority vote of all members.

The proposal is not consistent with the Goals and Objectives in the Land Use and Community Design Element of the Comprehensive Plan.

In the past the City has allowed property owners to petition for text amendments. In this situation when the property owner was notified that they are non-compliant, they were told

making this application would be a way of possibly remedying this situation. Therefore, staff are comfortable with the application for the text amendments. If the planning commission elects to recommend approval of the text amendment, staff would suggest a finding waiving the requirement in the ordinance.

The staff finds that the proposed use does not meet the CUP criteria in Section 12.06, Subd. 4 of the Zoning Code including A, B, D, E, F or H.

Staff recommends denial of the text amendment to the zoning code and therefore also recommends against the CUP. The proposed use of the property is inconsistent with the Comprehensive Plan and the city's multi-year efforts to enhance the surrounding neighborhood. If the planning commission elects to recommend approval of the text amendment, we would suggest a finding waiving the requirement in the ordinance.

Caution should be exercised when making a text amendment that would apply to all other C-1 Highway Commercial property which would then also allow other properties to also seek CUPs for similar parking and storing of commercial vehicles and buses. The Planning Commission may have their own findings, recommend changes, or additional conditions which they feel may be applicable to the proposed project.

RECOMMENDED MOTION FOR TEXT AMENDMENT

I move that the Planning Commission recommend to the La Crescent City Council the (APPROVAL/DENIAL) case PC-22-01- ZCTA - Zoning Code Text Amendment and a request by Mr. Jason Rouleau of Rouleau Properties, LLC to allow a Zoning Ordinance Text Amendment to allow for the parking and storage of commercial vehicles, including busses at 215 South Chestnut Street (located at Parcel Numbers 25.0067.000 and 25.0068.000, subject to the following conditions of approval:

- 1) This Text Amendment is conditionally approved pursuant to Chapter 12, ZONING ORDINANCE of the City of La Crescent, Minnesota, Section 12-01, Title and the use shall be as set forth in accordance with the application and plans attached and associated to this case and all the provisions of the zoning ordinance and city codes applicable to this case.
- 2) Applicant will abide by the representations made by the applicant, or their agents, made during the permitting process, to the extent those representations were not negated by the Planning Commission or City Council and to the extent they are not inconsistent with spirit or letter explicit conditions of the Conditional Use Permit.
- 3) Applicant complies with all federal, state, and local regulations.

RECOMMENDED MOTION FOR CONDITIONAL USE PERMIT

I move that the Planning Commission recommend to the La Crescent City Council the (APPROVAL/DENIAL) of case PC-22-02 - CUP "215 South Chestnut Street," Conditional Use Permit to allow for the parking and storage of commercial vehicles, including busses at 215 South Chestnut Street (located at Parcel Numbers 25.0067.000 and 25.0068.000, subject to the following conditions of approval:

- 1) This CUP is conditionally approved pursuant to Chapter 12, ZONING ORDINANCE of the City of La Crescent, Minnesota, Section 12-06, Conditional Use Permits and the use shall be as set forth in accordance with the application and plans attached and associated to this case and all the provisions of the zoning ordinance and city codes applicable to this case.
- 2) The applicant shall comply with the city's adopted building codes for all interior and exterior building improvements and shall submit for approval interior remodeling plans prepared by a design professional or draftsman qualified to prepare such plans.
- 3) In accordance with Subd. 4 of Section 12.06, the Planning Commission can require berms, screening, landscaping or other facilities to protect adjacent or nearby property and require landscaping, fencing, screening, or other improvements to protect adjacent or nearby property, therefor tree plantings, landscaping and vegetative screening improvements shall be planted in accordance with Section 12.22 C-1 HIGHWAY COMMERCIAL DISTRICT Subd. 6 E.
- 4) Any additional site lighting shall be "Dark Sky" compliant, wherein all light sources shall be down-lit, full cutoff fixtures and shielded, and the correlated color temperature ("CCT") shall not exceed 2,700 Kelvins.
- 5) Any signage to be installed on the property must comply with Chapter 152 of the City Code of Ordinances.
- 6) Applicant will abide by the representations made by the applicant, or their agents, made during the permitting process, to the extent those representations were not negated by the Planning Commission or City Council and to the extent they are not inconsistent with spirit or letter explicit conditions of the Conditional Use Permit.
- 7) Applicant complies with all federal, state, and local regulations.

Prepared by Jason Ludwigson, Sustainability Coordinator
and Larry Kirch, Economic Development Director

Attachments:

Exhibit #1 – Zoning Code Text Amendment - Applicant Request

Exhibit #2 – Conditional Use Permit – Applicant Request

Exhibit #3 – Aerial Map – Parcel Maps, Zoning Map

Exhibit #3 – Proposed Site Plan

**PLANNING COMMISSION
LIGHTING COMPLIANCE STAFF REPORT**

MEETING DATE: March 1, 2022

CASE NUMBER: PC-22-03 - Ordinance violation

OWNER: ISD 300

PARCEL ID: 25.0628.000

LOCATION: 510 Oak Street La Crescent, MN 55947

The property is located northeast of the intersection of South Oak Street and intersections of South 4th Street, South 6th Street and Elm Street.

**GENERAL PLAN/
ZONING DESIGNATION:** R-1B Traditional Low Density Residential District

SURROUNDING USES: North: Low density residential district

South: Low density residential district

East: Mixed district – high density residential and commercial

West: Low density residential district

BACKGROUND

The property has been the site of the ISD 300 Elementary school for decades. The district recently completed an addition and remodel of the existing campus. That remodel and expansion involved purchasing adjacent properties and expanding to the south. The building plans were inspected by the state and the parking plans were inspected by the city. In December of 2018 the city adopted ordinance language requiring shielded lighting in all zoning districts. Staff informed the district that the exterior building lighting was non-compliant with

the ordinance on 06/01/2021 with follow up letters on 08/24/2021 and 11/23/2021. The district has corresponded confirming receiving these letters, but has not submitted a formal response to the city. The district had completed a portion of the exterior building façade lighting upon receiving the letter of non-compliance. After receiving the letter of non-compliance, the district commenced to install additional non-compliant building façade lighting on the remaining portion of the new construction.

PLANNING STAFF ANALYSIS

Relationship to Comprehensive Plan:

The subject site is designated by the City's Comprehensive Plan as "Neighborhood Residential." The Comprehensive Plan states that housing is the primary land use in most neighborhoods. The plan indicates that healthy and balanced neighborhoods have include other uses such as:

- Parks and recreational facilities
- Small municipal and institutional facilities
- Community centers
- Places of worship
- Schools
- Day care centers
- Small pockets of High Density Residential
- Small commercial uses that serve neighborhood needs

The Comprehensive Plan also makes multiple references to exterior lighting in the land use categories section(s). It states "exterior lighting should use full cut-off fixtures that prevent light trespass and glares, especially as seen from the marsh. The plan also makes note that the city's environmental stewardship principles are compatible with exterior lighting design that prevents trespass to neighboring residential or natural areas.

STAFF FINDINGS AND RECCOMENTATION

City staff have not received a response from the applicant that would allow us to review actions taken to bring the lighting into compliance. Absent that response we have reviewed the existing ordinance language (listed below) and the Comprehensive Plan Land Use and Community Design. The lighting in place is not consistent with the stated intent of the ordinance or the Comprehensive Plan.

12.51 PERFORMANCE STANDARDS

Subd. 1. PURPOSE. The performance standards established in this section are designed to encourage a high standard of development by enhancing the compatibility of neighboring land uses. The performance

standards are designed to prevent and eliminate those conditions that cause blight and to enhance and protect the health, safety, welfare and appearance of the community consistent with established policies and standards. All future development in any district shall be required to meet these standards.

Subd. 5. GLARE. In all districts, any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged so as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the centerline of said street. Any light or combination of lights which cast light on residential property shall not exceed .4-foot candles (meter reading) as measured from said property line. All new exterior lighting shall be dark sky LED lighting not allowing light trespass.

Staff recommends one of the following options to bring the lighting into compliance.

- Shield the lighting (place a cap on the top of the cylinder lights)
- Install new lighting that would be fully shielded

The Planning Commission may have their own findings, recommend changes, or additional comments which they feel may be applicable to the exterior building lighting.



TO: ISD 300 and HSR Architects

FROM: Jason Ludwigson, Sustainability Coordinator

DATE: 06/01/202, 08/24/2021, 11/23/2021

RE: Lighting Compliance

In December 2018 ordinance language requiring dark sky cut-off lighting was adopted by the city council. The language below can be found on pages 141-144 of the city ordinance book.

12.51 PERFORMANCE STANDARDS

Subd. 1. PURPOSE. The performance standards established in this section are designed to encourage a high standard of development by enhancing the compatibility of neighboring land uses. The performance standards are designed to prevent and eliminate those conditions that cause blight and to enhance and protect the health, safety, welfare and appearance of the community consistent with established policies and standards. All future development in any district shall be required to meet these standards.

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It has been observed that the cylinder style lighting on the exterior of the newly constructed Elementary school building is not dark sky compliant. Dark sky lighting would be fully shielded from any upward glow. The plans for the Elementary school were approved by the city planning commission and city council after the adoption of 12.51 Performance Standards Subd. 5 GLARE in the city ordinance(s). The lighting has been determined to be noncompliant. We would encourage you to investigate options for shielding the current lighting or replacing it with lighting that is dark sky compliant (fully shielded). We would encourage you to review plans for future exterior lighting with the ongoing and future school construction projects to ensure its compliance with the performance standards section of the city ordinance.

Please reach out with any questions.

Jason Ludwigson

Jason Ludwigson

jludwigson@cityoflacrescent-mn.gov

RECEIVED

FEB 17 2022

HOUSTON COUNTY
OFFICE OF THE COUNTY ASSESSOR
304 SOUTH MARSHALL STREET RM 203
CALEDONIA MN 55921-1324
LUCAS ONSTAD
COUNTY ASSESSOR
TEL (507) 725-5801

City of La Crescent, MN

February 15, 2022

La Crescent City Officials:

Last year brought a huge increase in sales prices to Houston County, which will result in value increases this year. I wanted to send you some information on these value increases and what I am doing a little differently this year, to try and distribute the increases as fairly as possible.

To start off, our county will be getting a 20% increase across the board, on buildings. As with last year, this percentage will vary slightly, per parcel, depending on the value of land on the parcel compared to the value of buildings. However, everyone will see the 20% increase on buildings. La Crescent City will have an additional 13% increase on buildings for a total increase of 33% on buildings.

The value of tillable land will increase 15%, countywide. This amounts to a \$790/acre increase to our land with an average (70 CER) rating. Our top rated (100 CER) tillable land will be seeing an increase from \$7,500/acre to \$8,625/acre. Tillable will increase by the corresponding percentage for its CER rating.

Utilizing a percentage increase will help to equalize the value increases on land, and not put a higher burden on lower value properties.

For example:

Property A has tillable land valued at \$3,200/acre

Property B has tillable land valued at \$8,000/acre

If the county had imposed a straight \$800/acre increase:

Property A's value would have increased to \$4,000/acre—a 25% increase

Property B's value would have increased to \$8,800/acre—a 10% increase

Using a percentage increase distributes the value increase more fairly.

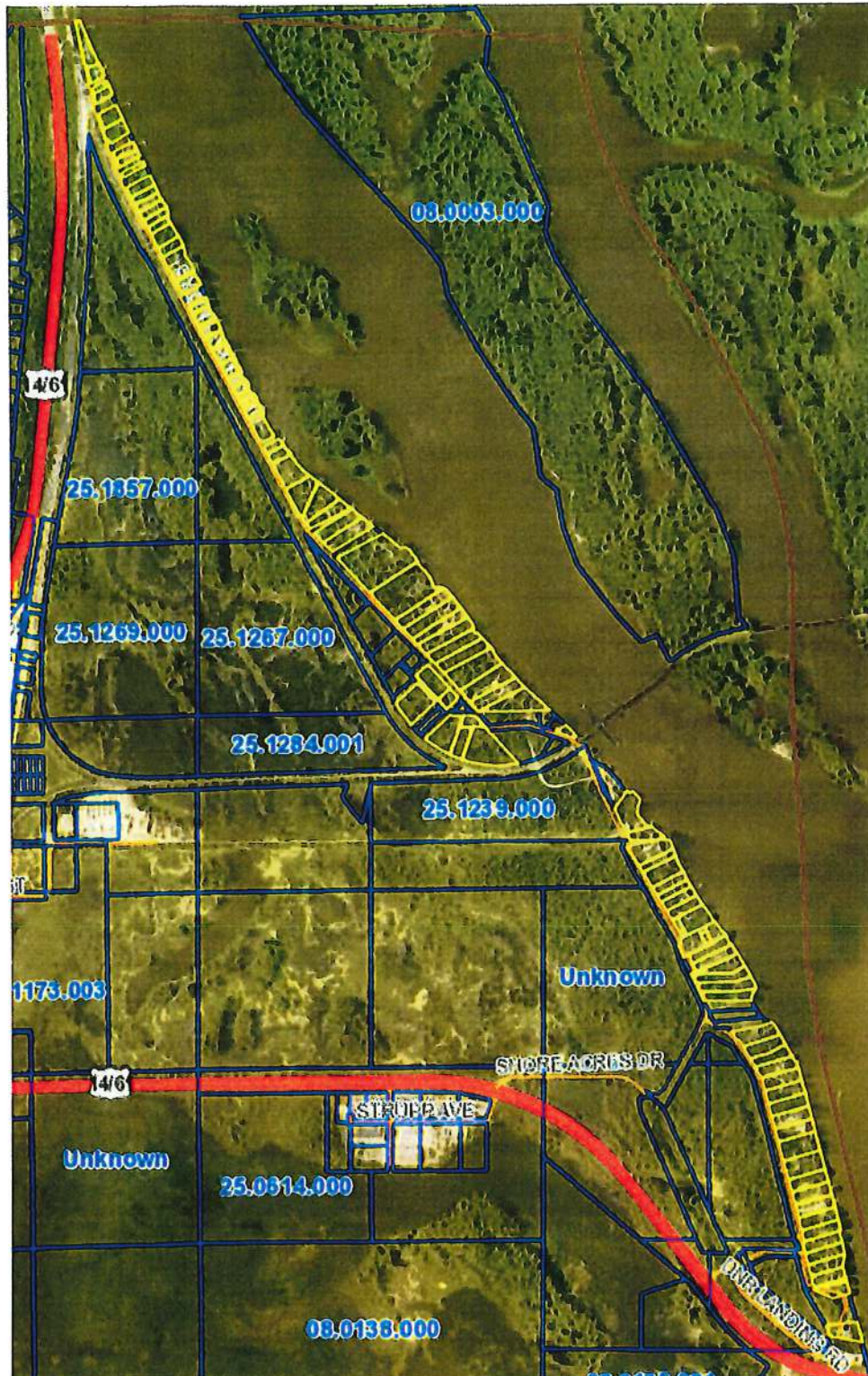
The value of woods land will increase from \$2,900/acre to \$3,300/acre.

Waste land value will be lowered from \$2,900/acre to \$2,000/acre.

La Crescent Shore Acres (101 houses):

Land value will increase 50% on average.

No additional flat-rate increase on buildings, however, we performed a quintile review of Shore Acres this year, which resulted in an average increase of 10% on houses in that area.



Due to a higher percentage of sales in 2020–2021, the following neighborhoods were split out for valuation purposes:

Orchard Valley (20 houses):

Received the same 33% increase on buildings as La Crescent city this year.

Eagles Landing (20 houses):

Received 2% less than La Crescent city for a total increase of 31% on buildings this year.

For Land Owners Enrolled in the Green Acres and Rural Preserve Programs:

We will be implementing a Green Acres deferral on tillable land for the first time. This will also be implemented using a percentage/CER formula. This will have the same affect in equalizing the taxable amount of tillable land, based on value.

Tillable land in the Green Acres Program will receive a 13% deferral on the CER value.

Woods land in the Rural Preserve Program will receive a \$1,300/acre deferral.

Please contact me if you have any questions. I will be putting together something for the newspapers as well. Thank you.

Sincerely,



Luke Onstad
Houston County Assessor
304 S. Marshall Street, Room 203
Caledonia, MN 55921
507-725-5801
Lucas.Onstad@co.houston.mn.us

Enclosures:

MAP – 2022 Average Value Increases – 2023 Taxes Payable

Neighborhood Increases
20% Base Increase
+ Additional Increases
Total Increase

**Eagles Landing
in La Crescent City**
31% Increase on Buildings

**Janelle Ave
in La Crescent Twp**
45% Increase on Buildings

**Marina Drive
in Brownsville City**
40% Increase on Buildings

**Orchard Valley
in La Crescent City**
33% Increase on Buildings

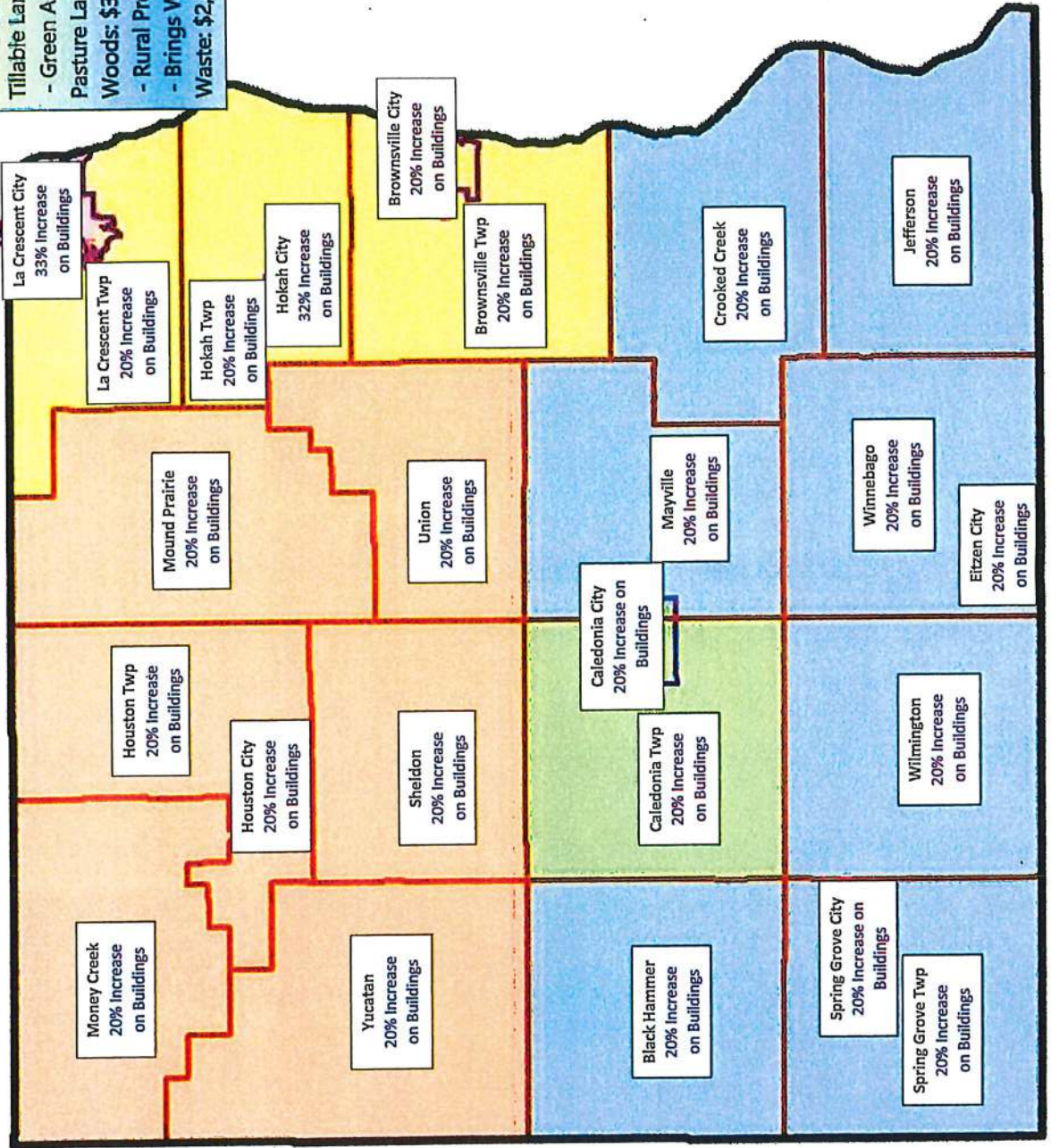
**Shore Acres
in La Crescent City**
50% Increase on
Buildable Vacant Lots

**Swan View
in Brownsville Twp**
40% Increase on Buildings

**Valley High Golf Course
in Mound Prairie**
70% Increase on
Land/Bldgs

2022 Average Value Increases - 2023 Taxes Payable

Land Values by Land Type
Tillable Land: \$8,700/acre @ 100% CER
- Green Acres Deferral: 13% off of full value
Pasture Land: \$2,000/acre
Woods: \$3,300/acre
- Rural Preserve Deferral: \$1,300/acre
- Brings Woods down to \$2,000/acre
Waste: \$2,000/acre



TO: Planning Commission Members

FROM: Jason Ludwigson, Sustainability Coordinator

DATE: February 23rd, 2022

RE: HF No. 3256

Attached for your review and consideration is the first page of the HF No. 3256. Chairman Hanifl asked that this item be added to the agenda for discussion by the planning commission.

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **3256**

02/10/2022 Authored by Elkins and Howard

The bill was read for the first time and referred to the Committee on State Government Finance and Elections

1.1 A bill for an act

1.2 relating to local and metropolitan government; modifying provisions related to

1.3 local land use and building permits for the Legalizing Affordable Housing Act;

1.4 amending Minnesota Statutes 2020, sections 15.99, subdivisions 1, 2; 326B.145;

1.5 326B.153, by adding a subdivision; 394.24, subdivision 1; 462.355, subdivision

1.6 4; 462.357, subdivisions 1, 2, by adding a subdivision; 462.358, subdivisions 2a,

1.7 2b; 473.254, subdivision 2; 473.517, subdivision 3; 473.858, subdivision 1;

1.8 473.859, subdivision 2; 473.865, subdivisions 2, 3; proposing coding for new law

1.9 in Minnesota Statutes, chapters 394; 435; 462; 513; proposing coding for new law

1.10 as Minnesota Statutes, chapter 462E; repealing Laws 2017, First Special Session

1.11 chapter 3, article 3, section 126; Laws 2018, chapter 214, article 2, section 46.

1.12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.13 ARTICLE 1

1.14 IMPACT FEES

1.15 Section 1. [394.245] IMPACT FEES.

1.16 If a board has adopted a comprehensive plan that meets the requirements of this chapter

1.17 and has adopted a capital improvement program, it may impose impact fees as provided in

1.18 chapter 462E.

1.19 Sec. 2. [462.3594] IMPACT FEES.

1.20 A statutory or home rule charter city that has adopted a comprehensive municipal plan

1.21 and capital improvement program, as provided in this chapter, may impose impact fees as

1.22 provided in chapter 462E.