

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
APRIL 12, 2021

Pursuant to due call and notice thereof, the first meeting of the City Council of the City of La Crescent for the month of April was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Monday, April 12, 2021.

Pursuant to Minn. Stat. § 13D.021 and due to the COVID-19 pandemic, members of the City Council and City Staff were given the option to attend the meeting by telephone or Zoom. Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Ryan Hutchinson, Cheryl Jostad, Teresa O'Donnell-Ebner, Dale Williams, and Mayor Mike Poellinger. Members absent: None. Also present was City Administrator Bill Waller, City Attorney Skip Wieser, City Engineer Tim Hruska, and City Administrative Assistant Angie Boettcher.

Mayor Poellinger asked if anyone wished to take action to change the agenda as presented. There were no changes requested.

ITEM 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 – MARCH 22, 2021
- 1.2 BILLS PAYABLE THROUGH APRIL 8, 2021

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

A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED.

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

Ryan Hutchinson	Yes
Cheryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.1 – WILDWOOD STORMWATER REVIEW

City Engineer Hruska reviewed with City Council the Wildwood Court Drainage Report. The report was reviewed by City Council in the fall of 2020, and conversations have continued between the City and the residents regarding the situation. Discussion followed. City Council also reviewed Agenda Requests from

Joanne Wieser, Helen Hafner, and Jerry Steffes, with each of them addressing Council. Following further discussion, Member Hutchinson made a motion, seconded by Member Jostad as follows:

MOTION TO APPROVE WHKS & CO. TO PREPARE A PLAN AND OBTAIN QUOTES FROM CONTRACTORS TO MITIGATE WATER RUNOFF IN WILDWOOD COURT.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.2 – 2021 STREET IMPROVEMENT PROJECT

City Engineer Hruska reviewed with City Council that the City had originally planned to reconstruct Spruce Drive, between South 7th Street and South 11th Street, along with Balsam Avenue, in 2022 as part of next year's street reconstruction project. The City had intended to include the cost of the project in the street reconstruction bonds that the City anticipated to issue in 2022. Given the condition of Spruce Drive and Balsam Avenue, the City is recommending that the project be moved to 2021 and proposing the project be completed in the fall of 2021, with a start date of September 1, 2021. City Council reviewed a professional services agreement for the project, along with a reimbursement resolution, and a cost estimate and site plan. For City Council information, in the next few months the City will be receiving approximately \$285,000 in assistance through the American Rescue Plan (ARP). The City will receive a second payment in an amount equal to the first payment 12 months later in 2022. The City will have until December 31, 2024 to expend the funds. The ARP funds would not be expended on the Spruce Drive improvement project; however, it was recommended that the City Council not make a decision on the allocation of the funds until such time that the City has received the proceeds from the 2022 bond sale. In order to proceed with the project, it was recommended that City Council adopt the professional services agreement with WHKS and that the City Council adopt the reimbursement resolution. Following discussion, Member Williams made a motion, seconded by Member O'Donnell-Ebner as follows:

MOTION TO ADOPT THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF LA CRESCENT AND WHKS & CO. FOR THE BALSAM AND SPRUCE STREET RECONSTRUCTION PROJECT WITH AN ESTIMATED FEE OF \$36,000.00.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

Following review and discussion, Member Hutchinson introduced the following resolution and moved its passage and adoption

RESOLUTION NO. 04-21-16

RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LA CRESCENT TO REIMBURSE CERTAIN EXPENDITURES FROM THE ISSUANCE OF BONDS

WHEREAS, the Internal Revenue Service has issued Treasury Regulations, Section 1.150-2 (as the same may be amended or supplemented, the "Regulations"), dealing with "reimbursement bond" proceeds, being proceeds of bonds used to reimburse an issuer for any project expenditure paid prior to the time of the issuance of those bonds; and

WHEREAS, the Regulations generally require that an issuer make a declaration of intent to reimburse itself for such prior expenditures out of the proceeds of subsequently issued bonds, that such declaration be made not later than 60 days after the expenditure is actually paid, and that the bonding occur and the written reimbursement allocation be made from the proceeds of such bonds within 18 months after the later of (1) the date of payment of the expenditure or (2) the date the project is placed in service (but in no event more than 3 years after actual payment); and

WHEREAS, the City Council (the "Council") of the City of La Crescent, Minnesota (the "City") has heretofore determined and declared that it is in the best interests of the City to issue general obligation bonds, in an amount not to exceed \$3,000,000 (the "Bonds"), to finance the costs of certain street reconstruction projects as identified and described in the City's 2021 to 2025 Street Reconstruction Plan (the "Project").

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

1. Official Intent Declaration. The City hereby declares its official intent to reimburse itself from the proceeds of the Bonds for costs of the Project incurred and paid for prior to the issuance thereof.

ADOPTED this 12th day of April, 2021.

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;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.3 – COMMITTEE APPOINTMENT

City Administrator Waller reviewed with City Council the recommendation to appoint Bob Spencer to the City's GreenStep Committee. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Williams as follows:

MOTION TO APPOINT BOB SPENCER TO THE CITY OF LA CRESCENT GREENSTEP COMMITTEE.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.4 – REQUEST TO PURCHASE PROPERTY

City Administrator Waller reviewed with City Council a request the City received from property owners in the Apple Blossom Pointe development to purchase a portion of the City owned property in that development. City Council reviewed a copy of this request. Nikki Dockendorff addressed City Council regarding the request. For City Council information, the piece of property is platted as a City street, and is presently being considered for a trail extension/connection between the Horse Thief Ridge development and the Apple Blossom Pointe development, with a connection to the Winona County Apple Blossom Overlook Park. This extension/connection is identified in the City's Blufflands Plan. City staff believes that it is not in the City's best interest to sell this piece of property, and recommended that City Council deny the request. Following discussion, Member Jostad made a motion, seconded by Member Williams as follows:

MOTION TO TABLE DISCUSSION ON THIS MATTER TO THE FIRST CITY COUNCIL MEETING IN MAY.

After discussion, Motion and Second were withdrawn. After further discussion, the City Attorney reaffirmed his opinion that publicly dedicated, platted streets cannot be sold. No action was taken on this request.

ITEM 3.5 – CRESCENT VALLEY LIGHTING TRUST

City Administrator Waller reviewed with City Council that in 2010 the City completed the annexation of the first parcels of property in Crescent Valley. There are 10 streetlights in Crescent Valley. Prior to 2010 the cost to operate the streetlights was paid for by the Crescent Valley Lighting Trust, which consists of the homes in Crescent Valley. The Lighting Trust is administered by representatives from each of the six water trusts that exist in Crescent Valley. The City of La Crescent pays for the cost to operate all of the streetlights in the City. In 2010, when approximately one-third of Crescent Valley annexed to the City, the City began paying for three of the streetlights in Crescent Valley. Over the years the number of homes in Crescent Valley that are in the City gradually increased, and now approximately two-thirds of the properties in Crescent Valley are in the City of La Crescent. The number of streetlights that the City has paid for between 2010 and 2020 was never adjusted and remained at three, even though the number of homes in the City continued to increase during that period of time. Beginning in 2021 the remaining 7 streetlights in Crescent Valley are now being paid for by the City of La Crescent. The street light cost is \$10 per light per month. The Crescent Valley Lighting Trust is requesting that the City Council approve a one-time reimbursement of \$1,200.00, which is approximately the cost of 3 streetlights for the last four years. The Crescent Valley Lighting Trust will then distribute these funds to the various well trusts in Crescent Valley, and the Crescent Valley Lighting Trust will cease to exist. The City believes this is a reasonable request, and recommends that the City Council approve the one-time payment to the Crescent Valley Lighting Trust. Following discussion, Member Jostad made a motion, seconded by Member O'Donnell-Ebner as follows:

MOTION TO APPROVE A ONE-TIME REIMBURSEMENT TO CRESCENT VALLEY LIGHTING TRUST IN THE AMOUNT OF \$1,200.00 FOR STREETLIGHT COSTS IN CRESCENT VALLEY.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.6 – ICE ARENA IMPROVEMENT PROJECT

City Administrator Waller reviewed with City Council the La Crescent Community Ice Arena, which was constructed in 1997, is now in need of maintenance items including a new roof, caulking and sealing. This is similar to the project that was completed approximately 7 years ago on the Community Building/Fire Station. The total cost of the proposed improvement is estimated at \$250,000.00. Lancer Youth Hockey has agreed to pay 50% of the costs associated with this improvement. In 2020, the City included \$130,000.00 in tax abatement bonds in the 2020A bond issue for the City's portion of the cost of the

project. The project was originally planned for 2020, but was delayed due to the financial impact that the health pandemic was having on Lancer Youth Hockey. Lancer Youth Hockey has indicated that they are ready to move forward with the project. In order to proceed, it was recommended that City Council approve the specifications for the project and authorize to advertise for bids. The bid results would then be presented to the City Council for consideration at a meeting in May. Following discussion, Member Jostad made a motion, seconded by Member Williams as follows:

MOTION TO APPROVE THE SPECIFICATIONS FOR THE LA CRESCENT COMMUNITY ICE ARENA PROJECT AND AUTHORIZE TO ADVERTISE FOR BIDS.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.7 – AUTHORIZE EXPENDITURE – TREES

City Administrator Waller reviewed with City Council that the City received a proposal from Hoffman & McNamara to provide 114 trees that will be planted at Veterans Park and Hickory Lane as part of this year's MnDOT Landscape Partnership project. There are 18 different varieties of trees, and the total price is \$22,209.00. Hoffman & McNamara has provided the City with the majority of the product that has been planted in the City over the years. The City has received an \$8,000.00 MnDOT Landscape Partnership grant for that portion of the project and there are funds in the general fund budget for the balance of this expenditure. The trees will be planted at Veterans Park and Hickory Lane on April 30th as part of the City's 2021 Arbor Day celebration. The trees will be planted by community volunteers and the City's maintenance department. It was recommended to City Council to accept the proposal submitted by Hoffman & McNamara. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Williams as follows:

MOTION TO ACCEPT THE PROPOSAL SUBMITTED BY HOFFMAN & MCNAMARA IN THE AMOUNT OF \$22,209.00 FOR 114 TREES THAT WILL BE PLANTED AT VETERANS PARK AND HICKORY LANE AS PART OF THIS YEAR'S MNDOT LANDSCAPE PARTNERSHIP PROJECT.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.8 – REVIEW BOARD OF APPEAL/EQUALIZATION MEETING

City Administrator Waller reviewed with City Council the Agenda and Notice for the Board of Appeal and Equalization Meeting, which is scheduled for Monday, April 19, 2021 at 5:30 p.m. This item was informational, and no action was taken.

ITEM 3.9 – GAMBLING PERMIT APPLICATION

City Council reviewed a gambling permit application from the Lions Club of La Crescent for a raffle drawing to be held at the La Crescent Area Event Center on October 8, 2021. The application appears to be order and it was recommended to City Council to approve the application and authorize that it be forwarded to the Minnesota Gambling Control Board. Following discussion, Member Williams made a motion, seconded by Member Hutchinson, as follows:

MOTION TO APPROVE A GAMBLING PERMIT APPLICATION FOR THE LIONS CLUB OF LA CRESCENT FOR A RAFFLE DRAWING TO BE HELD AT THE LA CRESCENT AREA EVENT CENTER ON OCTOBER 8, 2021 AND THAT IT BE FORWARDED TO THE MINNESOTA GAMBLING CONTROL BOARD.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Dale Williams	Yes
Mike Poellinger	Yes

Member Teresa O'Donnell-Ebner abstained from voting and none voted against the same. The motion was declared duly carried by a 4-0 vote.

ITEM 3.10 – LIABILITY COVERAGE WAIVER

City Administrator Waller reviewed with City Council a Memorandum from Debbie Shimshak, City Finance Director, that each year, as part of the City renewing its general liability insurance coverage with the League of Minnesota Cities Insurance Trust, the City Council is required to adopt a liability coverage waiver form. City Council reviewed this form. Based on the recommendation of the City's insurance agent, the City Council has always NOT waived the statutory tort limits. This by MN Statute 466.04 limits the amount an individual or multiple claimants could recover from a single occurrence. It was recommended to City Council to continue with NOT waiving the statutory tort limits for 2021/2022 renewal. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Hutchinson, as follows:

MOTION TO ADOPT A LIABILITY COVERAGE WAIVER FORM TO CONTINUE WITH NOT WAIVING THE STATUTORY TORT LIMITS FOR 2021/2022 RENEWAL REGARDING ITS GENERAL LIABILITY INSURANCE COVERAGE WITH THE LEAGUE OF MINNESOTA CITIES INSURANCE TRUST.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.11 – GENERATOR SERVICE CONTRACT RENEWAL

City Administrator Waller reviewed with City Council an agreement to renew the service contract with Interstate PowerSystems for yearly service/inspections on the City's two generators. This agreement has been in place for a number of years, and it was recommended to City Council to approve the three-year service contract renewal with Interstate PowerSystems. Following discussion, Member Williams made a motion, seconded by Member Jostad, as follows:

MOTION TO APPROVE THE THREE-YEAR SERVICE CONTRACT RENEWAL WITH INTERSTATE POWERSYSTEMS FOR YEARLY SERVICE/INSPECTIONS ON THE CITY OF LA CRESCENT'S TWO GENERATORS.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.12 – PERSONNEL COMMITTEE RECOMMENDATION

City Administrator Waller reviewed with City Council the following recommendations from the Personnel Committee:

1. The Personnel Committee is recommending that the City Council accept the resignation of Mike Wiczek from the La Crescent Fire Department. City Council reviewed a letter from the Fire Chief regarding this.
2. The Personnel Committee is recommending that the City Council authorize the posting of the Training/Safety Officer and the Deputy Fire Marshal positions. A hiring recommendation would then be presented at a future City Council meeting. City Council reviewed a letter from the Fire Chief regarding this.
3. It is planned that City Hall will be reopened to the public on Monday, May 3, 2021. Given the volume of traffic that the License Bureau generates, and the limited waiting and working areas we are suggesting that consideration be given to possibly reconfiguring space in City Hall. This may include moving the License Bureau to the City Council Chambers, re-locating existing offices

currently in that space to other areas in City Hall, and holding public meetings at the Community Building rather than at City Hall. To facilitate this evaluation, the Personnel Committee is recommending that the City Council authorize Dave Holstrom to review the existing space at City Hall and make recommendations on how the space could be reconfigured.

4. Due to the volume of building activity that is currently in progress, along with projects that are currently being planned, the time constraints on the City's Building Official are becoming unrealistic. The Personnel Committee is recommending on a trial basis through the end of the year that the contract with Jason Ludwigson, the City's Sustainability Coordinator, be expanded by 5 hours per week to perform zoning administration activities that are presently being performed by Shawn Wetterlin, the City's Building Official. The increase in building permit fees should more than offset the added cost to expand the contract with Mr. Ludwigson.

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

MOTION TO ACCEPT THE RESIGNATION OF MIKE WICZEK FROM THE LA CRESCENT FIRE DEPARTMENT.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

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

MOTION TO AUTHORIZE THE POSTING OF THE TRAINING/SAFETY OFFICER AND THE DEPUTY FIRE MARSHAL POSITIONS FOR THE LA CRESCENT FIRE DEPARTMENT WITH A HIRING RECOMMENDATION TO BE PRESENTED AT A FUTURE CITY COUNCIL MEETING.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

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

MOTION TO OPEN CITY HALL TO THE PUBLIC ON MAY 3, 2021 AND TO AUTHORIZE DAVE HOLSTROM TO REVIEW THE EXISTING SPACE AT CITY HALL AND MAKE RECOMMENDATIONS ON HOW THE SPACE COULD BE RECONFIGURED TO ACCOMMODATE THE VOLUME OF TRAFFIC THAT THE LICENSE BUREAU GENERATES AND THE LIMITED WAITING AND WORKING AREAS.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

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

MOTION TO AMEND THE CONTRACT FOR PROFESSIONAL SERVICES ENTERED INTO JANUARY 1, 2021 WITH JASON LUDWIGSON BY 5 HOURS PER WEEK TO ASSIST THE CITY BUILDING OFFICIAL WITH ZONING ADMINISTRATION ACTIVITIES ON A TRIAL BASIS THROUGH THE END OF 2021.

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

Cherryl Jostad	Yes
Dale Williams	Yes
Mike Poellinger	Yes

Member Teresa O'Donnell-Ebner abstained from voting and Member Ryan Hutchinson voted against the same. The motion was declared duly carried by 3-1 vote.

ITEM 8 – CHAMBER OF COMMERCE

Jerry Burns of the La Crescent Chamber of Commerce reported that the Chamber is planning a Cinco de Mayo event on May 5 and that the Chamber of Commerce Director is retiring in August.

Houston County Commissioner, Dewey Severson, reviewed the County received \$3.6 million in American Rescue Plan funding.

There being no further business to come before the Council at this time, Member Williams made a motion, seconded by Member Hutchinson, to adjourn the meeting. Upon a roll call vote taken and tallied by the City Administrator, the following Members present voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the meeting duly adjourned at 7:02 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator