

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
APRIL 27, 2020

Pursuant to due call and notice thereof, the second meeting of the City Council of the City of La Crescent for the month of 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 27, 2020.

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

Also in attendance via a second telephone line were: Kim Whitford and Tracy Dryden regarding Item 3.1 – Senior Parade Request.

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 – APRIL 13, 2020
- 1.2 MINUTES – APRIL 20, 2020
- 1.3 BILLS PAYABLE THROUGH APRIL 23, 2020

At the conclusion of the reading of the Consent Agenda, Mayor Poellinger asked if the Council wished to have any of the items removed from the Consent Agenda for further discussion. It was recommended by Member Jostad to amend the April 13, 2020 Minutes regarding Item 3.3 – Personnel Committee Recommendations to read as follows:

ITEM 3.3 – PERSONNEL COMMITTEE RECOMMENDATIONS

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

1. The Personnel Committee is recommending that the City Council approve the tentative labor agreement with the Operating Engineers Union that represents seasonal full-time employees at the golf course. City Council reviewed a summary of the agreement. The City Council approved a cost of living increase to \$325.00 per month.
2. The Personnel Committee is recommending that the City Council approve extending the \$50 per month cell phone allowance to City Finance Director Debbie Shimshak and City Utility Maintenance Supervisor Jay Gillette. This would take effect March 1, 2020.

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

MOTION TO APPROVE THE LABOR AGREEMENT WITH THE OPERATING ENGINEERS UNION THAT REPRESENTS SEASONAL FULL-TIME EMPLOYEES AT THE GOLF COURSE FOR 2020-2022.

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

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

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

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

MOTION TO APPROVE EXTENDING THE \$50 PER MONTH CELL PHONE ALLOWANCE TO CITY FINANCE DIRECTOR DEBBIE SHIMSHAK AND CITY UTILITY MAINTENANCE SUPERVISOR JAY GILLETTE EFFECTIVE MARCH 1, 2020.

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

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

and none voted against the same. The motion was declared duly carried by a 4-0 vote.

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

A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED INCLUDING REVISIONS REGARDING ITEM 3.3 – PERSONNEL COMMITTEE RECOMMENDATIONS IN THE APRIL 13, 2020 MINUTES AS STATED ABOVE.

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.

ITEM 3.1 – SENIOR PARADE REQUEST

Mayor Poellinger reviewed with City Council an Agenda Request from Kim Whitford and Tracy Dryden (who appeared via telephone) representing the parents of the La Crescent-Hokah High School Class of 2020 requesting permission to hold a parade to honor La Crescent-Hokah's senior class. Typically, there is an informal senior parade of cars that travels through La Crescent on the last day of classes for the seniors. As they travel through town cheering and honking, people come out of their houses to wave and shout words of celebration and encouragement — demonstrating true Lancer and La Crescent spirit. Because our state is in jeopardy of not being able to relax its social distancing guidelines, the informal senior parade is unlikely to take place safely without formal coordination. A small planning group representing the Class of 2020 Parents brought forth this request for City Council consideration. In doing so, the planning group recognized the social distancing guidelines and the safeguards that need to be in place to protect these students, their families, and community members and submitted rules that would be applied to this event. City Council reviewed these guidelines and a proposed map of the parade route. It was recommended to City Council that a parade be held on May 22, 2020 at 6:30 p.m. with law enforcement on hand to honor La Crescent-Hokah's senior class with proposed parade route as reviewed. Following discussion, Member Williams made a motion, seconded by Member O'Donnell-Ebner, as follows:

A MOTION TO APPROVE A PARADE BE HELD ON MAY 22, 2020 AT 6:30 P.M. WITH LAW ENFORCEMENT ON HAND TO HONOR LA CRESCENT-HOKAH'S SENIOR CLASS OF 2020 WITH PROPOSED PARADE ROUTE APPROVED AS REVIEWED.

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.

ITEM 3.2 - COVID-19/CITY HALL

City Administrator Waller reviewed with City Council a brief update regarding the impact of COVID-19 on City Hall and the functions of City Hall. City Council also reviewed Minnesota Governor Tim Walz' Emergency Executive Order 20-38 Allowing for Safe Outdoor Recreation executed on April 17, 2020. Member O'Donnell-Ebner updated City Council on the Library. This item was informational, and no action was taken.

**ITEM 3.3 – LIQUOR ORDINANCE AMENDMENT and
ITEM 3.4 – FEE SCHEDULE AMENDMENT**

City Attorney Wieser reviewed with City Council Ordinance No. 543 amending Ordinance No. 532 regulating the possession, sale, consumption of intoxicating and 3.2 percent malt liquor within the City. The current ordinance does not permit the issuance of a license for on-sale wine. City Attorney Wieser also reviewed with City Council Ordinance No. 544, an Ordinance amendment relating to the liquor license

related fees. It was recommended that City Council include a \$300.00 fee for issuance and approval of an on-sale wine license and making the on-sale 3.2 beer and off-sale liquor consistent with on-sale wine. Following discussion, Member Williams introduced the following two (2) Ordinances, and moved their passage and adoption:

ORDINANCE NO. 543

AN ORDINANCE OF THE CITY OF LA CRESCENT AMENDING ORDINANCE NO. 532 REGULATING THE POSSESSION, SALE AND CONSUMPTION OF INTOXICATING AND 3.2 PERCENT MALT LIQUOR WITHIN THE CITY OF LA CRESCENT, MINNESOTA

The City Council of the City of La Crescent, Houston County, Minnesota, hereby ordains:

SECTION I. That Section 8 (A-G) of Ordinance No. 532 adopted on March 25, 2019 be deleted in its entirety and amended to read as follows:

SECTION 8. KINDS OF LIQUOR LICENSES.

(A) 3.2 percent malt liquor on-sale licenses, which may be issued only to golf courses, restaurants, hotels, clubs, bowling centers, and establishments used exclusively for the sale of 3.2 percent malt liquor with the incidental sale of tobacco and soft drinks.

(B) 3.2 percent malt liquor off-sale license.

(C) Temporary 3.2 percent malt liquor licenses which may be issued only to a club, charitable, religious, or nonprofit organization.

(D) Off-sale intoxicating liquor licenses, which may be issued only to exclusive liquor stores.

(E) On-sale intoxicating liquor licenses, which may be issued to the following establishments as defined by Minn. Stat. § 340A.101, as it may be amended from time to time, and this ordinance: hotels, restaurants, bowling centers, theaters, clubs or congressionally chartered veterans organizations, theaters and exclusive liquor stores.

(F) Sunday on-sale intoxicating liquor licenses may be issued only to a restaurant as defined in Section 3 of this ordinance, club, bowling center, or hotel which has a seating capacity of at least 30 persons, which holds an on-sale intoxicating liquor license, and which serves liquor only in conjunction with the service of food. The maximum fee for this license, which shall be established by the Council under the provisions of Section 10 of this ordinance, shall not exceed \$200, or the maximum amount provided by Minn. Stat. § 340A.504, subd. 3(c) as it may be amended from time to time.

(G) On-Sale wine licenses.

(H) Temporary on-sale intoxicating liquor licenses, with the approval of the Commissioner of Public Safety, which may be issued only in connection with a social event sponsored by a club, charitable, religious, or other nonprofit corporation that has existed for at least three years. No license shall be for longer than four consecutive days, and the city shall issue no more than 12 days' worth of temporary licenses to any one organization in one calendar year.

(I) One day consumption and display permits with the approval of the Commissioner of Public Safety to a nonprofit organization in conjunction with a social activity in the city sponsored by the organization.

(J) Approval of the issuance of a consumption and display permit by the Commissioner of Public Safety. The maximum amount of the additional fee which may be imposed by the Council on a

person who has been issued a consumption and display permit under the provisions of Section 10 of this ordinance shall not exceed \$300, or the maximum amount permitted by Minn. Stat. § 340A.414, subd. 6, as it may be amended from time to time. Consumption and display permits shall expire on March 31 of each year.

(K) Culinary class limited on-sale licenses may be issued to a business establishment not otherwise eligible for an on-sale intoxicating liquor license that, as part of its business, conducts culinary or cooking classes for which payment is made by each participant or advance reservation required. The license authorizes the licensee to furnish to each participant in each class, at no additional cost to the participant, up to a maximum of six ounces of wine or 12 ounces of intoxicating malt liquor, during and as part of the class, for consumption on the licensed premises only.

(L) Temporary off-sale wine licenses, with the approval of the Commission of Public Safety, may be issued for the off-sale of wine at an auction. A license issued under this subdivision authorizes the sale of only vintage wine of a brand and vintage that is not commonly being offered for sale by any wholesaler in Minnesota. The license may authorize the off-sale of wine for not more than three consecutive days provided not more than 600 cases of wine are sold at any auction. The licenses are subject to the terms, including license fee, imposed by Section 10.

(M) Brew pub on-sale intoxicating liquor or on-sale 3.2 percent malt liquor licenses, with the approval of the Commissioner of Public Safety, may be issued to brewers who operate a restaurant in their place of manufacture and who meet the criteria established at Minn. Stat. § 340A.301 subd. 6(d) and 7(b), as it may be amended from time to time. Sales under this license at on-sale may not exceed 3,500 barrels per year. If a brew pub licensed under this section possesses a license for off-sale under Section 9 (O) below, the brew pub's total combined retail sales at on-sale or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than 500 barrels.

(N) Brewer off-sale intoxicating liquor licenses, with the approval of the Commissioner of Public Safety, may be issued to a brewer that is a licensee under Section 9 (N) above or that produces fewer than 3,500 barrels of malt liquor in a year and otherwise meets the criteria established at Minn. Stat. § 340A.301 subd. 6(d) and 7(b), as it may be amended from time to time. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the city. Malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores. All malt liquor sold under this license shall be packaged in the manner required by Minn. Stat. § 340A.301, subd. 7 as it may be amended from time to time. Sales under this license may not exceed 500 barrels per year. If a brewer licensed under this section possesses a license under Section 9 (N) above, the brewer's total retail sales at on-sale or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than 500 barrels.

(O) Brewer temporary on-sale intoxicating liquor licenses may be issued, with the approval of the Commissioner of Public Safety, to brewers who manufacture fewer than 3,500 barrels of malt liquor in a year for the on-sale of intoxicating liquor in connection with a social event within the municipality sponsored by the brewer.

SECTION II. These provisions shall become effective from and after April 27, 2020 and publication, according to law.

PASSED AND ADOPTED by the City Council of the City of La Crescent, Minnesota, this 27th day of April, 2020.

SIGNED:

Mayor

ATTEST:

City Administrator

ORDINANCE NO. 544

**AN ORDINANCE OF THE CITY OF LA CRESCENT AMENDING
THE MASTER FEE SCHEDULE FOR THE CITY OF LA CRESCENT
AS SET FORTH IN ORDINANCES NO. 404, NO. 483, NO. 492, NO. 540 AND NO. 542**

The City Council of the City of La Crescent, Houston County, Minnesota hereby ordains:

1. The La Crescent City Code established on March 8, 2004, stated that certain fees may be set from time to time by the City Council.
2. The La Crescent City Code was amended on January 13, 2014, February 9, 2015, February 24, 2020, and April 13, 2020 by Ordinance to amend certain fees.
3. The City staff has reviewed the fees which the City currently charges and is recommending that the fee schedule be amended as follows:

ADMINISTRATION	2020
<u>Liquor – Club</u>	
Club Liquor – Yearly	
Less than 200 Members	\$300.00
201 – 500 Members	\$500.00
501 – 1000 Members	\$650.00
1001 – 2000 Members	\$800.00
2001 – 4000 Members	\$1,000.00
4001 – 6000 Members	\$2,000.00
More than 6000 Members	\$3,000.00
Off Sale 3.2 Beer	\$50.00
Beer 3.2 – additional license fees not required if you hold “on-sale” or “off-sale” liquor licenses	
Off-Sale – Yearly	\$300.00
On-Sale – Yearly	\$280.00
Temporary On-Sale – Up to 3 days	\$25.00

Wine – On Sale	\$300.00
Liquor – Intoxicating: Per Year	
On-Sale	\$1,150.00
Off-Sale	\$300.00
Sunday	\$200.00
Maps – Houston County – Each	\$3.00

These fees shall become effective from and after due passage and enactment and publication according to law.

ADOPTED this 27th day of April, 2020.

SIGNED:

Mayor

ATTEST:

City Administrator

The foregoing motions were duly seconded by Member Hutchinson 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 Ordinances were declared duly passed and adopted.

City Attorney Wieser then reviewed with Council a Summary Ordinance for Ordinance No. 543 and Ordinance No. 544 for publication. The Council made the following findings of facts: that publication of the summaries informs the public of the intent and effect of the Ordinances.

Member Williams then made a motion, seconded by Member Hutchinson as follows:

MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE NO. 543 AND ORDINANCE NO. 544 BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE CITY AND WITH “OFFICIAL COPY” SO MARKED BE KEPT ON FILE IN THE OFFICE OF THE CITY ADMINISTRATOR.

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 3.5 – LIQUOR LICENSE APPLICATION

City Council reviewed a 3.2% On-Sale liquor license application and an On-Sale wine license application for Corky's Restaurants, Inc. dba Corky's Pizza, 25 S Walnut St., La Crescent. 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 Department of Public Safety. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Jostad, as follows:

MOTION TO APPROVE A 3.2% ON-SALE LIQUOR LICENSE APPLICATION AND AN ON-SALE WINE LICENSE APPLICATION FOR CORKY'S RESTAURANTS, INC. DBA CORKY'S PIZZA AND AUTHORIZE THAT IT BE FORWARDED TO THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY.

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.

ITEM 3.6 – CHANGE DATE OF FIRST CITY COUNCIL MEETING IN MAY

City Administrator Waller reviewed with City Council a recommendation to move the date of the first City Council meeting in May from the second Monday of the month to the third Monday of the month, which would be May 18, 2020, at 5:30 pm. This will allow for coordination of the following items that will be on the agenda for the May 18th meeting:

- a. The bid results for the Horse Track Meadows development.
- b. The bond sale award resolution for the 2020A bond issue.
- c. The increase to the sewer connection fee for the lift station.

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

MOTION TO APPROVE MOVING THE DATE OF THE FIRST CITY COUNCIL MEETING IN MAY FROM THE SECOND MONDAY OF THE MONTH TO THE THIRD MONDAY OF THE MONTH, WHICH WOULD BE MAY 18, 2020, AT 5:30 PM.

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.

ITEM 8 – CHAMBER OF COMMERCE

There was no report from the La Crescent Chamber of Commerce.

There being no further business to come before the Council at this time, Member 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 5:57 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator