

MINUTES, SPECIAL CITY COUNCIL MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
May 11, 2022 – 5:30 PM

Pursuant to due call and notice thereof, the Special City Council Meeting of the City of La Crescent was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Wednesday, May 11, 2022.

Upon a roll call taken and tallied by the Deputy Clerk, the following members were present: Members Ryan Hutchinson, Cherryl Jostad, Teresa O'Donnell-Ebner, Dale Williams, and Mayor Mike Poellinger. Members absent: None. Also present was City Attorney Skip Wieser, City Engineer, Tim Hruska, City Community Development Coordinator, Larry Kirch, Deputy Clerk Angie Boettcher (via Zoom), and Administrative Assistant Chris Fortsch.

Also in attendance: Lucas Onstad and Kelly Peterson, Houston County Assessor's Office

5:30 – Appeal of Variance Denial – LAMAR Advertising

On April 5, 2022, the City Planning Commission serving as the Board of Adjustment voted to deny the requested sign variance from LAMAR Advertising. The applicant has filed a Notice of Appeal pursuant to our ordinance to the La Crescent City Council serving as the Zoning Board of Appeals. The Zoning Board of Appeals can reverse or affirm, in whole or part, the decision being appealed. The City Council was provided with the Administrative Record.

Attorney Wieser reviewed with City Council the appeal of the variance denial process.

City Community Development Coordinator Larry Kirch reviewed the Summary of Staff report from the April 5, 2022 Planning Commission Meeting with City Council.

Mayor Poellinger asked if a representative from LAMAR Advertising would like to comment. Zach Schoh, Real Estate Manager of LAMAR advertising spoke. General Manager Cory Andl was also present and spoke on behalf of LAMAR Advertising.

After a Motion was made and seconded, Attorney Wieser reviewed with City Council the following Findings:

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

The Planning Commission, sitting as the Board of Adjustment, found that the request was not in harmony with the general purpose and intent of the ordinance.

Finding: Affirm

The variance is not in harmony with the purpose and intent of the zoning ordinance based on the following findings because:

The City's sign ordinance has a stated purpose of enhancing the appeal of the City of La Crescent to its residents and visitors. The City is located at the center of three (3) national

scenic byways between the bluffs, valleys, and protected wetlands. Part of the purpose of the sign ordinance is to balance the need for signage with the impact of signage on the surrounding environment. The proposal needs at least two (2) variances and therefore is not in compliance with the purpose and intent of the ordinance.

Would granting the variance be consistent with the Comprehensive Plan?

The Planning Commission, sitting as the Board of Adjustment, found that the request was in conflict with the Comprehensive Plan.

Finding: Affirm

Granting the variance is not consistent with the Comprehensive Plan because:

A. Natural Systems, Open Space, and Recreational Elements, Goals, Objectives, Strategies:

Goal No. 2 provides that public access to and recreational use of parks, blufflands and waterways will be expanded and improved in the La Crescent area. (Page 2-17 of the Comprehensive Plan.)

Objective No. 2.9 provides that scenic views of the bluffs and wetlands will be enhanced through the removal of billboards. (Page 2-17 of the Comprehensive Plan.)

B. Transportation and Mobility:

Goal provides that La Crescent provides a safe, efficient, multi-model, and well-maintained transportation network that balances the need of all users. (Page 2-27 of the Comprehensive Plan.)

Objective No. 8 provides that transportation corridors and gateways will be aesthetically attractive and enhance the image of the community. (Page 2-29 of the Comprehensive Plan.)

Strategy No. 23 provides that work with State and County agencies to maintain aesthetically pleasing transportation corridors and gateway entrances with reflect the community's charm and vision. This may include enhanced landscaping, artistic enhancements, clean-up off trash and debris, decorative lighting, improved community signage and removal of billboards. (Page 2-29 of the Comprehensive Plan.)

C. Land Use and Community Design:

Goal No. 3 provides that properties along the State and Federal highway corridors will be improved and redeveloped. (Page 3-3 of the Comprehensive Plan.)

Objective No. 3.3 provides that billboards will be removed. (Page 3-3 of the Comprehensive Plan.)

Practical Difficulties Analysis

The Planning Commission, sitting as the Board of Adjustment did not review the practical difficulties factors.

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

Finding: Affirm

The applicant does not propose to use the property in a reasonable manner not permitted by the ordinance, given the purpose of the protections because:

The request requires two (2) variance and therefore is not a reasonable use of the property as permitted by the ordinance.

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

Finding: Affirm

There are no circumstances unique to the property that would prevent compliance with the ordinance.

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

Finding: Satisfied

Granting the variance will not alter the essential character of the locality because:

The area is a truss manufacturing plant to the immediate south. There is railroad right of way to the immediate east. There had been a billboard on the premises from approximately 1977 until July 29, 2021. The truss manufacturing plant is currently not screened from the highway.

The City Council determined that LAMAR Advertising does not satisfy all of the requirements needed to receive a variance.

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

MOTION TO AFFIRM THE DECISION OF THE PLANNING COMMISSION SITTING AS THE BOARD OF ADJUSTMENT TO DENY THE VARIANCE REQUEST FOR LAMAR ADVERTISING.

Upon a roll call vote taken and tallied by the Deputy Clerk, 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.

Additional Findings:

1. Applicant has not demonstrated that the criteria for granting a variance is satisfied.
2. The Staff Analysis presented by Larry Kirch is adopted and incorporated into these meeting minutes.

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

MOTION TO ADOPT THE FINDINGS AS PRESENTED.

Upon a roll call vote taken and tallied by the Deputy Clerk, 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.

5:45 – Continuation of Board of Appeal meeting from April 25, 2022. Consideration of appeal of valuation at 705 12th Court North.

On April 25, 2022 City Council held the annual Board of Appeal and equalization meeting. Property owners Mr. and Mrs. Myhre at 705 12th Court North requested a review of their estimated value siting drainage concerns. City Engineer, Tim Hruska reviewed with City Council information on the retention pond located at 705 12th Court North. Following discussion, Member Jostad made a motion seconded by Member Williams as follows:

MOTION TO REDUCE THE ESTIMATED MARKET VALUE BY \$20,000.00

Upon a roll call vote taken and tallied by the Deputy Clerk, 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.

There being no further business to come before the council at this time, Member O'Donnell-Ebner made a motion, seconded by Member Jostad to adjourn the meeting. Upon a roll call vote taken and tallied by the City Administrator, the following Members 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 6:33 P.M.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator