

MINUTES, REGULAR MEETING  
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA  
MAY 13, 2019

Pursuant to due call and notice thereof, the first meeting of the City Council of the City of La Crescent for the month of May was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Monday, May 13, 2019, followed by the Pledge of Allegiance.

Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Cheryl Jostad, Teresa O'Donnell-Ebner, Dale Williams and Mayor Mike Poellinger. Members absent: Member Brian Krenz – Not Excused. Also present was City Administrator Bill Waller, City Attorney Skip Wieser, City Engineer Tim Hruska, City Building/Zoning Official Shawn Wetterlin, and City Bookkeeper 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 – APRIL 22, 2019
- 1.2 MINUTES – APRIL 25, 2019
- 1.3 MINUTES – APRIL 29, 2019
- 1.4 BILLS PAYABLE – MAY 9, 2019

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 Williams 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, all Members present voted in favor thereof, viz;

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 by a 4-0 vote.

**ITEM 3.1 – UTILITY EXTENSION ALTERNATIVES REVIEW**

City Engineer Hruska began his review of the utility extension options for providing service to Horse Track Meadows. The information was provided for discussing the feasibility of extending sewer and/or water.

**ITEM 2.0 – PUBLIC HEARING – ANNEXATION – 1384 VALLEY LANE**

At 5:35 PM the City Council held a public hearing to consider input on the proposed annexation of the property located at 124 Janell Avenue that the owner had requested to be annexed and the adoption of Ordinance No. 533 annexing this property. City Attorney Wieser reviewed the map and findings for the Ordinance. Mayor Poellinger opened the meeting for public comment. There were no public comments. Following further discussion, Member Williams introduced the following Ordinance, and moved its passage and adoption:

**ORDINANCE NO. 533**

**AN ORDINANCE OF THE CITY OF LA CRESCENT, MINNESOTA ANNEXING LAND LOCATED IN LA CRESCENT TOWNSHIP, HOUSTON COUNTY, MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(3), PERMITTING ANNEXATION BY ORDINANCE**

**WHEREAS**, a petition signed by all the property owners, requesting that property legally described herein be annexed to the City of La Crescent, Minnesota, was duly presented to the Council of the City of La Crescent on the April 8, 2019; and

**WHEREAS**, said property is unincorporated and abuts the City of La Crescent on its northerly, southerly, easterly, and a part of the westerly boundary; is less than 120 acres; is not presently served by public sewer facilities or public sewer facilities are not otherwise available; and

**WHEREAS**, said property is currently residential and annexation is requested to facilitate the extension of city services for the residential development of the property; and

**WHEREAS**, the City of La Crescent held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on May 13, 2019, following thirty (30) days written notice by certified mail to the Town of La Crescent and to all landowners within and contiguous to the area legally described herein, to be annexed; and

**WHEREAS**, provisions of Minnesota Statutes § 414.033 Subd. 13 are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the territory to the municipality.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA CRESCENT HEREBY ORDAINS AS FOLLOWS:**

1. The City Council hereby determines that the property as hereinafter described abuts the city limits and is or is about to become urban or suburban in nature in that residential use is being proposed for said property which requires or will need city services, including public sewer facilities.
2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statute § 414.0325.
3. The corporate limits of the City of La Crescent, Minnesota, are hereby extended to include the following described property, said land abutting the City of La Crescent and being 120 acres or less in area, and is not presently served by public sewer facilities or public sewer facilities are not otherwise available, and the City having received a petition for annexation from all the property owners of the land, to wit:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW¼ SE¼) OF SECTION 9, TOWNSHIP 104 NORTH, RANGE 4 WEST, HOUSTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

WEST ON THE SECTION LINE FROM THE SOUTHEAST CORNER OF SAID SECTION 9 A DISTANCE OF 2268.71 FEET, THENCE NORTH 6°45' EAST 550 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE NORTH 6°45' EAST 108.89 FEET, THENCE SOUTH 88°41' WEST 135.19 FEET, THENCE SOUTH 6°45' WEST 89.92 FEET, THENCE SOUTH 83°15' EAST 133.85 FEET TO THE POINT OF BEGINNING, AND BEING SUBJECT TO A PUBLIC UTILITY AND DRAINAGE EASEMENT OVER THE WESTERLY AND NORTHERLY 6 FEET AND A PUBLIC ROADWAY EASEMENT OVER THE EASTERLY 11 FEET OF THE ABOVE DESCRIBED TRACT, HOUSTON COUNTY, MINNESOTA.

The above described property consists of a total of 0.29 acres, more or less. Copies of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and all appropriate plat maps are attached hereto.

4. The City of La Crescent, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described herein, hereby annexed, shall make a cash payment to the Town of La Crescent in accordance with the following schedule:

a. In the first year following the year in which the City of La Crescent could first levy on the annexed area, an amount equal to \$424.67; and

b. In the second and final year, an amount equal to \$424.67.

5. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town to the annexed property and any portion of debt incurred by the Town prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described herein there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

6. That the City Administrator of the City of La Crescent is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Houston County Auditor, and the La Crescent Township Clerk.

7. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

**PASSED AND ADOPTED** by the City Council of the City of La Crescent, Minnesota, this 13<sup>th</sup> day of May, 2019.

\_\_\_\_\_  
Mayor

ATTEST:

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

In approving the above Motion, the City Council made the following findings of facts:

1. The property owners signed a Petition requesting that the property be annexed to the City of La Crescent;
2. The property is not presently served by public sewer facilities and public sewer facilities are not otherwise available;
3. The property is currently residential;
4. Minnesota Statutes § 414.033 Subd. 13 is not applicable as there will be no change in the electric utility service provider; and
5. More than 30 days written notice was provided to La Crescent Township and to contiguous landowners by certified mail.

The foregoing motion was duly seconded by Member Jostad and upon a roll call vote taken and tallied by the City Administrator, all Members present 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 ordinance was declared duly passed and adopted by a 4-0 vote.

City Attorney Wieser then reviewed with Council the Summary Ordinance for publication. The Council made the following findings of facts: that publication of the summary informs the public of the intent and effect of the Ordinance.

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

**MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 533 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 Building/Zoning Official, all Members present 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 ordinance was declared duly passed and adopted by a 4-0 vote.

After the adoption of the Ordinance, the Council reconvened with the schedule of the Regular City Council Meeting at 5:41 PM.

**ITEM 3.1 – UTILITY EXTENSION ALTERNATIVES REVIEW – Continued**

City Engineer Hruska continued his review of the utility extension options for providing service to Horse Track Meadows. This item was informational, and no action was taken.

**ITEM 3.2 – PREDEVELOPMENT AGREEMENT – HORSE TRACK MEADOWS**

City Attorney Wieser reviewed with City Council the Preliminary Development Agreement regarding Horse Track Meadows Development located off County Hwy 6. It was noted that there are portions of the Development Agreement that are yet to be finalized. The Preliminary Development Agreement is based off the Development Agreement that was approved by the City Council in 2018. The Preliminary Development Agreement requires Developer to proceed with the required subdivision/rezoning process. The purpose of the Preliminary Development Agreement is to provide an outline for the development process and allocation of costs. The Preliminary Development Agreement is proposed to terminate December 31, 2019. This item was informational, and no action was taken.

**ITEM 3.3 – ENGINEERING PROPOSAL – GRADING/MITIGATION/PLANS & SPECIFICATIONS – HORSE TRACK MEADOWS**

City Engineer Tim Hruska reviewed with City Council the engineering proposal to prepare the plans and specifications for the Horse Track Meadows Development. Discussion by City Council followed the review. This item was informational, and no action was taken.

**ITEM 3.4 – OFFER TO PURCHASE PROPERTY/AUTHORIZATION FOR NEGOTIATION**

City Attorney Wieser reviewed with City Council that the City had been approached by the property owner located at 1787 County Road 6 regarding a possible purchase of the property by the City. The property is currently located in the Town of La Crescent; however, is adjacent to the potential Horse Track Meadows Development located within the City of La Crescent. It was recommended to City Council to authorize the City Administrator and City Attorney to negotiate a purchase agreement on behalf of the City to allow the city to perform its due diligence. At this time there was no recommendation from City staff regarding acquiring this property. Following discussion, Member O’Donnell-Ebner made a motion, seconded by Member Williams, as follows:

**MOTION TO AUTHORIZE THE CITY ADMINISTRATOR AND CITY ATTORNEY TO NEGOTIATE A PURCHASE AGREEMENT ON BEHALF OF THE CITY TO ALLOW THE CITY TO PERFORM ITS DUE DILIGENCE FOR THE POSSIBLE PURCHASE OF PROPERTY LOCATED AT 1787 COUNTY ROAD 6.**

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

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

Member Cheryl Jostad abstained from voting and none voted against the same. The motion was declared duly carried by a 3-0 vote.

**ITEM 3.5 – GRANT AGREEMENT – WAGON WHEEL PHASE 3**

City Administrator Waller gave an overview to City Council regarding a grant agreement from the Minnesota Department of Natural Resources for \$2.5 million for a portion of the costs associated with the construction of a

bicycle/pedestrian bridge over Trunk Highway No. 14/61. The City has already received a \$1.0 million Transportation Alternatives Program grant from MnDOT for the balance of the costs associated with the improvement project. It was recommended to City Council to approve the grant agreement and authorize the Mayor and City Administer to sign the grant agreement. Following discussion, Member Williams made a motion, seconded by Member O'Donnell-Ebner, as follows:

**MOTION TO APPROVE THE GRANT AGREEMENT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR \$2.5 MILLION FOR A PORTION OF THE COSTS ASSOCIATED WITH THE CONSTRUCTION OF A BICYCLE/PEDESTRIAN BRIDGE OVER TRUNK HIGHWAY NO. 14/61 AND TO AUTHORIZE THE MAYOR AND CITY ADMINISTER TO SIGN THE GRANT AGREEMENT.**

Upon a roll call vote taken and tallied by the City Administrator, all Members present 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.

**ITEM 3.6 –ENGINEERING PROPOSAL – WAGON WHEEL PHASE 3**

City Administrator Waller reviewed with City Council an engineering proposal to prepare the plans and specifications for the third phase of the Wagon Wheel Improvement Project, a bicycle/pedestrian bridge over Trunk Highway No. 14/61. These costs would be reimbursed entirely from the proceeds of the grant agreement with the Minnesota Department of Natural Resources. It was recommended to City Council to approve the professional services proposal with WHKS and authorize the required signature. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Williams, as follows:

**MOTION TO APPROVE THE PROFESSIONAL SERVICES PROPOSAL BETWEEN WHKS & CO. AND THE CITY OF LA CRESCENT TO PREPARE THE PLANS AND SPECIFICATIONS FOR THE THIRD PHASE OF THE WAGON WHEEL IMPROVEMENT PROJECT, A BICYCLE/PEDESTRIAN BRIDGE OVER TRUNK HIGHWAY NO. 14/61 AND TO AUTHORIZE THE REQUIRED SIGNATURE.**

Upon a roll call vote taken and tallied by the City Administrator, all Members present 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.

**ITEM 3.7 – AUTHORIZE EXPENDITURE – PARK BLEACHERS**

City Building/Zoning Official Wetterlin reviewed with City Council two proposals to replace non-compliant bleachers at Abnet Field and Veterans Park. The City maintenance staff would install the bleachers. The proposals were as follows: Flagship Recreation - \$15,828.00; and Belson Outdoors - \$25,071.00. It was recommended to City Council to accept the proposal submitted by Flagship Recreation. There are funds in the City's 2019 Bond issue. Following discussion, Member Jostad made a motion, seconded by Member O'Donnell-Ebner, as follows:

**MOTION TO ACCEPT THE PROPOSAL SUBMITTED BY FLAGSHIP RECREATION IN THE AMOUNT OF \$15,828.00 TO REPLACE NON-COMPLIANT BLEACHERS AT ABNET FIELD AND VETERANS PARK USING FUNDS FROM THE CITY'S 2019 BOND ISSUE.**

Upon a roll call vote taken and tallied by the City Administrator, all Members present 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.

**ITEM 3.8 – CALL FOR PUBLIC HEARING – SMALL CITIES GRANT**

City Administrator Waller reviewed with City Council that in 2017 the City received a \$372,900.00 Small Cities Development Program grant from the Minnesota Department of Employment and Economic Development. The grant provides funds to the City for the rehabilitation of owner-occupied residential property. The City has contracted with SEMCAC to administer the project. As part of the process, the City is required to hold a public hearing to provide an update on the project. It was recommended to City Council to call for the public hearing on Tuesday, May 28, at 5:30 PM. Following discussion, Member Jostad made a motion, seconded by Member O'Donnell-Ebner, as follows:

**MOTION TO CALL FOR A PUBLIC HEARING ON TUESDAY, MAY 28, AT 5:30 PM TO PROVIDE AN UPDATE ON THE PROJECT WITH SEMCAC USING FUNDS FROM A \$372,900.00 SMALL CITIES DEVELOPMENT PROGRAM GRANT FROM THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT.**

Upon a roll call vote taken and tallied by the City Administrator, all Members present 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.



### **ITEM 3.9 – BIRD CITY RESOLUTION**

City Administrator Waller reviewed with City Council that as part of the Bird City designation process, the City is required to adopt a resolution recognizing International Migratory Bird Day. City Council reviewed a copy of the proposed resolution. On Saturday May 18, 2019, the City's Natural Resource Advisory Group will be holding its IMBD event at Vetsch Park from 7:00 - 11:00 am. Representatives from the U.S. Fish and Wildlife Service Biologists Banding Demonstration Team will be in attendance that day to conduct a bird trapping and banding demonstration. In addition, trail walks to identify birds and their habitat will also be conducted. Following discussion, Member Williams introduced the following resolution and moved its passage and adoption:

#### **RESOLUTION 05-19-12**

#### **A RESOLUTION RECOGNIZING INTERNATIONAL MIGRATORY BIRD DAY IN THE CITY OF LA CRESCENT**

**WHEREAS;** birds are some of the most beautiful and easily observed wildlife that share our communities, *and*

**WHEREAS;** many citizens recognize and welcome migratory birds as symbolic harbingers of spring, *and*

**WHEREAS;** birds are an essential part of a healthy ecosystem as pollinators, seed dispersers, insect and rodent predators, *and*

**WHEREAS;** these bird species play an important economic role in our community by generating millions in tourism and recreational dollars statewide, *and*

**WHEREAS;** enjoying birds connects people, gets them outdoors and involved in the community, promoting good health and social connection, *and*

**WHEREAS;** birds and their habitats are declining, and birds are facing a growing number of threats on their migration routes and in both their summer and winter homes, *and*

**WHEREAS;** public awareness and concern are crucial components of bird conservation, *and*

**WHEREAS;** citizens enthusiastic about birds, informed about the threats they face, and empowered to help address those threats can directly contribute to maintaining healthy populations of both resident birds and migrants, *and*

**WHEREAS;** since 1993 International Migratory Bird Day (IMBD) has become a primary vehicle for focusing public attention on the nearly 350 species that travel between nesting habitats in our communities and throughout North America and their wintering grounds in South and Central America, Mexico, the Caribbean, and the southern U.S., *and*

**WHEREAS;** hundreds of thousands of people will observe IMBD, gathering in town squares, community centers, schools, parks, nature centers, and wildlife refuges to learn about birds, take action to conserve them, and simply to have fun, *and*



**WHEREAS;** while IMBD officially is recognized each year on the second Saturday in May, its observance is not limited to a single day, and planners are encouraged to schedule activities on the dates best suited to the presence of both migrants and celebrants, *and*

**WHEREAS;** IMBD is not only a day to foster appreciation for wild birds and to celebrate and support migratory bird conservation, but also a call to action,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA CRESCENT, MINNESOTA;**

The day of May 18, 2019 is proclaimed as **International Migratory Bird Day** in the City of La Crescent, and all citizens are urged to celebrate this observance and to support efforts to protect and conserve migratory birds and their habitats in our community and the world at large.

Adopted this 13<sup>th</sup> day of May, 2019.

SIGNED:

---

Mayor

ATTEST:

---

City Administrator

The foregoing motion was duly seconded by Member Jostad and upon a roll call vote taken and tallied by the City Administrator, all 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 and the resolution duly passed and adopted by a 4-0 vote.

**ITEM 3.10 – GRANT AGREEMENT – DEPARTMENT OF COMMERCE**

City Administrator Waller reviewed with City Council a Memorandum from Jason Ludwigson, the Sustainability Coordinator, regarding the Community Clean Energy Grant. City Council reviewed the contract from the Minnesota Department of Commerce, and the City of La Crescent for execution of the Clean Energy Community grant. All grant funds will be invoiced by June 30, 2019. The role of the grant is to create materials that will be used at the Energy Exhibit at the 2019 Eco Experience (MN State Fair) for communities to share clean energy successes with the public. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Williams, as follows:

**MOTION TO APPROVE THE COMMUNITY CLEAN ENERGY GRANT CONTRACT BETWEEN THE STATE OF MINNESOTA, ACTING THROUGH ITS COMMISSIONER OF COMMERCE, AND THE CITY OF LA CRESCENT AND TO AUTHORIZE THE REQUIRED SIGNATURES.**

Upon a roll call vote taken and tallied by the City Administrator, all Members present 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.

**ITEM 7.1 – CORRESPONDENCE – ARBOR DAY FOUNDATION**

City Council reviewed a correspondence from the Arbor Day Foundation naming the City of La Crescent as a Tree City USA in honor of its commitment to effective urban forest management. No action taken.

**ITEM 7.2 – CORRESPONDENCE – LINDA GASPER**

City Council reviewed an email dated April 30, 2019 from Linda Gasper thanking the City Administrator and City Council for helping the taxpayers navigate the County and the issues regarding the tax increases. No action taken.

**ITEM 7.3 – CORRESPONDENCE – EMERGENCY MANAGEMENT TRAINING**

City Council reviewed a flyer regarding Emergency Management Training for elected and senior Officials and their roles and responsibilities in disaster situations that will be held on Tuesday, July 23, 2019 from 3:30 – 6:00 PM at the Winona County Historical Society. No action taken.

**ITEM 7.4 – CORRESPONDENCE – GOVERNOR TIM WALZ**

City Council reviewed an information statement dated May 1, 2019 from the Office of Governor Tim Walz regarding Governor Walz' commitment to fix Minnesota's Vehicle Licensing and Registration System. No action taken.

**ITEM 8 – CHAMBER OF COMMERCE**

Eileen Krenz from the La Crescent Chamber of Commerce reported on the ribbon cuttings for Chiropractic First on May 16 and for the Event Center on May 23.

There being no further business to come before the Council at this time, Member Jostad made a motion, seconded by Member O'Donnell-Ebner, to adjourn the meeting. Upon a roll call vote taken and tallied by the City Administrator, all Members present 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 and the meeting duly adjourned at 6:15 PM.

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

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

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