

MINUTES, REGULAR MEETING  
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA  
MAY 22, 2023

Pursuant to due call and notice thereof, the second 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 22nd, 2023.

Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Cherryl Jostad, Teresa O'Donnell-Ebner, Dale Williams, and Mayor Mike Poellinger. Members absent: Ryan Hutchinson. Also present were City Engineer Tim Hruska (via Zoom), City Attorney Skip Wieser, and City Administrator Bill Waller.

Also present were Betsy Knowles, Program Manager for La Crescent Neighbor's Day and Deirdre Coleman, Partners in Energy Community Facilitator (via Zoom).

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 – MAY 8, 2023
- 1.2 BILLS PAYABLE THROUGH – MAY 19, 2023
- 1.3

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. The following correction was requested, under Item 3.4 instead of the word 'approve' it should be 'approved'.

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

**A MOTION TO APPROVE THE CONSENT AGENDA WITH A CORRECTION UNDER ITEM 3.4 TO READ 'APPROVED' INSTEAD OF 'APPROVE'.**

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.

**ITEM 3.1 – WIESER PARK IMPROVEMENT PROJECT QUOTES**

City Engineer Tim Hruska (via Zoom) reviewed with City Council two quotes for the Wieser Park Improvement project which includes constructing concrete parking lot, site grading, and storm sewer improvements. The parking lot will also include lighting and EV charging station accommodations. The City solicited three quotes and received back a quote from Wieser Brothers General Contractor, Inc. in the amount of \$195,428.90, and Zenke, Inc. in the amount of \$181,525.52. It was recommended that Council award the project to Zenke, inc. and that a portion of the funds that the City realizes from the sale of the City-owned Horse Track Meadows North subdivision be used to offset the costs of this improvement project. Following discussion, Member Williams made a motion, seconded by Member Jostad as follows:

**MOTION TO AWARD THE WIESER PARK IMPROVEMENT PROJECT TO ZENKE, INC. IN THE AMOUNT OF \$181,525.52 AND THAT A PORTION OF THE FUNDS THAT THE CITY REALIZES FROM THE SALE OF THE CITY-OWNED HORSE TRACK MEADOWS NORTH SUBDIVISION BE USED TO OFFSET THE COSTS OF THIS IMPROVEMENT PROJECT.**

Upon a roll call vote taken and tallied by the City Administrator, the following 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.

**ITEM 3.2 – NEIGHBORS DAY – THANK YOU**

Betsy Knowles, Program Manager for Neighbors in Action was present and wished to thank the City for its continued support of La Crescent Neighbors Day. Betsy stated she will be stepping down at the end of this year as the Program Manager and that Carly Zadow, who was also in attendance at the meeting, will be the new Program Manager. This was informational only, no action required.

**ITEM 3.3 – SHORT-TERM RENTAL/LODGING ORDINANCE**

City residents Mark and Vonnie Levenick addressed City Council regarding the Short-Term Rental Ordinance.

City Attorney Wieser reviewed with City Council for approval the Short-Term Rental Permit Application and the Short-Term Rental Ordinance with the following changes: under section IV the hearing date be changed from forty-five (45) days to sixty (60) days of receipt and under Section VII that the hearing notice be mailed to the applicant ten (10) days prior to the hearing instead of five (5) days, and adding section XII.

Following discussion, Member Jostad introduced the following ordinance and moved its passage and adoption:

ORDINANCE NO. 567

AN ORDINANCE OF THE CITY OF LA CRESCENT REGULATING SHORT TERM RENTALS IN THE CITY OF LA CRESCENT, MINNESOTA

I. PURPOSE

The purpose of this Section is to ensure that the short-term rental of dwelling units in the City is conducted, operated, and maintained so as not to become a nuisance to the surrounding neighborhoods or an influence that fosters blight and deterioration or creates a disincentive to reinvest in the community.

II. SCOPE

This section applies to the short-term rental of all dwelling units located within all residential zoning districts of the City of La Crescent.

III. DEFINITIONS

The following words and terms when used in this Section shall have the following meanings unless the context clearly indicates otherwise:

Bedroom: A habitable room within a single-family dwelling which is used, or intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen, dining room, or living room.

Building Official: An employee of the City designated as the Building Official. The term Building Official also includes all City employees authorized to issue citations.

Dwelling unit: One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

Occupant: Any person who occupies a dwelling unit or part of the same.

Owner: A person having legal or equitable interest in the dwelling unit or its premises.

Off-street parking space: An area on the permitted premises or within a building that is a legally conforming parking space intended for the use of parking of a motor vehicle which has a means of access to a public street.

Permitted Premises: The platted lot or part of such lot or unplatted parcel of land on which a dwelling unit permitted as a short-term rental is located.

Public waters: Any waters as defined in Minnesota Statutes § 103G.005, Subd. 15.

Short-term rental: The rental or lease of a dwelling unit in whole or in part for a period of at least thirty (30) days, but no more than ninety (90) days. The rental or lease of a dwelling unit for less than thirty (30) days is prohibited in all residential districts.

Short-term rental permit: The permit issued by the City for the rental or lease of a dwelling unit for short-

term rental.

Tenant: Any person who is occupying a dwelling unit under any agreement, lease, or contract, whether oral or written, which requires the payment of money as rent for the use of the dwelling unit.

Watercraft: Any vessel, boat, canoe, raft, barge, sailboard, or any similar device used or useable for carrying and transporting persons on the public waters.

#### IV. PERMIT REQUIRED

No person shall undertake the short-term rental of any dwelling unit, or advertise such dwelling unit for rental, to a tenant or tenants unless properly permitted as hereinafter provided.

Application: A person desiring to undertake or allow the short-term rental of a dwelling unit in the City shall apply to the Building Official for a short-term rental permit. The application shall be submitted by the owner. The permit application shall be on a form prescribed by the City and include all required information.

Permit Fee: Each application shall be accompanied by payment in full of the required permit fee. The annual permit fee shall be determined by the City Council and set forth in the City fee schedule. The fee shall not be prorated.

#### Issuance of Short-Term Rental Permit:

1. If the Building Official determines that an applicant has met the requirements for issuance of a short-term rental permit, the Building Official shall issue the applicant a short-term rental permit.
2. If the Building Official determines that an applicant has not met the requirements for issuance of a short-term rental permit, the Building Official shall endorse on such application his/her disapproval and his/her reasons for the same and provide the application and recommendation for denial to the City Administrator. The City Administrator may either: (i) deny the application and return the endorsed application to the applicant to notify the applicant that his/her application is denied and that no permit will be issued; or (ii) direct the Building Official to issue the applicant a short-term rental permit.

Expiration of Permit: Except as otherwise provided in this Section, all short-term rental permits shall expire annually on December 31 of each year unless suspended or revoked earlier.

Renewal of Permit: Applications for renewal of an existing short-term rental permit shall be made at least thirty (30) days prior to the expiration of the current short-term rental permit. All such applications shall be submitted to the Building Official on forms provided by the City and shall be accompanied by the required fee.

Permit Not Transferable: No short-term rental permit shall be transferable to another person or to another dwelling unit. Every person holding a short-term rental permit shall give notice in writing to the Building Official within five (5) business days after having legally transferred or otherwise disposed of the legal control of any dwelling unit for which a short-term rental permit has been issued. Such notice shall include the name and address of the person succeeding to the ownership or control of such dwelling unit.

Resident Agent Required: No short-term rental permit shall be issued without the designation of a local agent. The agent must live within 30 miles of the dwelling unit. The Agent may, but is not required to be,

the owner. One person may be the agent for multiple dwelling units. At all times, the agent shall have on file with the Building Official a primary and a secondary phone number as well as a current address. The agent or a representative of the agent shall be available 24 hours a day during all times that the dwelling unit is being rented at the primary or secondary phone number to respond immediately to complaints and contacts relating to the dwelling unit. The Building Official shall be notified in writing within two (2) business days of any change of agent. The agent shall be responsible for the activities of the tenants and maintenance and upkeep of the dwelling unit and shall be authorized and empowered to receive service of notice of violation of the provisions of City ordinances and state law, to receive orders, and to institute remedial action to affect such orders, and to accept all service of process pursuant to law.

Denial of Short-Term Rental Permit: Any applicant aggrieved by the denial of a short-term rental permit, or the non-renewal of an existing permit may appeal to the City Council. Such appeal shall be taken by filing with the City Administrator within ten (10) days after the date of issuance of the written denial, a written statement requesting a hearing before the City Council and setting forth fully the grounds for the appeal. A hearing shall be held within sixty (60) days of receipt of the request. Notice of the hearing shall be given by the City Administrator in writing, setting forth the time and place of hearing. Such notice shall be mailed, postage prepaid, to the applicant at his/her last known address at least ten (10) days prior to the date set for hearing.

#### V. RESPONSIBILITY OF OWNERS:

No owner shall undertake or allow the short-term rental of a dwelling unit in a Residential Use District that does not comply with all applicable City ordinances, the laws of the State of Minnesota, and this Section. It shall be the owner's responsibility to ensure that all tenants, occupants, and guests comply with the following:

Maximum Overnight Occupancy: The number of overnight occupants allowed for a short-term rental shall be limited as set out below. Children under three (3) years of age are not to be counted toward the limit.

For lots of 1/2 acre or more if the livable square footage of the primary building is:

- Under 1,500 square feet: 6 occupants
- 1,500 square feet to 1,999 square feet: 8 occupants
- 2,000 square feet or more: 12 occupants

For lots of less than 1/2 acre:

- Under 1,500 square feet: 4 occupants
- 1,500 square feet to 1,999 square feet: 6 occupants
- 2,000 square feet or more: 8 occupants

Off-Street Parking: The permitted premises shall contain off-street parking spaces equal in number to the number of bedrooms contained in the dwelling unit.

Mooring and Storage of Watercraft:

1. No more than two (2) restricted watercraft may be moored at the permitted premises at any one time. Any restricted watercraft moored at the permitted premises must be registered and owned by either the property owner or the current tenant.
2. No watercraft shall be permanently or temporarily placed or stored within the side

yard setback of the permitted premises.

Maintenance Standards: Every dwelling unit used for short-term rental shall conform to all building and zoning requirements of the City Code, permits issued by the City, and the laws of the State of Minnesota.

Rental Limit: No dwelling unit shall be rented for a period of less than thirty (30) days.

Occupants: The agent shall maintain a fully executed lease for all tenants and a list of all current occupants of each dwelling unit. The agent shall make the lease and list available to City staff and/or law enforcement upon request. In addition, a copy of the fully executed lease shall be kept available at the dwelling unit at all times during the lease term.

## VI. DISORDERLY CONDUCT:

Disorderly Conduct Prohibited: Disorderly conduct is prohibited on all permitted premises. It shall be the responsibility of the owner to ensure that all tenants occupying the permitted premises and their guests conduct themselves in such a manner as not to cause the permitted premises to be disorderly. For purposes of this Section, disorderly conduct includes but is not limited to, a violation of any of the following statutes or ordinances:

1. Minn. Stat. §§ 609.75 – 609.76, which prohibit gambling;
2. Minn. Stat. §§ 609.321 – 609.324, which prohibit prostitution and acts relating thereto;
3. Minn. Stat. §§ 152.01 – 152.027, which prohibit the unlawful sale or possession of controlled substances;
4. Minn. Stat. § 340A.401, which prohibits the unlawful sale of alcoholic beverages;
5. Minn. Stat. § 340A.503, which prohibits the underage consumption of alcoholic beverages;
6. Minn. Stat. § 609.595, which prohibits damage to property;
7. Minn. Stat. §§ 97B.021, 97B.045, 609.66-609.67, and 624.712-624.716, and City Code Section 804, which prohibit the unlawful possession, transportation, sale, or use of a weapon;
8. Minn. Stat. § 609.72, which prohibits disorderly conduct, when the violation disturbs the peace and quiet of the other occupants of the permitted premises or other surrounding premises;
9. Minn. Stat. § 152.027, subd. 4, which prohibits the unlawful sale or possession of small amounts of marijuana;
10. Minn. Stat. § 152.092, which prohibits the unlawful possession or use of drug paraphernalia;
11. Minnesota State Fire Code 302 and 307-307.5, which limit recreational fires to no larger than 3' X 3' feet, natural wood only, attended until extinguished, conditions permitting; and
12. Minn. Stat. §§ 624.20-624.21 which prohibits exploding fireworks.

### Determination of Disorderly Conduct:

1. A determination that the permitted premises has been used in a disorderly manner as described in Article VI shall be made by the Building Official upon evidence to support such a determination. It shall not be necessary that criminal charges are brought to support a determination of disorderly use,

nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse permit action under this Section.

2. Upon determination by the Building Official that a permitted premises was used in a disorderly manner, as described in Article VI, the Building Official shall notify the owner and agent by certified mail of the violation and direct the owner and/or agent to take appropriate action to prevent further violations.
3. If a second instance of disorderly use of the permitted premises occurs within one year of an incident for which notice in Article VI was given, the Building Official shall notify the owner and agent by certified mail of the violation and shall also require the owner and agent to submit within 15 days a written report of the actions taken, and proposed to be taken, by the owner and/or agent to prevent further disorderly use of the permitted premises.
4. If a third incident of disorderly use of the permitted premises occurs within one year after the second of any two previous instances of disorderly use for which notices were sent to the owner and agent pursuant to this subsection, the short-term rental permit may be revoked, suspended, or not renewed. An action to revoke, suspend, or not renew a permit under this Article VI shall be initiated by the Building Official in the manner described below.

#### VII. PERMIT SUSPENSION OR REVOCATION:

##### Procedure:

1. Every short-term rental permit issued under this Section is subject to suspension or revocation by the City Administrator for any violation of this Section or any other ordinance of the City or the law of the state.
2. The Building Official may recommend suspension or revocation of a short-term rental permit to the City Administrator. The City Administrator shall review the recommendation and the reasons supporting the recommendation and may suspend or revoke the permit. The City Administrator shall provide written notice to the owner and agent of the suspension or revocation. The notice shall inform the owner and agent of the right to appeal the decision of the City Administrator to the City Council.
3. Any applicant aggrieved by the suspension or revocation of a short-term rental permit may appeal to the City Council. Such appeal shall be taken by filing with the City Administrator within ten (10) days after date of issuance of the written suspension or revocation notice, a written statement requesting a hearing before the City Council and setting forth fully the grounds for the appeal. A hearing shall be held within sixty (60) days of receipt of the request. Notice of the hearing shall be given by the City Administrator in writing, setting forth the time and place of hearing. Such notice shall be mailed, postage prepaid, to the applicant at his/her last known address at least ten(10) days prior to the date set for hearing.

Effect of Suspension or Revocation: If a short-term rental permit is suspended or revoked, it shall be unlawful for anyone to thereafter allow any new short-term rental occupancies of the dwelling until such time as a valid short-term rental permit is restored by the City.

Effect of Revocation: No person who has had a permit revoked under this Section shall be issued a short term rental permit for one year from the date of revocation.

#### VIII. APPEAL

The decision of the City Council to deny, suspend, or revoke a short-term rental permit following a hearing as provided can be appealed by petitioning the Minnesota Court of Appeals by a writ of certiorari.

#### IX. POSTING

The following language shall be posted at or near the entrance of every short term rental dwelling unit. The posting shall be printed in a minimum 18 point font.

All short term rental of dwelling units shall comply with this ordinance. These posted regulations are a summary of a portion of the short term rental regulations. For additional information please refer to Ordinance No. 567 or contact City Hall.

- No owner shall undertake the short-term rental of any dwelling unit without a City permit.
- A copy of the lease shall be available at the dwelling unit at all times during the lease term.
- Every permitted premises shall have an agent within 30 miles available during all times the unit is rented, 24 hours a day at the following phone numbers: \_\_\_\_\_ and/or \_\_\_\_\_ to respond immediately to complaints and contacts relating to the dwelling unit.
- The Maximum Overnight Occupancy for this dwelling unit is: \_\_\_\_\_occupants. Not counting children under three (3) years of age.
- No watercraft shall be permanently or temporarily placed or stored within the side yard setback of the permitted premises.
- Disorderly conduct is prohibited. All disorderly conduct will be reported to the property's agent and the La Crescent Police Department.
- Increased noise regulations are in place between the hours of 10 p.m. and 7 a.m.
- Littering is prohibited.
- Recreational fires are limited. Please check with the City to determine what prohibitions exist for current conditions.
- Any violation of this Section shall constitute a misdemeanor.

#### X. Compliance

If the City has reason to believe that any provisions in this Section are not being complied with, the City has the authority to require the submittal of an executed lease or other information needed to establish compliance.

#### XI. PENALTY

Any person who undertakes or allows any violation of this Section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine or by imprisonment, or both, in accordance with the provisions of Minnesota State Statutes.

#### XII. EFFECTIVE

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



PASSED AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

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

The foregoing motion was duly seconded by Member O'Donnell-Ebner and upon a roll call vote taken and tallied by the City Administrator, the following 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.

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

**MOTION TO APPROVE THE SHORT-TERM RENTAL PERMIT APPLICATION WITH AN APPLICATION FEE OF \$100.00.**

Upon a roll call vote taken and tallied by the City Administrator, the following 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.

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

**MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 567 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, the following 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.

**ITEM 3.4 – DRAFT CHICKEN ORDINANCE**

City Attorney Wieser reviewed with City Council for discussion the draft Chicken Ordinance with a change from a maximum of five (5) chickens to six (6) chickens and be brought back to the June 12, 2023 City Council Meeting. Following discussion, Member Williams made a motion, seconded by Member Jostad as follows:

**MOTION TO BRING BACK TO THE JUNE 12<sup>TH</sup>, 2023 CITY COUNCIL MEETING THE DRAFT CHICKEN ORDINANCE WITH A CHANGE FROM A MAXIMUM OF FIVE (5) CHICKENS TO SIX (6) CHICKENS.**

Upon a roll call vote taken and tallied by the City Administrator, the following 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.

**ITEM 3.5 – PETITION TO VACATE ALLEY**

City Attorney Wieser reviewed with City Council a petition to vacate an alley off of Sycamore Street and for approval a Resolution calling for a public hearing at the June 26<sup>th</sup> City Council meeting at 5:30 p.m. Following discussion, Member O'Donnell-Ebner introduced the following resolution and moved its passage and adoption as follows:

**RESOLUTION NO. 05-23-19**

**A RESOLUTION DECLARING SUFFICIENCY OF PETITION AND SETTING A PUBLIC HEARING ON THE PROPOSED VACATION OF AN ALLEY**

**WHEREAS**, a petition signed by the majority of property owners abutting the alley described on Exhibit A in the City of La Crescent was received by the Deputy Clerk on the 3rd day of May, 2023; and

**WHEREAS**, the petition requested that the City Council pursuant to Minnesota Statute §412.851 vacate an alleyway legally described as:

*See Exhibit A and illustrated on Exhibit B.*

**WHEREAS**, the Deputy Clerk has reviewed and examined the signatures on said petition and determined that such signatures constitute a majority of the landowners abutting upon the alley to be vacated; and

**WHEREAS**, a copy of said petition is attached hereto.

**NOW THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA CRESCENT, MINNESOTA AS FOLLOWS:

The City Council will consider the vacation of such street and a public hearing shall be held on such proposed vacation on the 26th day of June, 2023, in the City Hall located at 315 Main Street, La Crescent, Minnesota at 5:30 p.m. and

BE IT FURTHER RESOLVED that the Deputy Clerk is hereby directed to give published, posted and mailed notice of such hearing as required by law.

Passed by the City Council of La Crescent, Minnesota this 22nd day of May, 2023.

\_\_\_\_\_  
Mayor

Attested:

\_\_\_\_\_  
Deputy Clerk

#### Exhibit A

#### Legal Description of Proposed Alley Vacation

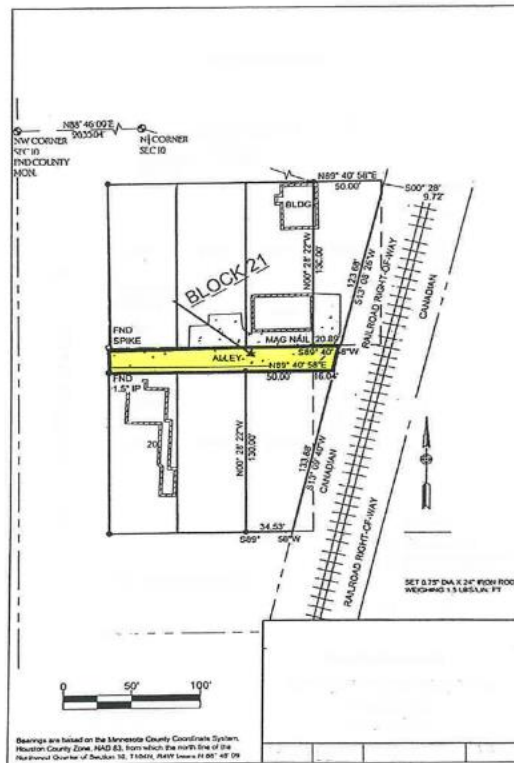
That part of the 20-foot alley, Block 21, La Crescent Plat, according to the recorded plat thereof on file and recorded in the Office of the County Recorder, Houston County, Minnesota, described as follows:

Commencing at the northwest corner of Section 10, Township 104 North, Range 4 West; thence North 88 degrees 46 minutes 06 seconds East along the north line of said Section 10, a distance of 2635.08 feet to the North Quarter corner of said Section 10; thence South 67 degrees 23 minutes 17 seconds East, a distance of 1003.55 feet to the southwest corner of Lot 1, Block 21, of said La Crescent Plat and the point of beginning of the tract to be described; thence North 89 degrees 48 minutes 38 seconds East along the south line of Lots 1, 2, 3, and 4, Block 21, of said La Crescent Plat, a distance of 171.03 feet to the westerly right-of-way of the Canadian Pacific Railroad as defined in Court File No. 28-CV-22-500 and Document A307993, filed in the Houston County Recorder's Office; thence South 1 3 degrees 04 minutes 25 seconds

West along said railroad right-of-way, a distance of 20.55 feet to the north line of Lot 17, Block 21, of said La Crescent Plat; thence South 89 degrees 48 minutes 38 seconds West along the north line of Lots 17, 18, 19, and 20, Block 21, of said La Crescent Plat, a distance of 166.22 feet to the northwest corner of Lot 20, Block 21, of said La Crescent Plat; thence North 00 degrees 28 minutes 10 seconds West, a distance of 20.00 feet to the point of beginning.

Said description contains 3372.53 sq. ft. or 0.08 acres more or less.

Exhibit B



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, the following 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.

### **ITEM 3.6 – GAMBLING PERMIT APPLICATION**

City Council reviewed for approval a Gambling Permit Application from the Lions Club of La Crescent for a raffle to be held on October 6, 2023 and authorize that it be forwarded to the Minnesota Gambling Control Board. Following discussion, Member Williams made a motion, seconded by Member Jostad as follows:

#### **MOTION TO APPROVE A GAMBLING PERMIT APPLICATION FROM THE LIONS CLUB OF LA CRESCENT FOR A RAFFLE TO BE HELD ON OCTOBER 6, 2023 AND AUTHORIZE IT TO BE FORWARDED TO THE MINNESOTA GAMBLING CONTROL BOARD.**

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

Cherryl Jostad	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and Member O'Donnell-Ebner abstained. The motion was declared duly carried by a 3-0 vote.

### **ITEM 3.7 – MnDOT COOPERATIVE AGREEMENT**

City Council reviewed for approval a 2023 Landscape Partnership Cooperative Agreement with MnDOT. The cooperative agreement will be in an amount up to \$8,000 and will include landscape plantings around the foot of the Wagon Wheel Bicycle and Pedestrian Bridge and will also include a native prairie planting in the stormwater collection area underneath the bridge. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Williams as follows:

#### **MOTION TO APPROVE THE 2023 LANDSCAPE PARTNERSHIP COOPERATIVE AGREEMENT WITH MNDOT TO INCLUDE LANDSCAPE PLANTINGS AROUND THE FOOT OF THE WAGON WHEEL BICYCLE AND PEDESTRIAN BRIDGE AS WELL AS A NATIVE PRAIRIE PLANTING IN THE STORMWATER COLLECTION AREA UNDERNEATH THE BRIDGE IN AN AMOUNT UP TO \$8,000.**

Upon a roll call vote taken and tallied by the City Administrator, the following 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.

### **ITEM 3.8 – REVIEW PARTNERS IN ENERGY PROGRAM**

Partners in Energy Community Facilitator Dierdre Coleman reviewed with City Council (via Zoom) the data resulting from the Partners in Energy Program that the City participated in over an eighteen (18) month period beginning in 2020 and ending in the fall of 2022. This was informational only, no action required.

### **ITEM 3.9 – GREENSTEP PROGRAM RECOGNITION**

City Administrator Waller shared with City Council that the city has achieved both Steps 4 and 5 of the GreenStep program. This was informational only, no action required.

### **ITEM 3.10 – REVIEW PUBLIC WORKS DIRECTORS POSITION**

City Administrator Waller reviewed with City Council a job description for the new Public Works Director position. This position is included in the City's revised organizational structure. The position is proposed to be filled with a current City employee, and will not result in the hiring of a new City employee. This was informational only, no action required.

### **ITEM 3.11 – REVIEW MAYOR FOR A DAY ARTICLES**

City Council reviewed the Mayor for a Day articles submitted by Ryan Stotts. This was informational only, no action required.

### **ITEM 3.12 – AUTHORIZE EXPENDITURE – WIFI IN CITY PARKS**

City Administrator Waller reviewed with City Council the installation of WIFI at Abnet Field, Old Hickory Park, and Wieser Park with the work being completed by Acentek. The total cost would be \$17,934. Acentek is donating \$6,600 towards the project making the final cost \$11,334. It was recommended that City Council authorize spending \$11,334 in American Rescue Plan funding that the City has received to install WIFI in the three City Parks. Expenditures for broadband infrastructure are a recognized use of American Rescue Plan funds. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Williams as follows:

**MOTION TO AUTHORIZE \$11,334 IN AMERICAN RESCUE PLAN FUNDING THAT THE CITY HAS RECEIVED TO INSTALL WIFI AT ABNET FIELD, OLD HICKORY PARK, AND WIESER PARK ALONG WITH A DONATION FROM ACENTEK IN THE AMOUNT OF \$6,6000.**

Upon a roll call vote taken and tallied by the City Administrator, the following 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.

**6. STAFF CORRESPONDENCE/COMMITTEE UPDATES**

- 6.1 City Council reviewed the Explore La Crosse May 16<sup>th</sup> Board Meeting Agenda and the April 18<sup>th</sup> Board Meeting Minutes.
- 6.2 City Council reviewed the La Crescent Outdoor Performance Summer Series.
- 6.3 City Council reviewed the World Migratory Bird Day event that was held on May 20<sup>th</sup> in La Crescent.
- 6.4 City Council reviewed the Natural Resource Advisory Groups 5/9/2023 meeting minutes.

**7. CORRESPONDENCE**

- 7.1 City Council reviewed correspondence from MnDOT regarding Carbon Reduction Funds.

**9. CHAMBER OF COMMERCE**

A Chamber of Commerce representative was in attendance and gave an update. The Chamber Golf outing will be held on July 20<sup>th</sup> at Valley High Golf Course.

There being no further business to come before the Council at this time, Member Williams 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 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 and the meeting duly adjourned at 6:42 PM

APPROVAL DATE: June 12, 2023

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

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