

MINUTES, REGULAR MEETING  
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA  
MAY 28, 2019

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 Tuesday, May 28, 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, Brian Krenz, 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 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 – MAY 13, 2019
- 1.2 BILLS PAYABLE – MAY 23, 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 Krenz 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 voted in favor thereof, viz;

Cheryl Jostad	Yes
Brian Krenz	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 2 – PUBLIC HEARING – SMALL CITIES DEVELOPMENT GRANT PROJECT**

At 5:30 PM the City Council held a public hearing to provide an update on the Small Cities Development Program grant that the City received in 2017 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. Cindy Viste of SEMCAC and City Community Development Director Terry Erickson were in attendance and gave an update on the project.

Mayor Poellinger opened the meeting for public comment with Jerry Steffes commenting. Mayor Poellinger closed the public hearing at 5:36 PM. No action was taken. City Council reconvened with the schedule of the Regular City Council Meeting.

**ITEM 3.1 – PLANNING COMMISSION MINUTES – MAY 7 AND MAY 14, 2019**

City Attorney Wieser reviewed with City Council the Planning Commission Minutes from the May 7 and May 14, 2019 meetings. The Planning Commission recommended to City Council that the preliminary plat request for Berkley Addition and the conditional use permit (CUP) submitted by MSM Development be approved. The City Attorney gave a staff report on the requests made of the applicant and the two Planning Commission meetings. The City Attorney also reviewed the criteria for granting a CUP and the Planning Commission findings. The City Attorney reviewed the Quasi-Judicial nature of the review. Included in the Planning Commission Minutes for City Council review were the conditions, findings of fact and site/building plan. The four (4) variance approvals and findings in support of the variances was provided to City Council. There was no appeal of the Planning Commission decision sitting as the Board of Adjustment regarding the variances. The Board of Adjustment’s findings were informational only. Questions followed from City Council. The following residents filed Agenda Request Forms: Kim Siegersma, Jerry Steffes, Christine Meindel-Wagner, Aaron Bulman and Donna Oldenburg. City Attorney Wieser then continued regarding the consideration of the CUP. Member O’Donnell-Ebner asked about requiring screening along the northerly and southerly boundaries. Discussion by City Council about extending the time to act under the 60-day rule. Following discussion, Member O’Donnell-Ebner made a motion, seconded by Member Krenz, as follows:

**MOTION TO APPROVE THE CONDITIONAL USE PERMIT SUBMITTED BY MSM DEVELOPMENT FOR BERKLEY ADDITION WITH THE CONDITIONS CONTAINED IN THE PLANNING COMMISSION MINUTES AND WITH ADDITIONAL CONDITION THAT THE APPLICANT PROVIDES SUFFICIENT SCREENING TO THE NORTHERLY AND SOUTHERLY BOUNDARIES TO BE APPROVED BY THE CITY COUNCIL WITH THE FINAL PLAT SUBMISSION.**

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

Brian Krenz	Yes
Teresa O’Donnell-Ebner	Yes

Mayor Mike Poellinger abstained from voting and Members Cheryl Jostad and Dale Williams voting against the same with no basis given. The motion failed by a 2-2 vote.

Following further discussion, Member Jostad made a motion, as follows:

**MOTION TO EXTEND THE 60-DAY REQUIREMENT TO ALLOW FURTHER STUDY OF THE APPLICATION.**

The Motion failed for lack of a second. Extended discussion continued with numerous comments made and questions asked by Members of City Council.

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

**MOTION TO EXTEND THE 60-DAY REQUIREMENT FOR AN ADDITIONAL 60 DAYS FOR ADDITIONAL TIME TO REVIEW AND CONSIDER THE CONDITIONAL USE PERMIT REQUEST AND TO DIRECT THE CITY BUILDING/ZONING OFFICIAL AND CITY ATTORNEY TO GIVE NOTICE TO THE DEVELOPER.**

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

Mayor Mike Poellinger abstained from voting and Member Brian Krenz voted against the same. The motion was declared duly carried by a 3-1 vote.

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

**MOTION TO EXTEND THE DEADLINE TO ACT ON THE PRELIMINARY PLAT BY 60 DAYS, IF NECESSARY, AND TO DIRECT THE CITY BUILDING/ZONING OFFICIAL AND CITY ATTORNEY TO NOTIFY THE DEVELOPER OF THE 60-DAY EXTENSION IN ORDER TO PROVIDE CITY COUNCIL WITH ADDITIONAL TIME TO REVIEW AND CONSIDER THE REQUEST.**

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

Cherryl Jostad	Yes
Brian Krenz	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes

Mayor Mike Poellinger abstained from voting and none voted against the same. The motion was declared duly carried by a 4-0 vote.

**ITEM 3.2 – UTILITY EXTENSION ALTERNATIVES REVIEW**

City Engineer Hruska reviewed with City Council a revised summary regarding the options to extend water and sanitary sewer to the Horse Track Meadows development. It was recommended to City Council to consider Option B, with the understanding that when the Horse Track Meadows development reaches 60% buildout, that the City would begin plans to install water and sanitary sewer along County Road #6 as is outlined in option A. It is expected that there would be a 3-5-year time frame before the Horse Track Meadows development reached the 60% buildout. Option B was recommended because 2020 has the potential to be a very busy year for the City of La Crescent. In 2020 the City intends to complete the third and final phase of the City's street reconstruction plan, which will involve a street reconstruction project of approximately \$1,000,000. In addition there is the estimated \$1,050,000 cost identified in Option B to extend services to the Horse Track Meadows development. Finally, there is the estimated cost of \$1,500,000 to \$1,750,000 to construct the Horse Track Meadows development. The combination of these three projects is probably enough of an undertaking for the City in a one year window of time. Including the County Road utility extension project while the other three

projects are being constructed may not be realistic for the City to complete in one construction season. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Krenz, as follows:

**MOTION TO APPROVE OPTION B REGARDING THE EXTENSION OF WATER AND SANITARY SEWER TO THE HORSE TRACK MEADOWS DEVELOPMENT.**

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

Cherryl Jostad	Yes
Brian Krenz	Yes
Teresa O'Donnell-Ebner	Yes
Mike Poellinger	Yes

and Member Dale Williams voting against the same. The motion was declared duly carried by a 4-1 vote.

**ITEM 3.3 – PREDEVELOPMENT AGREEMENT – HORSE TRACK MEADOWS**

City Attorney Wieser reviewed with City Council revisions to the Preliminary Development Agreement between the City of La Crescent and MSM Development, LLC regarding Horse Track Meadows. City Attorney Wieser reviewed that since the last Council meeting, Paragraphs 2(c) and 2(k) have been amended. Paragraph 2 (c) was changed to reflect a \$65,000 contribution from the developer towards the cost of the Lift Station. Paragraph 2 (k) was changed to state the Final Development will contain a construction observation provision. The construction observation would be paid for by the developer. The remainder of the Agreement is the same from the May 13, 2019 City Council meeting. City Council also reviewed sample calculations illustrating utilization of the Connection Charge for reimbursement of the Lift Station cost. Following discussion, Member Krenz made a motion, seconded by Member O'Donnell-Ebner, as follows:

**MOTION TO APPROVE THE PRELIMINARY DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LA CRESCENT AND MSM DEVELOPMENT, LLC REGARDING HORSE TRACK MEADOWS DEVELOPMENT TO INCLUDE CHANGES REGARDING THE COST OF PLANS, SPECIFICATIONS, AND CONSTRUCTION ADMINISTRATION BEING REIMBURSED THROUGH ASSESSMENT, AND COST OF IMPROVEMENTS AND CLERICAL CHANGES APPROVED BY THE CITY ADMINISTRATOR AND CITY ATTORNEY.**

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

Cherryl Jostad	Yes
Brian Krenz	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 – ENGINEERING PROPOSAL – GRADING/MITIGATION/PLANS & SPECIFICATIONS – HORSE TRACK MEADOWS**

City Engineer Hruska reviewed with City Council an engineering proposal to prepare the plans and specifications for the Horse Track Meadows development. Following discussion, Member Krenz made a motion, seconded by Member O’Donnell-Ebner, as follows:

**MOTION TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF LA CRESCENT AND WHKS & CO. TO PREPARE THE PLANS AND SPECIFICATIONS FOR THE HORSE TRACK MEADOWS DEVELOPMENT WITH MODIFICATION THAT UPON COMPETITION OF THE GRADING ELEMENT OF THE PROPOSAL, THE CITY ENGINEER WILL PROVIDE AN UPDATE TO GET FORMAL APPROVAL FROM CITY COUNCIL BEFORE PROCEEDING WITH THE BALANCE OF THE PROJECT SPECIFICATIONS.**

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

Cherryl Jostad	Yes
Brian Krenz	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 – ENGINEERING PROPOSAL – UTILITY EXTENSIONS/LIFT STATION**

City Engineer Hruska reviewed with City Council an engineering proposal to prepare the plans and specifications for the utility extensions/lift station required to provide service to the Horse Track Meadows development. Following discussion, Member O’Donnell-Ebner made a motion, seconded by Member Krenz, as follows:

**MOTION TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF LA CRESCENT AND WHKS & CO. TO PREPARE THE PLANS AND SPECIFICATIONS FOR THE UTILITY EXTENSIONS/LIFT STATION REQUIRED TO PROVIDE SERVICE TO THE HORSE TRACK MEADOWS DEVELOPMENT.**

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

Cherryl Jostad	Yes
Brian Krenz	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 – PERSONNEL COMMITTEE RECOMMENDATION**

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

1. That on June 11, 2019, the City Council approve removing Michael Wiczek's probationary status as Training/Safety Officer. City Council reviewed a memo from the Fire Chief regarding this recommendation.
2. That the City Council accept Anthony Holloway's resignation as a laborer for the City, and authorize that the position be advertised. A hiring recommendation would then be presented at a future City Council meeting. Mr. Holloway's resignation letter was reviewed by City Council.

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

#### **MOTION TO APPROVE REMOVING MICHAEL WICZEK'S PROBATIONARY STATUS AS TRAINING/SAFETY OFFICER WITH THE LA CRESCENT FIRE DEPARTMENT EFFECTIVE JUNE 11, 2019.**

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

Cherryl Jostad	Yes
Brian Krenz	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes

Mayor Mike Poellinger abstained from voting and none voted against the same. The motion was declared duly carried by a 4-0 vote.

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

#### **MOTION TO ACCEPT ANTHONY HOLLOWAY'S RESIGNATION AS A LABORER FOR THE CITY EFFECTIVE TWO WEEKS FROM MAY 23, 2019, AND TO AUTHORIZE THAT THE POSITION BE ADVERTISED, AND A HIRING RECOMMENDATION BE PRESENTED AT A FUTURE CITY COUNCIL MEETING.**

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

Cherryl Jostad	Yes
Brian Krenz	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 – REVIEW BOARD OF APPEAL & SPECIAL CITY COUNCIL MEETING**

City Administrator Waller reviewed the April Board of Appeal meetings, and the joint meeting in April between the City Council and the Commissions, Committees, Boards and Groups with City Council. Regarding the Board of Appeal meeting, the City had not had a meeting that had that many appellants that resulted in the number of adjustments as was the case in 2019. Based on this, it was recommended that in 2020 holding the Board of Appeal meeting as a special City Council meeting, where it would be the only agenda item for the Special meeting. The date for the 2020 Board of Appeal meeting would be set in February 2020. In addition, it was recommended that given the number of people that attended the 2019 Board of Appeal Meeting, that the meeting be held at the Community Building. Regarding the Special City Council meeting that was held in April with the City's Commissions, Committees, Boards, and Groups, City Council discussed suggestions or feedback that the City could use when planning for the next joint meeting in 2020. It was recommended that given the previous item, the City may want to hold the joint meeting in March, as April can be pretty busy with meetings. It was the consensus of City Council that in 2020 the Board of Appeal meeting would be a special City Council meeting in April at the Community Building. It was also the consensus of City Council to have the Joint Meeting with the City's Commissions, Committees, Boards, and Groups in March of 2020. It was suggested that each group prepare a half page summary in advance, invite the community, and to establish 2020 work plans. No action taken.

### **ITEM 3.8 – BLOCK PARTY REQUEST**

City Council reviewed a correspondence from Sarah Dohnalik, Block Party on Main Chairperson, regarding the Chamber of Commerce's Block Party on Main event. This year's event will be Saturday, June 22, 2019 (going forward, the event will be held on the 4<sup>th</sup> Saturday in June.) The layout will remain similar to last year; however, they would like to expand further east, so the street is blocked off by the parking lot entrance to Quillin's and to the office building located at 306 Main Street. City Council reviewed an updated map. Additional requests included the following:

1. Ability to block off Main Street (between Walnut & Oak St).
  - a. We will block off the area where the entertainment and refreshment area are located starting at 10 AM.
  - b. We will block off the remaining area at 1 PM.
  - c. All barricades and items in the driving lanes of the street will be removed by midnight that evening.
2. Provide stakes and fencing to block off refreshment area. This allows us to control who is purchasing alcohol.
  - a. We are requesting help from the city to partially put up the fencing on Friday to reduce work on Saturday. In addition, if the city maintenance workers could assist with the remove on Monday, this would be greatly appreciated.
  - b. We would like to meet with the city maintenance prior to the event to determine what stakes could be put up on Friday to limit setup
3. Provide use of barricades to block off the street.
4. Use of plastic garbage cans to setup throughout the event area.
5. Provide picnic tables for the dining area.
6. Provide 2 police reserves to assist with crowd control.
  - a. They would be needed the same hours as last year.
  - b. The committee will provide individuals to verify identification/wristband for those wishing to consumer alcoholic beverages.

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

**MOTION TO APPROVE ALL THE REQUESTS OUTLINED ABOVE REGARDING THE CHAMBER OF COMMERCE’S BLOCK PARTY ON MAIN TO BE HELD ON JUNE 22, 2019.**

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

Cherryl Jostad	Yes
Brian Krenz	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 3.9 – MnDOT – COOPERATIVE LANDSCAPING AGREEMENT**

City Administrator Waller reviewed with City Council a resolution for the City to participate in the MnDOT Landscape Partnership Program. The Landscape Partnership Program is designed to provide technical and financial assistance to communities that are interested in landscaping state highway rights of way. The program has the following goals: roadside beautification; community improvement; and environmental stewardship. To date, the City has completed 9 partnership projects, and has received over \$75,000 in grant funding for landscaping improvements in MnDOT's right of way. There is \$8,000 in funding available for a spring 2019 planting project. City Council also reviewed a site plan. The 2019 Landscape Partnership Project includes a prairie/wildflower planting combined with approximately 50 trees and 70 shrubs. It was recommended to City Council to adopt the Resolution. Following discussion, Member Krenz introduced the following resolution and moved its passage and adoption:

**RESOLUTION NO. 05-19-13**

**A RESOLUTION APPROVING CITY OF LA CRESCENT ENTER INTO MNDOT AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION**

IT IS RESOLVED that the City of La Crescent enter into MnDOT Agreement No. 1034119 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the City for the acquisition of landscape materials to be placed adjacent to Trunk Highway (T.H.) No. 16 from South 14<sup>th</sup> Street to South Chestnut Street under State Project No. 2801-969F.

IT IS FURTHER RESOLVED that the Mayor and the City Administrator are authorized to execute the Agreement and any amendments to the Agreement.

ADOPTED this 28<sup>th</sup> day of May, 2019.

SIGNED:

\_\_\_\_\_  
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, all Members present voted in favor thereof, viz;

Cherryl Jostad	Yes
Brian Krenz	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 3.10 – SPRING/SUMMER NEWSLETTER**

City Bookkeeper Angie Boettcher reviewed with City Council the Spring/Summer La Crescent Newsletter that she developed and will be sending out to residents the week of May 27<sup>th</sup>. Her plan is to continue the newsletter on a biannual basis, with the Fall/Winter edition to go out at the end of September or first part of October. Information for the newsletter was supplied by City staff, Commissions, and Committee's. The hope is that residents will opt to receive future newsletters in an electronic format to cut down on paper. This item was informational, and no action was taken.

Member O'Donnell-Ebner reviewed with Council the upcoming logo and brand community input session and survey to be held on May 30, 2019.

**ITEM 6.1 – STAFF CORRESPONDENCE/COMMITTEE UPDATES – PARK AND RECREATION COMMISSION MINUTES – MAY 20, 2019**

City Council reviewed the Minutes from the May 20, 2019 La Crescent Park and Recreation Commission meeting. No action taken.

**ITEM 8 – CHAMBER OF COMMERCE**

Dewey Severson from the La Crescent Chamber of Commerce updated City Council on the Chamber Run/Walk, the Block Party and the Golf Outing in July.

There being no further business to come before the Council at this time, Member Krenz 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 voted in favor thereof, viz;

Cherryl Jostad	Yes
Brian Krenz	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 7:41 PM.

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

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

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