

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
MAY 29, 2018

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 29, 2018, followed by the Pledge of Allegiance.

Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Bernie Buehler, Ryan Hutchinson, Brian Krenz, Dale Williams and Mayor Mike Poellinger. Members absent: None. Also present was City Administrator Bill Waller and City Attorney Skip Wieser.

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 14, 2018
- 1.2 BILLS PAYABLE THROUGH MAY 24

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 Buehler made a motion, seconded by Member Hutchinson, as follows:

A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED

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

| | |
|-----------------|-----|
| Bernie Buehler | Yes |
| Ryan Hutchinson | Yes |
| Brian Krenz | Yes |
| Dale Williams | Yes |
| Mike Poellinger | Yes |

and none voted against the same. The motion was declared duly carried.

ITEM 3.1 – PLANNING COMMISSION REVIEW – DON SMITH

Former Chairperson of Planning Commission, Don Smith, shared with City Council a review of the Planning Commission during his service the past 18 years. This item was informational, and no action was taken.

ITEM 3.2 – CRESCENT VALLEY PROJECT CHANGE ORDER

This Item will be addressed at the next City Council Meeting.

ITEM 3.3 – SPRINGBROOK REQUEST

City Council reviewed a request from SpringBrook Village of La Crescent regarding reimbursement to developer. The Development Agreement between the City and SpringBrook required that the City reimburse the developer for the cost to loop the watermain, in an amount not to exceed \$11,250.00. SpringBrook is requesting that the City Council approve increasing the amount to reflect the actual construction cost of \$14,625.00. It was recommended to City Council to approve the increase in the payment, on the condition that the City Engineer provides notice to the City that the developer has completed the site improvements, including stormwater, substantially in conformance with the plans. Following discussion, Member Buehler made a motion, seconded by Member Krenz, as follows:

MOTION TO AUTHORIZE THE PAYMENT TO SPRINGBROOK VILLAGE IN THE AMOUNT OF \$14,625.00 ON CONDITION THAT THE CITY ENGINEER PROVIDES NOTICE TO THE CITY THAT THE DEVELOPER HAS COMPLETED THE SITE IMPROVEMENTS, INCLUDING STORMWATER, SUBSTANTIALLY IN CONFORMANCE WITH THE PLANS, FOR REIMBURSEMENT OF THE COST TO LOOP THE WATERMAIN PER THE DEVELOPMENT AGREEMENT.

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

| | |
|-----------------|-----|
| Bernie Buehler | Yes |
| Ryan Hutchinson | Yes |
| Brian Krenz | Yes |
| Dale Williams | Yes |
| Mike Poellinger | Yes |

and none voted against the same. The motion was declared duly carried.

ITEM 3.4 – CITY OF LA CROSSE – SEWER AGREEMENT

City Attorney Wieser reviewed with City Council the existing sanitary sewer agreement with the City of La Crosse for the conveyance and treatment of sanitary sewer. In 2007 the City of La Crescent entered into an agreement with the City of La Crosse for the conveyance and treatment of sanitary sewer. The agreement is for 20 years, from January 1, 2007 - December 31, 2027. The City has been working through the process to amend the sewer service area with the La Crosse Area Planning Committee. In the process of doing so, the City of La Crosse is now requesting/requiring a revised sewer service agreement that would include a new service connection fee of \$730 that would apply to any service added after a certain date. In addition, the City of La Crosse is proposing a regional service agreement which would be an annual fee for every parcel in the City. They have indicated that the fee would range from \$40 - \$80. The City of La Crosse has indicated that they will provide the City of La Crescent with a draft agreement the week of June 23, 2018. It was recommended to City Council to consider the following:

1. Adopt the revised sanitary sewer service area map. The map has been revised to only include land that is currently within the La Crescent City limits. The properties along County Road 6 have been removed from the proposed service area.
2. Authorize the City Attorney to forward a letter to the City of La Crosse, the details of which will be reviewed with the City Council at the meeting.

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

MOTION TO AUTHORIZE THE CITY ATTORNEY, CITY ENGINEER AND CITY ADMINISTRATOR TO NEGOTIATE A SERVICE AMENDMENT TO THE SEWER SERVICE AGREEMENT WITH THE CITY OF LA CROSSE AND TO AMEND THE SANITARY SEWER SERVICE AREA MAP TO ONLY INCLUDE LAND THAT IS CURRENTLY WITHIN THE LA CRESCENT CITY LIMITS AND TO REMOVE THE PROPERTIES ALONG COUNTY ROAD 6 FROM THE PROPOSED SERVICE AREA.

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

| | |
|-----------------|-----|
| Ryan Hutchinson | Yes |
| Brian Krenz | Yes |
| Dale Williams | Yes |
| Mike Poellinger | Yes |

Member Bernie Buehler voted against the same. The motion was declared duly carried by a 4-1 vote.

The City received a number of agenda requests from property owners along County Road 6. Since the City Council agreed that the County Road 6 portion of the project be temporarily removed, City Council did not address the agenda request forms.

ITEM 3.5 – SEVENTH STREET CROSSING IMPROVEMENTS

City Administrator Waller reviewed with City Council a memo from Chief of Police, Doug Stavenau, regarding the pedestrian crossing intersection of South 7th and Hill Street and a Cooperative Construction and Maintenance Agreement for the installation and maintenance of an LED lighted Rectangular Rapid-Flash Beacon. The City has been evaluating crossing improvements at South 7th Street in the vicinity of Frank J. Kistler Memorial Park. The Houston County Engineer has tentatively agreed to enter into an agreement with the City of La Crescent to cost share the installation a Rapid-Flash Beacon in this location. The signage and agreement would be consistent with 2017 South 3rd and Oak Street project. It was recommended to City Council to proceed with authorization to participate in a joint agreement with Houston County, develop an engineering proposal, and cost estimate for the project. Following discussion, Member Buehler made a motion, seconded by Member Hutchinson, as follows:

MOTION TO DEVELOP A JOINT AGREEMENT WITH HOUSTON COUNTY TO SPLIT THE COSTS AND DEVELOP AN ENGINEERING PROPOSAL AND COST ESTIMATE FOR THE INSTALLATION A RAPID-FLASH BEACON AT SOUTH 7TH STREET IN THE VICINITY OF FRANK J. KISTLER MEMORIAL PARK IN THE CITY OF LA CRESCENT.

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

| | |
|-----------------|-----|
| Bernie Buehler | Yes |
| Ryan Hutchinson | Yes |
| Brian Krenz | Yes |
| Dale Williams | Yes |
| Mike Poellinger | Yes |

and none voted against the same. The motion was declared duly carried.

ITEM 3.6 – NO PARKING RECOMMENDATION

City Administrator Waller reviewed with City Council a memo from Chief of Police, Doug Stavenau, regarding a no parking request from the property owner at 724 South 2nd Street regarding the placement of No Parking signs on the south side of the street in the 700 block of South 2nd Street. There is no objection from the neighbors. Chief Stavenau has reviewed the area and has found the request to be reasonable and would be beneficial to vehicle and pedestrian safety, street maintenance and emergency service access if required. It was recommended to City Council to approve a No Parking zone be established at approximate GPS coordinates 43.827144,-91.313064 extending approximately 210' to the west on the south side of South 2nd Street. Following discussion, Member Krenz made a motion, seconded by Member Hutchinson, as follows:

MOTION TO AUTHORIZE A NO PARKING ZONE ON THE SOUTH SIDE OF THE STREET IN THE 700 BLOCK OF SOUTH 2ND STREET IN THE CITY OF LA CRESCENT.

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

| | |
|-----------------|-----|
| Bernie Buehler | Yes |
| Ryan Hutchinson | Yes |
| Brian Krenz | Yes |
| Dale Williams | Yes |
| Mike Poellinger | Yes |

and none voted against the same. The motion was declared duly carried.

ITEM 3.7 – SLICE OF LIFE REQUEST

City Council reviewed a request from La Crescent Chamber of Commerce for the Chamber to hold their 22nd Annual Slice of Life 5K Run/Walk on Saturday, June 23, 2018, starting at 8:00 a.m. The Chamber also requested a police car and officer to lead the race along its course, have a fire truck as the SAG wagon and have access to the Arena Lobby area for the morning. Following discussion, Member Buehler made a motion, seconded by Member Krenz, as follows:

MOTION TO APPROVE THE RACE ROUTE FOR THE 22ND ANNUAL SLICE OF LIFE 5K RUN/WALK ON JUNE 23, 2018 WITH APPROVAL OF LA CRESCENT POLICE CAR AND OFFICER TO LEAD RACE, HAVE A FIRE TRUCK AS SAG WAGON AND ACCESS TO THE LA CRESCENT COMMUNITY ARENA LOBBY AREA.

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

| | |
|-----------------|-----|
| Bernie Buehler | Yes |
| Ryan Hutchinson | Yes |
| Brian Krenz | Yes |
| Dale Williams | Yes |
| Mike Poellinger | Yes |

and none voted against the same. The motion was declared duly carried.

ITEM 3.8 – AUTHORIZE PURCHASE OF WETLAND CREDITS

City Administrator Waller reviewed with City Council the purchase of wetland credits. As part of the Blue Lake canoe/kayak access project, it is necessary for the City to purchase .1 acres of wetlands to mitigate the wetland impact of the project. City Council reviewed information related to the purchase of the wetlands. It was recommended to City Council to authorize the purchase of the wetland credits for a total cost of \$3,487.90, which includes fees. Funds for this project were included in the City's 2017 general fund budget. It was also recommended to City Council to authorize the required signatures on the transaction form and purchase agreement. Following discussion, Member Krenz made a motion, seconded by Member Hutchinson, as follows:

MOTION TO AUTHORIZE THE PURCHASE .1 ACRES OF WETLAND CREDITS TO MITIGATE THE IMPACT OF THE CANOE/KAYAK ACCESS AT BLUE LAKE AT A COST OF \$3,487.90, WHICH INCLUDES FEES, USING FUNDS INCLUDED IN THE CITY'S 2017 GENERAL FUND BUDGET, AND TO ALSO APPROVE PAYMENT AND AUTHORIZE THE REQUIRED SIGNATURES ON THE TRANSACTION FORM AND PURCHASE AGREEMENT.

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

| | |
|-----------------|-----|
| Bernie Buehler | Yes |
| Ryan Hutchinson | Yes |
| Brian Krenz | Yes |
| Dale Williams | Yes |
| Mike Poellinger | Yes |

and none voted against the same. The motion was declared duly carried.

ITEM 3.9 – ORDINANCE AMENDMENT

City Attorney Wieser reviewed with City Council a draft of Ordinance No. 521, an Ordinance amending Ordinance No. 354, which states in part that applications for operation of motorized golf carts or four-wheeled, all-terrain vehicles on City Streets be reviewed and approved by the Chief of Police of the La Crescent Police Department. City Council approved the amendment of this Ordinance at its May 14, 2018 City Council Meeting. Following discussion, Member Buehler introduced the following Ordinance, and moved its passage and adoption:

ORDINANCE NO. 521

AN ORDINANCE OF THE CITY OF LA CRESCENT AUTHORIZING THE OPERATION OF MOTORIZED GOLF CARTS OR FOUR-WHEELED, ALL-TERRAIN VEHICLES ON PUBLIC THOROUGHFARES OF THE CITY, AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF

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

SECTION 1. ISSUANCE OF PERMITS TO HANDICAPPED TO OPERATE GOLF CARTS OR FOUR-WHEELED, ALL-TERRAIN VEHICLES AUTHORIZED. The physically handicapped, as hereinafter defined, consistent with this Ordinance and all other laws and regulations appertaining, are authorized issuance of permits to operate a golf cart or four-wheeled, all-terrain vehicle on any public thoroughfare within the corporate limits of the City of La Crescent.

SECTION II. PERMITS AND APPLICATIONS THEREFOR. No operation of golf cart or four-wheeled, all-terrain vehicles is authorized hereunder except by permit by persons having been issued permit pursuant hereto. Applications for permit shall elicit such information as applications for motor vehicle driver's license applications do, the applicant shall be accompanied by a current licensed physician's report indicating applicant to be physically able to operate such vehicle(s) safely, and evidence of insurance complying with the provisions of Section 65B .48 Subd. 5, Minnesota General Statutes, and shall relate to a single specific vehicle.

SECTION III. MISCELLANEOUS REGULATIONS. All permits issued pursuant to this Ordinance shall be issued for a period not to exceed one year and shall be annually renewable. Permits issued are subject to revocation at any time upon a showing that Permittee can no longer safely operate the vehicle, the operation of which was authorized by permit issued pursuant to this Ordinance. Vehicles operated by permits issued pursuant hereto shall be operated only at times from sunrise to sunset and shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog or other visibility limiting circumstances where lighting is insufficient to clearly see persons and vehicles at 500 feet. All vehicles permitted to be operated pursuant to this Ordinance shall display slow-moving vehicle emblem pursuant to Section 169.522, Minnesota General Statutes.

SECTION IV. ADMINISTRATION: DEFINITION OF HANDICAPPED PERSONS.
All applications for permits hereunder shall be made to and processed by the City Clerk and shall be reviewed and approved by City of La Crescent Chief of Police.

For purposes of this Ordinance, physically handicapped shall mean any person who has sustained an amputation or material disability of either or both arms or legs, or who has been otherwise disabled in any manner, rendering it difficult or burdensome to walk. In the discretion of the Chief of Police, a person who is an applicant for a permit hereunder may be deemed "handicapped" if currently certified to be such by a licensed physician.

SECTION V. GENERAL TRAFFIC REGULATIONS INCORPORATED BY REFERENCE. There are hereby incorporated by this reference as if set out here at in full all regulations specifically relating to vehicles described in the within Ordinance and all other rules, regulations and laws of the State of Minnesota thereunto appertaining, Where the provisions of this Ordinance and any other regulations conflict, the more

restrictive shall control. Should any provision of this Ordinance be rendered invalid by a Court of competent jurisdiction, all remaining provisions shall remain in full force and effect.

SECTION VI. PENALTIES. Violations of this Ordinance are deemed misdemeanors and punishable upon conviction according to the laws of the State of Minnesota appertaining.

SECTION VII. EFFECTIVE DATE. This Ordinance shall become effective upon its due passage and enactment and publication according to law.

SECTION VIII. REPEAL. Ordinance No. 354, adopted on July 13, 1998, is hereby repealed upon this Ordinance becoming effective.

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

PASSED AND ENACTED this 29th day of May, 2018.

Mayor

ATTEST:

City Administrator

The foregoing motion was 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;

| | |
|-----------------|-----|
| Bernie Buehler | Yes |
| Ryan Hutchinson | Yes |
| Brian Krenz | Yes |
| Dale Williams | Yes |
| Mike Poellinger | Yes |

and none voted against the same. The ordinance was declared duly passed and adopted.

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

MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 521 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;

| | |
|-----------------|-----|
| Bernie Buehler | Yes |
| Ryan Hutchinson | Yes |
| Brian Krenz | Yes |
| Dale Williams | Yes |
| Mike Poellinger | Yes |

and none voted against the same. The motion was declared duly carried.

ITEM 3.10 SOLSMART APPLICATION

City Administrator Waller gave an overview to City Council regarding information about the SolSmart program. SolSmart is a national designation program recognizing cities, counties, and towns that foster the development of mature local solar markets. It was recommended to City Council to participate in the program and authorize that a letter be submitted to The Solar Foundation regarding the City's interest in participating in the program. Following discussion, Member Krenz made a motion, seconded by Member Williams, as follows:

MOTION TO AUTHORIZE THAT A LETTER BE SUBMITTED TO THE SOLAR FOUNDATION REGARDING THE CITY OF LA CRESCENT'S INTEREST IN PARTICIPATING IN THE PROGRAM

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

| | |
|-----------------|-----|
| Bernie Buehler | Yes |
| Ryan Hutchinson | Yes |
| Brian Krenz | Yes |
| Dale Williams | Yes |
| Mike Poellinger | Yes |

and none voted against the same. The motion was declared duly carried.

ITEM 3.11 – GAMBLING PERMIT APPLICATION

City Administrator Waller gave an overview to City Council regarding a gambling permit application from SpringBrook Village of La Crescent for July 2018 for SpringBrook Village. The application appears to be in order and it was recommended to City Council to approve the application and authorize it be forwarded to the Minnesota Gambling Control Board. Following discussion, Member Krenz made a motion, seconded by Member Hutchinson, as follows:

MOTION TO AUTHORIZE THE ISSUANCE OF A GAMBLING PERMIT TO SPRINGBROOK VILLAGE OF LA CRESCENT FOR JULY 2018 FOR SPRINGBROOK VILLAGE AND AUTHORIZE IT BE FORWARDED TO THE MINNESOTA GAMBLING CONTROL BOARD.

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

| | |
|-----------------|-----|
| Bernie Buehler | Yes |
| Ryan Hutchinson | Yes |
| Brian Krenz | Yes |
| Dale Williams | Yes |
| Mike Poellinger | Yes |

and none voted against the same. The motion was declared duly carried.

ITEM 3.12 – PERSONNEL COMMITTEE RECOMMENDATION

This Item was withdrawn from the agenda.

ITEM 6.1 – STAFF CORRESPONDENCES/COMMITTEE UPDATES – PARK & RECREATION COMMISSION MINUTES – 5/21/18

City Council reviewed the Minutes from the May 21, 2018 La Crescent Park and Recreation Commission meeting. No action taken.

ITEM 8 – CHAMBER OF COMMERCE

Sarah Dohnalik of the La Crescent Chamber of Commerce updated the City Council on the upcoming Slice of Life event, Block Party and thanked Don Smith and the City for their support.

There being no further business to come before the Council at this time, Member Hutchinson made a motion, seconded by Member Krenz, to adjourn the meeting. Upon a roll call vote taken and tallied by the City Administrator, all Members voted in favor thereof, viz;

| | |
|-----------------|-----|
| Bernie Buehler | Yes |
| Ryan Hutchinson | Yes |
| Brian Krenz | 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 6:00 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator