

**AMENDED MINUTES, REGULAR MEETING  
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA  
JUNE 10, 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 June was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Monday, June 10, 2019, followed by the Pledge of Allegiance.

Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Cherryl 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, 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 28, 2019
- 1.2 BILLS PAYABLE – JUNE 6, 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, the following Members voted in favor thereof, viz;

Brian Krenz	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and Member Cherryl Jostad voted against the same. The motion was declared duly carried by a 4-1 vote.

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

City Attorney Wieser reviewed with City Council the Planning Commission's recommendation 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 reviewed the change made to page eight of the May 7 and May 14, 2019 Planning Commission minutes and offered to answer any questions from City Council. Discussion and questions followed. Agenda Request forms were filed by Christine Meindel-Wagner and Mike Sexauer. 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 THREE (3) CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION AND WITH ADDITIONAL CONDITION THAT THE APPLICANT PROVIDES SUFFICIENT SCREENING TO THE NORTHERLY AND SOUTHERLY PROPERTY LINES PARALLEL WITH THE PROPOSED BUILDING AS DETERMINED BY THE CITY BUILDING OFFICIAL.**

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 Cherryl Jostad and Dale Williams voting against the same. The motion failed by a 2-2 vote. No findings made as City Council wished to take additional time to consider the application.

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

**MOTION TO RESCIND THE PREVIOUS EXTENSION OF 60 DAYS TO ACT ON THE CONDITIONAL USE PERMIT.**

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
Mike Poellinger	Yes

and Members Cherryl Jostad and Dale Williams voting against the same. The motion was declared duly carried by a 3-2 vote.

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

**MOTION TO AMEND THE EXTENSION OF THE PREVIOUS DEADLINE TO ACT ON THE CONDITIONAL USE PERMIT TO JUNE 25, 2019.**

After discussion, this Motion was withdrawn.

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

**MOTION TO AMEND THE EXTENSION OF THE PREVIOUS DEADLINE TO ACT ON THE CONDITIONAL USE PERMIT TO JULY 9, 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
Mike Poellinger	Yes

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

No action or discussion on the Preliminary Plat for Berkley Addition.

**ITEM 3.2 – PLANNING COMMISSION MINUTES – JUNE 4, 2019**

City Administrator Waller reviewed with City Council the Planning Commission Minutes from the June 4, 2019 meeting. This item was informational, and no action was taken.

It was the consensus of City Council to have the Planning Commission minutes from May 7 and May 14, 2019 be included on the agenda for the June 24, 2019 City Council meeting.

**ITEM 3.3 – FIRE DEPARTMENT PENSION INCREASE**

City Administrator Waller reviewed with City Council a memo from Terry Meyer, President, and Doug Kruckow, Treasurer, of the La Crescent Fire Department Relief Association regarding their January 28, 2019 annual Relief meeting. As part of the business for that meeting, a pension increase was discussed and then a motion was made to increase the pension from \$2,700 per eligible year to \$2,800 per eligible year. The vote was passed by its membership. The Relief members then met in February to ratify this vote per the bylaws and the motion passed. The La Crescent Fire Department Relief Association is now seeking approval by City Council on this matter. The Relief Association has adequate funds available to support this increase without any financial impact to the City under the given economy and market conditions and health of the Fire Department. Following discussion, Member Williams made a motion, seconded by Member O'Donnell-Ebner, as follows:

**MOTION TO INCREASE THE LA CRESCENT FIRE DEPARTMENT RELIEF ASSOCIATION PENSION FROM \$2,700 PER ELIGIBLE YEAR TO \$2,800 PER ELIGIBLE YEAR.**

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 3.4 – AUTHORIZE REVIEW OF SEWER AGREEMENT**

City Attorney Wieser reviewed with City Council an update regarding the status of Sanitary Sewer Conveyance Agreement between the City of La Crescent and the City of La Crosse. It was recommended to City Council to

authorize the City to engage the Iverson Reuvers Law Firm to provide additional assistance/review as needed. Following discussion, Member Williams made a motion, seconded by Member Jostad, as follows:

**MOTION TO AUTHORIZE THE CITY TO ENGAGE THE IVERSON REUVERS LAW FIRM TO PROVIDE ADDITIONAL ASSISTANCE/REVIEW AS NEEDED FOR THE SANITARY SEWER CONVEYANCE AGREEMENT BETWEEN THE CITY OF LA CRESCENT AND THE CITY OF LA CROSSE.**

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
Mike Poellinger	Yes

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

**ITEM 3.5 – STORMWATER MEMO OF UNDERSTANDING**

City Bookkeeper Bottcher reviewed with City Council a memorandum of understanding for the City to join the La Crosse Waters Urban Storm Water Group. This is a three-year agreement with the first-year costing \$2,072.79 (\$960.00 of which is used to add the City of La Crescent to the La Crosse Waters Urban Storm Water Group website), year two \$1,112.79, and year three \$1,112.79. These fees are based on the City's population size. The 2019 General Fund has discretionary funds in the Council budget that could be utilized for the cost of participating in the La Crosse Waters Urban Storm Water Group. Participation in the Storm Water Group is consistent with the goals, objectives, and strategies in the Storm Water Pollution Prevention Plan (MS4). Following discussion, Member Krenz made a motion, seconded by Member O'Donnell-Ebner, as follows:

**MOTION TO AUTHORIZE ENTERING INTO A MEMORANDUM OF UNDERSTANDING FOR THE CITY OF LA CRESCENT TO JOIN THE LA CROSSE WATERS URBAN STORM WATER GROUP AT A COST OF \$2,072.79 FOR THE FIRST YEAR, \$1,112.79 FOR SECOND YEAR, AND \$1,112.79 FOR THIRD YEAR USING FUNDS FROM THE 2019 GENERAL FUND.**

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
Mike Poellinger	Yes

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

**ITEM 3.6 – GAMBLING PERMIT APPLICATION**

City Council reviewed a gambling permit application from the La Crescent Area Chamber of Commerce & Tourism for August 30, 2019 for the Chamber Office. The application appears to be order and it was recommended to City Council to approve the application and authorize that it be forwarded to the Minnesota Gambling Control Board. Following discussion, Member Williams made a motion, seconded by Member O’Donnell-Ebner, as follows:

**MOTION TO APPROVE A GAMBLING PERMIT APPLICATION FOR THE LA CRESCENT AREA CHAMBER OF COMMERCE & TOURISM FOR AN EVENT TO BE HELD AT THE CHAMBER OFFICE ON AUGUST 30, 2019 AND THAT IT BE FORWARDED TO THE MINNESOTA GAMBLING CONTROL BOARD.**

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
Mike Poellinger	Yes

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

**ITEM 3.7 – GREENSTEP APPOINTMENT**

City Administrator Waller reviewed with City Council a Memo from Chair Jason Ludwigson of the GreenStep Committee recommending to City Council that Kennedie Dawson be added as a student member of the GreenStep Committee. Following discussion, Member Krenz made a motion, seconded by Member Williams, as follows:

**MOTION TO APPROVE THAT KENNEDIE DAWSON BE ADDED AS A STUDENT MEMBER OF THE GREENSTEP COMMITTEE.**

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
Mike Poellinger	Yes

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

**ITEM 3.8 – LODGING TAX RESOLUTION**

City Attorney Wieser reviewed with City Council Special Legislation signed by Governor Walz authorizing the City of La Crescent to collect up to five percent (5%) tax on the gross receipts subject to the Lodging Tax. The

additional two percent (2%) proceeds of the tax must be utilized for the same purposes as permitted under Minnesota Statute 469.190. City Council reviewed the approved legislation and Ordinance No. 534 increasing the lodging tax to five percent (5%). City Council also reviewed a certificate and resolution approving the same. At a future City Council meeting a Professional Services Agreement regarding disposition of the lodging tax proceeds will be presented to City Council for consideration. Following discussion, Member Williams introduced the following resolution and moved its passage and adoption:

**RESOLUTION NO. 06-19-14**

**A RESOLUTION APPROVING SPECIAL LAW IN REGARD TO LOCAL  
LODGING TAX WITHIN THE CITY OF LA CRESCENT**

WHEREAS, on May 24, 2019 the Minnesota Legislature passed, and on May 30, 2019, the Governor of Minnesota signed, 2019, Chapter 6, Article 6, Section 21, in regard to the lodging tax within the City of La Crescent, which contained the following special law:

**Sec. 21. CITY OF LA CRESCENT; LOCAL LODGING TAX AUTHORIZED.**

Notwithstanding Minnesota Statutes, section 477A.016, or other law, in addition to a tax authorized in Minnesota Statutes, section 469.190, the city of La Crescent may impose, by ordinance, a tax of up to two percent on the gross receipts subject to the lodging tax under Minnesota Statutes, section 469.190. The proceeds of the tax must be used for the same purposes as required under Minnesota Statutes, section 469.190. The total tax imposed under this section and under Minnesota Statutes, section 469.190 must not exceed five percent.

**EFFECTIVE DATE.** This section is effective the day after the governing body of the city of La Crescent and its chief clerical officer comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

WHEREAS, Minnesota Statutes, section 645.021 states that a special law shall not be effective without approval of the local government unit or units affected and said approval shall be by resolution adopted by a majority vote of all members of the governing body of the unit.

WHEREAS, it is desirable for the City of La Crescent to collect monies, pursuant to Minnesota Statutes, section 469.190, to be used by the City for the purpose of marketing and promoting the city as a tourist center.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of La Crescent hereby resolves and approves of the special law passed by the Minnesota Legislature on May 24, 2019, and signed by the Governor of Minnesota on May 30, 2019, as restated above, in regard to the lodging tax within the City of La Crescent.

BE IT FURTHER RESOLVED, that the City Council for the City of La Crescent hereby imposes a tax of up to two percent (2%) on the gross receipts subject to the lodging tax under Minnesota Statutes, section 469.190. This tax is in addition to any tax imposed under Minnesota Statutes, section 469.190, for a total tax imposed under that section and this provision of five percent (5%). The City Council shall impose said tax via ordinance.

Said Resolution was passed by a majority vote of all members of the City Council for the City of La Crescent on June 10, 2019.

SIGNED:

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Mikel Poellinger  
Mayor of the City of La Crescent

ATTEST:

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Bill Waller  
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.

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

**MOTION TO APPROVE THE CERTIFICATE OF APPROVAL OF SPECIAL LAW BY GOVERNING BODY REGARDING RESOLUTION 06-19-14.**

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
Mike Poellinger	Yes

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

Following further discussion, Member O'Donnell-Ebner introduced the following Ordinance, and moved its passage and adoption:

## ORDINANCE NO. 534

### LODGING TAX

The City Council of La Crescent ordains:

**SECTION 1. Definitions:** Unless the language or context clearly indicates that a different meaning is intended, the following words, for the purpose of this ordinance, shall have the following meanings and inclusions:

1. "City" means the City of La Crescent, Minnesota, acting by or through its duly authorized representative.

2. "Lodging" means the furnishing for a consideration of lodging at a hotel or motel.

3. "Operator" means any person who has charge, care, or control of a building in the City, or part thereof, in which dwelling units or rooming units are let.

4. "Person" includes all firms, partnerships, associations, corporations, and natural persons.

5. "Rent" means the total consideration valued in money charged for lodging whether paid in money or otherwise, but shall not include any charges for services rendered in connection with furnishing lodging other than the room charge itself.

6. "Lodger" means the person obtaining lodging from an operator.

**SECTION 2. Imposition of Tax.** Pursuant to Minnesota Statutes, Chapter 469.190 and provisions of Laws 2019, Chapter 6, Article 6, Section 21, there is hereby imposed a tax of five percent (5%) on the rent charged by an operator for providing lodging to any person. The tax shall be stated and charged separately and shall be collected by the operator from the lodger. The tax collected by the operator shall be a debt owed by the operator to the City and shall be extinguished only by payment to the City. In no case shall the tax imposed by this section upon an operator exceed the amount of tax which the operator is authorized and required by this ordinance to collect from a lodger.

**SECTION 3. Collections.** Each operator shall collect the tax imposed by this section at the time the rent is paid. The tax collection shall be deemed to be held in trust by the operator for the City. The amount of tax shall be separately stated from the rent charged for the lodging and those persons paying the tax shall receive a receipt of payment from the operator.

**SECTION 4. Exemptions.** An exemption shall be granted to any person as to whom or whose occupancy it is beyond the power of the City to tax. No exemption shall be granted except upon a claim therefore made at the time the rent is collected and such a claim shall be made in writing and under penalty of perjury on forms provided by the City. All such claims shall be forwarded to the City when the returns and collections are submitted as required by this Chapter.

**SECTION 5. Advertising No Tax.** It shall be unlawful for any operator to advertise or hold out or state to the public or any customer, directly or indirectly, that the tax or any part hereof will be assumed or absorbed by the operator, or that it will not be added to the rent or that, if added, it or any part thereof will be refunded. In computing the tax to be collected, amounts of tax less than one cent shall be considered an additional cent.



**SECTION 6. Payments and Returns.** The taxes imposed by this ordinance shall be paid by the operator to the City monthly not later than twenty (20) days after the end of the month in which the taxes were collected. At the time of payment, the operator shall submit a return upon such forms and continuing such information as the City may require. The return shall contain the following minimum information:

- a. The total amount of rent collected for lodging during the period covered by the return.
- b. The amount of tax required to be collected and due for the period.
- c. The signature of the person filing the return or that of his agent duly authorized in writing.
- d. The period covered by the return.
- e. The amount of uncollectible rental charges subject to the lodging tax.

The operator may offset against the taxes payable with respect to any reporting period, the amount of taxes imposed by this ordinance previously paid as a result of any transaction the consideration for which became uncollectible.

**SECTION 7. Examination of Return, Adjustments, Notices, and Demands.** The City shall, after a return is filed, examine the same and make any investigation or examination of the records and accounts of the person making the return deemed necessary for determining its correctness. The tax computed on the basis of such examination shall be the tax to be paid. If the tax due is found to be greater than that paid, such excess shall be paid to the City within ten days after receipt of a notice thereof given either personally or sent by registered mail to the address shown on the return. If the tax paid is greater than the tax found to be due, the excess shall be refunded to the person who paid the tax to the City within ten (10) days after determination of such refund.

**SECTION 8. Refunds.** Any person may apply to the City for a refund of taxes paid for a prescribed period in excess of the amount legally due for that period, provided that no application for refund shall be considered unless filed within one (1) year after such tax was paid, or within one (1) year from the filing of the return, whichever period is the longer. The City shall examine the claim and make and file written findings whereon denying or allowing the claim in whole or in part and shall mail a notice thereof by registered mail to such person at the address stated upon the return. If such claim is allowed in whole or in part, the City shall credit the amount of the allowance against any taxes due under this ordinance from the claimant and the balance of said allowance, if any, shall be paid by the City to the claimant.

**SECTION 9. Failure to File a Return.**

**Subd. 1.** If any operator required by this ordinance to file a return shall fail to do so within the time prescribed or shall make, willfully or otherwise, an incorrect, false, or fraudulent return, the operator shall, upon written notice and demand, file such return or corrected return within ten (10) days of receipt of such written notice and shall at the same time pay any tax due on the basis thereof. If such person shall fail to file such return or corrected return, the City shall make a return or corrected return for such person based upon such knowledge and information as the City can obtain, and assess a tax on the basis thereof, which tax (less any payments theretofore made on account of the tax for the taxable period covered by such return) shall be paid within ten (10) days of the receipt of written notice and demand for such payment. Any such return or assessment made by

the City shall be prima facie correct and valid, and the burden of proving to the contrary rests with any person in any action or proceeding in respect thereto.

**Subd. 2.** If any portion of a tax imposed by this ordinance, including penalties thereon, is not paid within thirty (30) days after it is required to be paid, the City may institute such legal action as may be necessary to cover the amount due plus interest, penalties, the costs and disbursements of any action.

**Subd. 3.** Upon a showing of good cause, the City may grant an operator one thirty (30) day extension of time within which to file a return and make payment of taxes as required by this ordinance provided that interest during such period of extension shall be added to the taxes due at the rate of eight (8) percent per annum.

#### **SECTION 10. Penalties.**

**Subd. 1.** If any tax imposed by this ordinance is not paid within the time herein specified for the payment, or an extension thereof, there shall be added thereto a specific penalty equal to ten (10) percent of the amount remaining unpaid.

**Subd. 2.** In case of any failure to make and file a return within the time prescribed by this ordinance, unless it is shown that such failure is not due to willful neglect, there shall be added to the tax in addition the penalty provided in Subdivision 1 above, a penalty of five (5) percent for each thirty (30) day period or fraction thereof during which such failure continues, not exceeding twenty-five (25) percent in the aggregate. There shall be a minimum penalty assessed of ten (10) dollars if penalties in the aggregate do not exceed that amount. The amount so added to any tax shall be collected at the same time and in the same manner and as part of the tax unless the tax has been paid before the discovery of the negligence, in which case the amount so added shall be collected in the same manner as the tax.

**Subd. 3.** If any person willfully fails to file any return or makes any payment required by this ordinance, or willfully files a false or fraudulent return or willfully attempts in any manner to evade or defeat any such tax or payment thereof, there shall also be imposed as a penalty an amount equal to fifty (50) percent of any tax (less any amounts paid on the basis of such false or fraudulent return) found due for the period to which such return related. The penalty imposed by this section shall be collected as part of the tax and shall be in addition to any other penalties provided by this ordinance.

**Subd. 4.** All payments received shall be credited first to penalties, next to interest, and then to the tax due.

**Subd. 5.** The amount of tax not timely paid, together with any penalty provided by this section, shall bear interest at the rate of eight (8) percent per annum from the time such tax should have been paid until payment is made. Any interest and penalty shall be added to the tax and be collected as part thereof.

**SECTION 11. Administration of Tax.** The City shall administer and enforce the assessment and collection of the taxes imposed by this ordinance. The City shall cause to be prepared blank forms for the returns and other documents required by this ordinance and shall distribute the same throughout the City. Failure to receive or secure such forms and documents shall not relieve any person from any obligation required of him under this ordinance.

**SECTION 12. Examine Records.** Persons acting on behalf of the City and authorized in writing by the City may examine the books, papers, and records of any operator in order to verify the accuracy of any return made, or if no return was made, to ascertain the tax as provided in this ordinance. Every such operator is

directed and required to give to the City the means, facilities, and opportunity for such examinations and investigations as are hereby authorized.

**SECTION 13. Violations.** Any person who shall willfully fail to make a return by this ordinance, or who shall fail to pay the tax after written demand for payment, or who shall fail to remit the taxes collected or any penalty or interest imposed by this ordinance after written demand for such payment, or who shall refuse to permit the City's authorized agents to examine the books, records, and papers under his control, or who shall willfully make any incomplete, false, or fraudulent return shall be guilty of a misdemeanor.

**SECTION 14. Use of Proceeds.** Ninety-five (95) percent of the proceeds obtained from the collection of taxes pursuant to Minnesota Statutes Section 469.190 and provisions of Laws 2019, Chapter 6, Article 6, Section 21 as may be amended from time to time to fund a local convention or tourism bureau for the purpose of marketing and promoting the City of La Crescent. The City may use up to five (5) percent of the proceeds obtained hereunder to defray the costs and expenses of collection and administration of such tax.

**SECTION 15. Appeals.**

**Subd. 1.** Any operator aggrieved by any notice, order, or determination made by the City under this ordinance may file a petition for review of such notice, order, or determination. The petition shall contain the name of petitioner, the petitioner's address, and the location of the lodging subject to the notice, order, or determination.

**Subd. 2.** The petition for review shall be filed with the City within ten (10) days after the notice, order, or determination for which review is sought has been mailed to or served upon the person requesting review.

**Subd. 3.** Upon receipt of the petition, the City Administrator/Clerk shall set a date for a hearing and give the petitioner at least ten (10) days prior written notice of the date, time, and place of the hearing.

**Subd. 4.** At the hearing, the petitioner shall be given an opportunity to show cause why the notice, order, or determination should be modified or withdrawn.

**Subd. 5.** The hearing shall be conducted by the City Administrator/Clerk or his authorized agent, and he shall make written findings of fact and conclusions based upon the applicable section of this ordinance and the evidence presented. The person conducting the hearing may affirm, reverse, or modify the notice, order or determination made by the City.

**Subd. 6.** Any decision rendered by the City pursuant to this section may be appealed to the City Council. A petitioner seeking to appeal a decision must file a written notice of appeal with the City within ten (10) days after the decision has been mailed to the petitioner.

The matter will thereupon be placed on the Council agenda as soon as is practical. The Council shall then review the findings of fact and conclusions to determine whether they were correct. Upon a determination by the Council that the findings and conclusions were incorrect, the Council may modify, reverse, or affirm the decision of the City Administrator/Clerk or authorized agent under the same standards as set forth in Section

**SECTION 16. Repeal.** Ordinance No. 471, an ordinance providing for lodging tax dated August 8, 2011 and Ordinance No. 487 dated May 27, 2014, are hereby repealed upon this ordinance becoming effective.

**SECTION 17.** This ordinance shall become effective from and after its passage and publication.

The foregoing ordinance was duly passed and adopted by the Council of the City of La Crescent, Minnesota at its regular meeting on June 10, 2019.

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

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

The foregoing motion was duly seconded by Member Krenz 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 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 O'Donnell-Ebner then made a motion, seconded by Member Krenz as follows:

**MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 534 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 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 6.1 – STAFF CORRESPONDENCE/COMMITTEE UPDATES – NOTICE OF QUIET ZONE ESTABLISHMENT**

Mayor Poellinger reviewed with City Council a correspondence to the Federal Railroad Administration from the City Engineer regarding the City’s Notice of Quiet Zone Establishment and a correspondence from Canadian Pacific acknowledging the Notice of Establishment effective June 25, 2019. This item was informational, and no action was taken.

**ITEM 7.1 – CORRESPONDENCE – MINNESOTA STATE DEMOGRAPHIC CENTER**

City Council reviewed a correspondence dated June 1, 2019 from the Minnesota State Demographic Center with the population and household estimates for 2018. The total population estimate as of April 1, 2018 was 5,169 and total household estimate was 2,201. No action taken.

**ITEM 8 – CHAMBER OF COMMERCE**

Sarah Danielson from the La Crescent Chamber of Commerce updated City Council on the upcoming Chamber Block Party and Slice of Life.

Member O’Donnell-Ebner addressed the City Council regarding the City’s Branding Survey and getting results at a City Council meeting.

There being no further business to come before the Council at this time, Member Williams 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;

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 6:50 PM.

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

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

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