

MINUTES, REGULAR MEETING  
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA  
JUNE 24, 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 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 24, 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, City Building/Zoning Official Shawn Wetterling, 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 – JUNE 10, 2019
- 1.2 BILLS PAYABLE – JUNE 20, 2019
- 1.3 CASH BALANCE/ACTIVITY REPORT – APRIL, 2019
- 1.4 LIBRARY REPORT – APRIL, 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. It was the consensus of City Council to have Item 1.1 – Minutes – June 10, 2019 to be voted on separately due to revisions in the Minutes proposed by Member Jostad. Discussion regarding the June 10, 2019 meeting minutes took place. Member Jostad made a motion, seconded by Member Krenz, as follows:

**MOTION TO AMEND ITEM 3.1 OF THE JUNE 10, 2019 CITY COUNCIL MEETING MINUTES TO READ AS FOLLOWS:**

**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.**

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

**MOTION TO APPROVE CONSENT AGENDA ITEMS 1.2, 1.3 AND 1.4 AS PRESENTED.**

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 3.1 – DEPARTMENT OF PUBLIC SAFETY – REIMBURSEMENT GRANT**

City Council reviewed a memorandum and Resolution from City Finance Director, Debbie Shimshak, regarding the La Crescent Deputy Registrar's Office receiving a notice from the Minnesota Department of Public Safety that the City is eligible for a reimbursement grant in the amount of \$37,976.52. The reimbursement grant is related to the development and deployment of the Minnesota License and Registration System (MNLARS). This grant will reimburse the Deputy Registrar's Office for a portion of the additional cost in staffing, equipment and lost revenue during the MNLARS transition. The grant agreement along with a liability release must be submitted on or before June 30, 2019. This requires the passing of a resolution accepting the grant disbursement funds and to verify the persons authorized to sign the grant agreement. It was recommended to City Council to pass the resolution accepting the grant funds in the amount of \$37,976.52. Following discussion, Member Williams introduced the following resolution and moved its passage and adoption:

**RESOLUTION NO. 06-19-15**

**A RESOLUTION ACCEPTING DEPUTY REGISTRAR REIMBURSEMENT GRANT  
FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY**

WHEREAS, the City of La Crescent supports the grant application made to the Minnesota Department of Public Safety for the development and deployment of the Minnesota License and Registration System (MNLARS).

WHEREAS, the City of La Crescent recognizes that the amount of the reimbursement grant for Deputy Registrar No. 031 for the City of La Crescent is \$37,976.52.

NOW, THEREFORE, BE IT RESOLVED, that the City of La Crescent enter into a Grant Agreement with the Minnesota Department of Public Safety accepting funds in the amount of \$37,976.52 for the development and deployment of the Minnesota License and Registration System (MNLARS). The City of La Crescent will comply with requirements in the request and release agreement, and

BE IT FURTHER RESOLVED, that the Mayor and the City Administrator are authorized to execute the Grant Agreement.

PASSED AND ADOPTED this 24<sup>th</sup> day of June, 2019, by the La Crescent City Council.

SIGNED:

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Mayor

ATTEST:

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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 3.2 – PLANNING COMMISSION MINUTES – MAY 7 AND MAY 14, 2019**

City Attorney Wieser reviewed with City Council a letter from Mike Sexauer, informational memos from the League of Minnesota Cities on Zoning Decisions and Land Use Conditional Use Permits, and the minutes and supporting information from the May 7/14, 2019, Planning Commission meeting regarding 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. Agenda Request forms were filed by Christine Meindel-Wagner and Mike Sexauer, with Ms. Meindel-Wagner addressing City Council. Discussion ensued regarding various conditions to consider imposing. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Krenz, as follows:

**MOTION TO APPROVE THE CONDITIONAL USE PERMIT REQUEST BY MSM DEVELOPMENT FOR BERKLEY ADDITION WITH THE FOLLOWING THREE (3) CONDITIONS APPROVED BY THE PLANNING COMMISSION: A) THE APPLICANT WILL ABIDE BY ALL REPRESENTATIONS MADE BY THE APPLICANT OR THEIR AGENTS MADE DURING THE PERMITTING PROCESS INCLUDING THEIR APPLICATION; B) THE APPLICANT COMPLIES WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS; AND C) PROVIDE GRADING AND EROSION CONTROL PLAN TO BE REVIEWED BY THE CITY ENGINEER; AND ALSO A FOURTH CONDITION THAT THE DEVELOPER PLANT SHRUBS ON THE SOUTH SIDE OF THE PROPERTY PARALLEL TO THE PROPOSED BUILDING SITE TO BE REVIEWED AND APPROVED 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;

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

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

City Attorney Wieser reviewed the findings of fact adopted by the Planning Commission. The findings of fact are as follows:

- A. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

Response (Findings): The use will not be injurious or otherwise impact the existing use of property in the immediate vicinity. This is an infill development. No testimony was received that the property should remain in its current condition. The preliminary plat has been provided to the Fire Chief and Fire Marshal who have identified no concerns with public safety. The proposed plat provides sufficient visibility for public safety.

- B. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Response (Findings): The development will not impact any orderly development in the area. Any land not already developed is owned by the La Crescent School District and used predominately for athletic fields. There is sufficient access to the property by way of public roads.

- C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Response (Findings): Adequate utilities, including sewer and water are currently available. Townhomes are a conditional use in the R1B District. The preliminary plan submitted by the developer, shows a berm and water runoff control. As a condition of final plat approval will include review and approval by the City Engineer of a water control plan.

- D. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Response (Findings): There will onsite parking and garages to serve the proposed use. The parking requirements will comply with ordinance.

- E. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.

Response (Findings): No testimony is presented regarding the creation of any offensive odors, fumes, etc. and does not create an additional disturbance to adjoining property owners. Use as a townhome will not generate offensive odors, fumes, dust, etc.

F. The use is not in conflict with the policies of the City of La Crescent.

Response (Findings): The use is consistent with the Comprehensive Plan and planning goals of the City of La Crescent. See Finding No. 2 from the Variance Application.

G. The use will not cause traffic hazards or congestion.

Response (Findings): There are sufficient public access in the area. Townhome development is not anticipated to cause any traffic hazards or congestion. The approval of the townhome in this zoning classification will not cause traffic hazards or congestion.

H. Existing uses will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.

Response (Findings): Existing uses will not be affected because of this development.

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

**MOTION TO ADOPT THE FINDINGS OF THE PLANNING COMMISSION AS STATED ABOVE.**

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

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

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

In addition to the Planning Commission findings, the City Council found that the infill development was consistent with the Minnesota GreenStep program.

City Attorney Wieser reviewed the conditions and findings of fact adopted by the Planning Commission regarding the approval of the Preliminary Plat for Berkley Addition. There are as follows:

1. That all Findings of Fact for the variance and CUP approved are incorporated.
2. The developer show locations of water and sewer connections.
3. The developer provides a grading plan and erosion control plan for city engineer approval.
4. Any utility easements be provided on the plat.
5. All water shut of valves be located on public easements.
6. The applicant abides by all federal, state and local regulations.

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

**MOTION TO APPROVE THE PRELIMINARY PLAT OF BERKLEY ADDITION WITH THE CONDITIONS AND FINDINGS STATED ABOVE INCLUDING THE TERM LOCAL IN PARAGRAPH NO. 6.**

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

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

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

**ITEM 3.3 – GOLF COMMISSION RESIGNATION**

City Council reviewed a correspondence to the La Crescent Golf Commission from Larry Jankowski dated May 30, 2019 as his formal notification that he is resigning from his position on the board with the La Crescent Golf Commission. This is due to the fact that Mr. Jankowski will be moving to Wisconsin and will no longer be a resident of La Crescent Township which makes him no longer eligible for the Commission. Following discussion, Member Krenz made a motion, seconded by Member Williams, as follows:

**MOTION TO ACCEPT THE RESIGNATION OF LARRY JANKOWSKI FROM HIS POSITION ON THE BOARD WITH THE LA CRESCENT GOLF COMMISSION DUE TO THE FACT THAT MR. JANKOWSKI WILL BE MOVING TO WISCONSIN AND WILL NO LONGER BE A RESIDENT OF LA CRESCENT TOWNSHIP WHICH MAKES HIM NO LONGER ELIGIBLE FOR THE COMMISSION.**

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 3.4 – PERSONNEL COMMITTEE RECOMMENDATION**

City Administrator Waller reviewed with City Council the following recommendation from the Personnel Committee: that the City Council approve the closing of City Hall on Friday, July 5, 2019. City employees would agree to use either vacation or compensatory time on July 5, 2019, in exchange for the building being closed. The City would provide notice in advance of the closing. Following discussion, Member Williams made a motion, seconded by Member O'Donnell-Ebner, as follows:

**MOTION TO APPROVE THE CLOSING OF CITY HALL ON FRIDAY, JULY 5, 2019 WITH CITY EMPLOYEES AGREEING TO USE EITHER VACATION OR COMPENSATORY TIME ON JULY 5, 2019, IN EXCHANGE FOR THE BUILDING BEING CLOSED AND THE CITY PROVIDING NOTICE IN ADVANCE OF THE CLOSING.**

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 – 2019 PAY EQUITY COMPLIANCE**

City Council reviewed a memorandum from the City Finance Director, Debbie Shimshak, stating that in January of 2019 the City was required to complete and file the 2019 Pay Equity Report with the State of Minnesota, Minnesota Management and Budget Pay Equity Office. On June 18, 2019 the City received a congratulatory letter that the City of La Crescent had been presented with a "Notice of Pay Equity Compliance". Local government jurisdictions are required to submit pay equity reports to the State of Minnesota every three years. The City's next report will be due January 31, 2022. This item was informational, and no action was taken.

**ITEM 3.6 – VECTOR CONTROL PROPOSAL**

City Administrator Waller reviewed with City Council an e-mail and purchase contract regarding mosquito abatement services. As is discussed in the e-mail, this is a service which the City received for many years from Dave Geske through La Crosse County. As that service is no longer available, it was recommended to City Council to approve the purchase contract for mosquito abatement services with Driftless Region Vector Control. Following discussion, Member Krenz made a motion, seconded by Member O'Donnell-Ebner, as follows:

**MOTION TO APPROVE THE PURCHASE CONTRACT FOR MOSQUITO ABATEMENT SERVICES BETWEEN THE CITY OF LA CRESCENT AND DRIFTLESS REGION VECTOR CONTROL LLC IN THE AMOUNT OF \$3,000.00.**

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 – WEDDING REQUEST**

City Administrator Waller reviewed with City Council a request from Katelyn Joseph and Ross Plunkett to use part of the City Park near the new La Crescent Area Event Center for their wedding ceremony. The wedding ceremony is on July 13, 2019 from 4:00 to 5:00 pm and they are expecting around 250 guests to attend. They have rented the chairs and would like to set them up at 8:30 am the morning of July 13. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Krenz, as follows:

#### **MOTION TO APPROVE THE REQUEST FROM KATELYN JOSEPH AND ROSS PLUNKETT TO USE PART OF THE CITY PARK NEAR THE NEW LA CRESCENT AREA EVENT CENTER FOR THEIR WEDDING CEREMONY ON JULY 13, 2019 FROM 4:00 TO 5:00 PM**

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 – ROTARY BIKE RIDE**

City Council reviewed a memo from Ellen Krenz of the La Crescent Rotary Club regarding their annual Apple Blossom Bike Tour on August 3, 2019. Bikers will be coming to La Crescent from all corners of Minnesota, as well as from Wisconsin and Iowa. The event will start and end at Abnet Field in coordination with Liz Fest. Bikers will leave the parking lot heading west to South 7<sup>th</sup> with some bikers heading north on Highway 16 to ride along the Mississippi River. The Rotary Club is requesting permission for the La Crescent Police Department to lead and assist with traffic control while the riders pass through town. Some bikers may leave between 7:30 and 8:00 a.m., but the bulk of the bikers will exit the arena parking lot at 8:00 am. Following discussion, Member Williams made a motion, seconded by O'Donnell-Ebner, as follows:

#### **MOTION TO APPROVE THE LA CRESCENT POLICE DEPARTMENT TO LEAD AND ASSIST WITH TRAFFIC CONTROL WHILE BIKE RIDERS PASS THROUGH THE CITY OF LA CRESCENT FOR THE LA CRESCENT ROTARY CLUB'S APPLE BLOSSOM BIKE TOUR ON AUGUST 3, 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.

**ITEM 3.9 – HEALTHY COMMUNITY PARTNERSHIP LEASE**

City Attorney Wieser reviewed with City Council a proposed new Lease Agreement with La Crescent Area Healthy Community Partnership regarding City owned real property at 333 Main Street. The current Lease Agreement has expired. The Lease includes that rent would be payable to the City in the amount of \$1.00 during the term of the Lease. The Lease is for one (1) year with the City reserving the right to unilaterally terminate the Lease upon ninety (90) days written notice. Following discussion, Member Krenz made a motion, seconded by Member O’Donnell-Ebner, as follows:

**MOTION TO APPROVE A MINNESOTA RESIDENTIAL LEASE AGREEMENT BETWEEN THE CITY OF LA CRESCENT AND LA CRESCENT AREA HEALTHY COMMUNITY PARTNERSHIP REGARDING CITY OWNED REAL PROPERTY AT 333 MAIN STREET WITH THE LEASE EFFECTIVE MAY 1, 2019 THROUGH APRIL 30, 2020.**

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

Member Cherryl Jostad abstained from voting and none voted against the same. The motion was declared duly carried by a 4-0 vote.

**ITEM 7.1 – CORRESPONDENCE – FCC MIDWEST RURAL TOUR**

City Council reviewed a flyer presented to them at the meeting regarding the Federal Communications Commission’s public meeting to be held at City Hall on June 26, 2019 at 3:30 p.m. No action taken.

**ITEM 8 – CHAMBER OF COMMERCE**

La Crescent Chamber of Commerce thanked the City for their support of the Chamber Block Party and updated City Council that the Slice of Life would be cancelled due to lack of interest.

There being no further business to come before the Council at this time, Member O’Donnell-Ebner 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 6:16 PM.

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

SIGNED:

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Mayor

ATTEST:

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