

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
JULY 12, 2021

Pursuant to due call and notice thereof, the first meeting of the City Council of the City of La Crescent for the month of July was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Monday, July 12, 2021.

Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Ryan Hutchinson, Cherryl Jostad, 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 Engineer Tim Hruska via Zoom, and City Administrative Assistant 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 28, 2021
- 1.2 BILLS PAYABLE THROUGH JULY 8, 2021

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 Hutchinson 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;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.1 – WILDWOOD STORMWATER PROJECT

City Attorney Wieser reviewed with City Council correspondences received from the property owners at 812 and 818 Wildwood Court, a drawing of the proposed improvement, and the Settlement Agreements and Releases for each property regarding the Wildwood Stormwater project. City Attorney reviewed proposed changes to the Settlement Agreements. It was recommended to City Council to approve the Settlement Agreements and Releases, and to amend the 2021 general fund budget to include this expenditure. Following discussion, Member Williams made a motion, seconded by Member Hutchinson, as follows:

MOTION TO APPROVE THE SETTLEMENT AGREEMENTS AND RELEASES FOR 812 AND 818 WILDWOOD COURT REGARDING THE WILDWOOD STORMWATER PROJECT, AND TO AMEND THE 2021 GENERAL FUND BUDGET TO INCLUDE THIS EXPENDITURE.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and Member Teresa O'Donnell-Ebner voted against the same. The motion was declared duly carried by a 4-1 vote.

ITEM 3.2 – 2021 STREET PROJECT BID RESULTS

City Engineer Hruska reviewed with City Council the bid results for the 2021 Street Project which includes the reconstruction of Spruce Drive between South 7th and South 11th Street, and Balsam Avenue. The City Council has already adopted a reimbursement resolution for the project, with the intent of including the project costs in the 2022 street reconstruction bond. In order to proceed with the project, it was recommended to City Council to accept the low bid from Zenke, Inc. in the amount of \$274,486.40, and to amend the 2021 general fund budget to reflect the expenditure. Following discussion, Member Jostad made a motion, seconded by Member O'Donnell-Ebner, as follows:

MOTION TO ACCEPT THE LOW BID FROM ZENKE, INC. IN THE AMOUNT OF \$274,486.40 FOR THE 2021 STREET PROJECT, AND TO AMEND THE 2021 GENERAL FUND BUDGET TO REFLECT THE EXPENDITURE.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.3 – PLANNING COMMISSION MINUTES – JUNE 29, 2021

City Attorney Wieser reviewed with City Council the Minutes from the June 29, 2021 Planning Commission Meeting. The Planning Commission's first recommendation to City Council was to approve a district rezoning change for Horse Track Meadows West from R-3 Multi-Family Residential to R1-A Low Density Residential, with the following Findings of Fact:

1. The request to rezone is a reasonable request and is permitted by the zoning ordinance.
2. The request to rezone is in harmony with the general provisions and intent of the zoning ordinance and consistent with the goals of the 2016 Comprehensive Plan and general policies of the City of La Crescent.
3. The property commonly referred to as the "Horse Track Meadows" or "Racetrack" and "Horse Track Meadows West" was annexed by the City in September 2016 in order to make sure future development was done in the City.
4. In July 2019, the City of La Crescent approved an amendment to its Sewer Conveyance Agreement with the City of La Crosse to provide municipal sewer to the Horse Track Meadows property.
5. The rezoning is in response to a general change in market. Multifamily development is being satisfied with other developments within the City.
6. The 2016 Comprehensive Plan identified few lots available for construction within the City. Granting the rezoning will meet an identified need for additional lots within the City for continued growth of the City.
7. The adjacent surrounding land uses are compatible with the rezoning request.

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

MOTION TO APPROVE THE DISTRICT REZONING CHANGE FOR HORSE TRACK MEADOWS WEST FROM R-3 MULTI-FAMILY RESIDENTIAL TO R1-A LOW DENSITY RESIDENTIAL AND TO ADOPT THE FINDINGS STATED ABOVE AND AS STATED IN THE JUNE 29, 2021 PLANNING COMMISSION MINUTES.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

City Attorney Wieser also reviewed with City Council the Planning Commission's second recommendation that the Preliminary Plat for Horse Track Meadows West with proposed conditions of approval and findings of fact be approved. City Council also reviewed a correspondence from WHKS recommending revisions to the conditions of approval and findings of fact. The following revised conditions of approval and findings of fact were presented to City Council:

Conditions of Approval:

1. The special assessments imposed on Lot 54, plus interest, will be paid in full prior to recording, and approval of the final plat.
2. Development Agreement be in place to the satisfaction of the City Attorney, City Administrator, City Engineer, and City Council requiring the developer to install the improvements. Development Agreement should address the following:
 - A. Developer's engineering estimate for the utility and road extension ("Utility Plan").

- B. Drainage easements to be identified on plat-it appears utility easements are drainage easements.
 - C. Financial guarantee for the benefit of the City in the amount of 115% of the utility extension and road extension estimates. See 13.17B
 - D. Two (2) year Developer Warranty on improvements from date of City acceptance.
 - E. Improvements to be dedicated to the City.
 - F. Construction observation to be included in Developer agreement. WHKS to provide estimate for construction observation with cost paid by Developer or specially assessed.
3. That plat be joined in by any mortgagee of record, or alternatively Lot 54 be released from any existing mortgage.
 4. Stormwater Pollution Prevention Plan approved by the City Engineer. Drainage calculations need to be submitted to meet city and state requirements.
 5. Applicant/developer comply with the recommendations contained in the Engineering Report of Braun Intertec dated February 13, 2018. Developer to provide report to Purchasers of the lot.
 6. No site work shall commence until after approval of the final plat.
 7. No lots in Horse Track Meadows West will be sold until final plat is recorded.
 8. Applicant obtaining all wetland mitigation permits from applicable federal, state, and local agencies, if needed.
 9. That the restrictive covenant prohibiting development of City owned land to the east of the entrance road be removed from the Horse Track Meadows Development Agreement.
 10. Reduce the 20' wide walking path easement to 10' wide.
 11. The final grading plan and utility plan showing the proposed water, storm sewer, and sanitary sewer should be submitted with the final plat and plan submittal. Grading plan provisions should ensure that drainage crosses no more than one adjacent lot. If drainage crosses more than one lot, a drainage easement should be required. The grading plan should show proposed building locations, styles, and floor elevations.
 12. An Engineer's Opinion of Construction Costs and a proposed construction schedule should be submitted for this project for inclusion in the Development Agreement as part of the Final Plat submission. Construction observation fees charged to the Developer will be calculated based on the anticipated construction schedule and incorporated into the 429 assessment process.

Findings of Fact:

1. The property owner proposes to use the property in a reasonable manner permitted by the Zoning Ordinance
2. The request is in harmony with the general purposes and intent of the ordinance and consistent with the comprehensive plan.
3. The basic layout of streets and lots are acceptable.
4. The property commonly referred to as the "Horse Track Meadows" and "Horse Track Meadows West" was annexed by the City in September 2016 in order to make sure future development was done in the City.
5. In July 2019, the City of La Crescent approved an amendment to its Sewer Conveyance Agreement with the City of La Crosse to provide municipal sewer to the Horse Track Meadows property.
6. The overall development (Horse Track Meadows and Horse Track Meadows West) provides a mix of single family and twin homes.
7. The proposed development is consistent with the general vision for the City.

8. Developer has demonstrated an increased need in single family housing inventory within the City of La Crescent. Further the need for multi-family/apartment building is being satisfied with other developments within the City.

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

MOTION TO APPROVE THE PRELIMINARY PLAT FOR HORSE TRACK MEADOWS WEST AND TO ADOPT THE CONDITIONS OF APPROVAL AND FINDINGS OF FACT STATED ABOVE AND AS STATED IN THE JUNE 29, 2021 PLANNING COMMISSION MINUTES WITH REVISIONS AND RECOMMENDATIONS FROM WHKS.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.4 – LIFT STATION IMPROVEMENTS

City Administrator Waller reviewed with City Council that the pumps and check valves at the Twi-Lite sanitary sewer lift station are in need of replacement. The City received the following proposals: Quality Flow - \$24,856.00; and DC Braun - \$25,225.00 (proposal does not include cost for freight or installation). It was recommended to City Council to proceed with the repair by accepting the proposal submitted by Quality Flow. There are funds in the sewer budget for this expenditure. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Williams, as follows:

MOTION TO ACCEPT THE PROPOSAL SUBMITTED BY QUALITY FLOW IN THE AMOUNT OF \$24,856.00 TO PROCEED WITH THE REPAIRS OF THE PUMPS AND CHECK VALVES AT THE TWI-LITE SANITARY SEWER LIFT STATION USING FUNDS FROM THE SEWER BUDGET FOR THIS EXPENDITURE.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.5 – FUTURE ANNEXATION DISCUSSION

City Attorney Wieser reviewed with City Council a memo from City Administrator Waller regarding the future annexation of properties in Crescent Valley. City Attorney Wieser also reviewed the statutory basis under which the City Council may proceed with an annexation of the balance of the properties in Crescent Valley. It was recommended to City Council to call for a public hearing on the proposed annexation, and to authorize the City Attorney to prepare and distribute the required notices. It was recommended that the public hearing be held at 5:30 p.m. at the second City Council meeting on August 23, 2021. Following discussion, Member Jostad made a motion, seconded by Member Williams, as follows:

MOTION TO CALL FOR A PUBLIC HEARING AUGUST 23, 2021 AT 5:30 PM FOR THE ANNEXATION OF PROPERTIES IN THE CRESCENT VALLEY AREA IDENTIFIED AS BEING 100% SURROUNDED.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

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

MOTION TO AUTHORIZE THE CITY ATTORNEY AND CITY ADMINISTRATOR TO REQUEST THE TOWNSHIP OF LA CRESCENT TO ENTER INTO A JOINT ORDERLY ANNEXATION AGREEMENT FOR PROPERTIES IDENTIFIED AS GROUP A AND GROUP B AND IF NO RESPONSE IS RECEIVED AFTER THE TOWNSHIP'S FIRST MEETING IN AUGUST OR THE TOWNSHIP IS NOT WILLING TO PROCEED WITH AN ORDERLY ANNEXATION THEN THE CITY ATTORNEY IS AUTHORIZED TO FILE A NOTICE OF INTENT TO ANNEX.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.6 – 2022 TRANSIT RESOLUTION

City Administrator Waller reviewed with City Council a resolution to approve the State Transit Operating Assistance application for 2022. The resolution is adopted and submitted to MnDOT each year. In 2021, the City will receive approximately \$242,000.00 in Federal and State funds to operate the local bus service. It was recommended to City Council to adopt the resolution. Following review and discussion, Member Hutchinson introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 07-21-23

**RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LA CRESCENT
ENTERING INTO AN AGREEMENT WITH THE STATE OF MINNESOTA TO
PROVIDE PUBLIC TRANSPORTATION IN THE CITY OF LA CRESCENT**

IT IS RESOLVED that the City of La Crescent, Minnesota, enters into an Agreement with the State of Minnesota to provide public transportation in the City of La Crescent.

FURTHER RESOLVED that the City of La Crescent, Minnesota, agrees to provide a local share of up to twenty percent (20%) of the total operating costs and up to twenty percent (20%) of total capital costs.

FURTHER RESOLVED that the City of La Crescent, Minnesota, agrees to provide one hundred percent (100%) of the local share necessary for expenses that exceed funds available from the State.

FURTHER RESOLVED that the City of La Crescent, Minnesota, authorizes the Mayor and/or City Administrator to execute the aforementioned Agreement and any amendments thereto.

FURTHER resolved that the City Administrator or Transit Manager is hereby authorized to execute requests for reimbursement to the Minnesota Department of Transportation.

ADOPTED this 12th day of July, 2021.

SIGNED:

Mayor

ATTEST:

City Administrator

The motion for the adoption of the foregoing resolution 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;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.7 – FIRE HYDRANTS/TREE TRIMMING

City Administrator Waller reviewed with City Council a request from Member Williams to review tree trimming and the painting of fire hydrants in the City. City Council reviewed a letter that will be going out to homeowners that have boulevard trees that need to be trimmed. In addition, this item was also included in the City's 2021 spring newsletter. Regarding the painting of fire hydrants, there are over 270 fire hydrants in the City. They do not all get painted in the same year. The City's Maintenance Department will focus on painting fire hydrants in August of 2021. This item was informational, and no action was taken.

ITEM 3.8 – DONATION RESOLUTION

City Council reviewed a Resolution regarding the acceptance of donations to the City for the month of June, 2021. Following review and discussion, Member Jostad introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 07-21-24

RESOLUTION ACCEPTING DONATIONS MADE TO THE CITY OF LA CRESCENT IN JUNE, 2021

WHEREAS, the following donations were made to the City of La Crescent in the month of June, 2021:

1. Lunxi Xia & Lea Li Zhang wishes to donate \$2,000.00 to Pine Creek Golf Course to assist with repairs and maintenance of the course.
2. Destination Dental wishes to donate \$100.00 to the La Crescent Police Department for Neighbor's Night Out.
3. Coulee Firearms Training wishes to donate \$100.00 to the La Crescent Police Department for Neighbor's Night Out.
4. Home Federal Savings Bank wishes to donate \$50.00 to the La Crescent Police Department for Neighbor's Night Out.
5. TJ's Auto Glass wishes to donate \$50.00 to the La Crescent Police Department for Neighbor's Night Out.
6. Scott Rybarik wishes to donate coffee and a coffee grinder to the La Crescent Fire Department.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of La Crescent hereby accepts the donations stated above.

ADOPTED this 12th day of July, 2021.

SIGNED:

Mayor

ATTEST:

City Administrator

The motion for the adoption of the foregoing resolution 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;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.9 – APPLEFEST RUN TO THE EDGE REQUEST

City Council reviewed a memo from Chief Stavenau regarding a request from the Race Directors of the 25th Annual Applefest Scenic 5K Run/Walk to hold their event on Saturday, September 18, 2021, starting at 8:30 a.m. The event is being conducted on the same route as years previous and there are no anticipated public safety concerns. They have also requested the assistance from La Crescent Police Department and First Responders. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Jostad, as follows:

MOTION TO APPROVE THE RACE ROUTE FOR THE 25th ANNUAL APPLEFEST SCENIC 5K RUN/WALK ON SEPTEMBER 18, 2021 WITH APPROVAL OF ASSISTANCE FROM LA CRESCENT POLICE DEPARTMENT AND FIRST RESPONDERS.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.10 – REVIEW EMERGENCY POWERS RESOLUTION

City Attorney Wieser reviewed with City Council Resolution No. 03-20-12 declaring a special emergency. This resolution was adopted March 23, 2020 after the Governor issued a peace time emergency declaration. On July 1, 2021, the Governor's order expired. It was recommended to City Council to rescind Resolution 03-20-12. Following discussion, Member Williams made a motion, seconded by Member Jostad, as follows:

MOTION TO RESCIND RESOLUTION 03-20-12 DECLARING A SPECIAL EMERGENCY.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 8 – CHAMBER OF COMMERCE

Jerry Berns of the La Crescent Chamber of Commerce informed City Council that the Chamber Golf Outing will be held on July 16, 2021 and they are in the process of hiring an Executive Director.

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

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the meeting duly adjourned at 6:08 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator