

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
JULY 22, 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 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 22, 2019, followed by the Pledge of Allegiance.

Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Cheryl Jostad, Teresa O'Donnell-Ebner, Dale Williams and Mayor Mike Poellinger. Members absent: Member Brian Krenz – Not Excused. Also present was City Administrator Bill Waller, City Attorney Skip Wieser, City Engineer Tim Hruska, City Building/Zoning Official Shawn Wetterlin, and City Bookkeeper Angie Boettcher.

Mayor Poellinger asked if anyone wished to take action to change the agenda as presented. There were no changes requested.

ITEM 1 – CONSENT AGENDA

At this time, the Mayor read the following items to be considered as part of the Consent Agenda for this regular meeting:

- 1.1 MINUTES – JULY 8, 2019
- 1.2 BILLS PAYABLE – JULY 18, 2019
- 1.3 CASH BALANCE/ACTIVITY REPORT – MAY 2019
- 1.4 LIBRARY REPORT – MAY 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 – July 8, 2019 amended as proposed by Member Jostad. Discussion regarding Item 3.1 of the July 8, 2019 meeting minutes took place. Member O'Donnell-Ebner made a motion, seconded by Member Williams, as follows:

MOTION TO APPROVE CONSENT AGENDA ITEMS 1.2, 1.3 AND 1.4 AS PRESENTED AND TO AMEND AGENDA ITEM 1.1 REGARDING THE SECOND MOTION IN ITEM 3.1 OF THE JULY 8, 2019 CITY COUNCIL MEETING MINUTES TO READ AS FOLLOWS:

MOTION TO APPROVE THE MARKETING AND PROMOTIONAL AGREEMENT BETWEEN THE CITY OF LA CRESCENT AND THE LA CRESCENT AREA EVENT CENTER, INC. AND LA CRESCENT AREA CHAMBER OF COMMERCE AND TOURISM AND TO APPROVE THE CITY RETAIN 5% OF THE LODGING TAX FOR ADMINISTRATIVE EXPENSES AND REMAINING PROCEEDS ALLOCATED AS FOLLOWS: THE BALANCE REMAINING AFTER MEMBERSHIP WITH THE LA CROSSE COUNTY CONVENTION AND VISITOR'S BUREAU AND THE CITY RETAINING 5% SPLIT EQUALLY BETWEEN THE LA CRESCENT AREA EVENT CENTER, INC. AND LA CRESCENT AREA CHAMBER OF COMMERCE AND TOURISM.

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

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 by a 4-0 vote.

ITEM 3.1 – PROJECT REVIEW/UPDATE

City Engineer Hruska gave a detailed analysis to City Council of the current engineering projects for the City. These projects include the following: Wagon Wheel Phase 2; Utility Extensions to Annexed Parcels; MS4 Permit; Street Inventory / 5-year CIP; Train Whistle; Boat/Kayak Launch Sites; Shore Acres Road Improvements; 2018 Street Project; Wagon Wheel Phase 3; County 6 Utility Extension; Veterans Park; Stormwater Review; South 7th Street Crossing; Horse Track Meadows; Sanitary Sewer Agreement; Eagles Bluff Trail Easement; Main Street Bike Lanes; Well #4; Elm Street; ADA Transition Plan; and Risk Assessment and Response Plan – Mn Department of Health (MDH). Discussion followed. This item was informational, and no action was taken.

ITEM 3.2 – REVIEW 2019 FLOOD EVENT

City Engineer Hruska reviewed with City Council the data from the flooding that occurred during the Spring of 2019. City Council reviewed a map which showed the different elevations of Shore Acres Road and the approximate number of days each section was under water. When flooding is occurring, access to homes, emergency service response, and other items are disrupted for long periods of time. Raising the roadway would provide better continuity of access and service to the area. However, raising the roadway has several impacts to the surrounding area that is in the flood plain. This will impact adjacent wetlands and the hydraulics of the area. It was recommended to City Council to direct the City Engineer to prepare a Professional Service Agreement for a study of raising portions of Shore Acres Road. The study would review the following items: review historic water elevations and recommendation on roadway elevation; review hydraulics so that the water equalizes on both sides of the road; determine wetland impacts for a proposed project; and provide Council with an opinion of probable construction costs and schedule. Public comment was heard from the following: Tim Dwyer, Dave Hanifl, and Mike Sexauer. Following discussion, Member Williams made a motion, seconded by Member O'Donnell-Ebner, as follows:

MOTION TO APPROVE WHKS TO PREPARE A PROFESSIONAL SERVICE AGREEMENT FOR A STUDY OF RAISING PORTIONS OF SHORE ACRES ROAD WITH REVIEW OF THE 2001 DAVY ENGINEERING REPORT.

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

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 by a 4-0 vote.

ITEM 3.3 – REVIEW RAILROAD QUIET ZONE

City Engineer Hruska reviewed with City Council information regarding the establishment of a quiet zone including an update regarding work completed to date, and additional options/alternatives for consideration by the City Council. City Engineer Hruska will follow-up with City Council at a future City Council meeting. This item was informational, and no action was taken.

ITEM 3.4 – 2020 STREET IMPROVEMENTS PROJECT REVIEW

City Engineer Hruska reviewed with City Council opinions of probable construction costs for the proposed 2020 Street Improvements project. It was noted that part of the project is on a State Aid Route and it is anticipated the project would include both State Aid and non-State Aid roads. The City has discussed reconstructing the State Aid Route of Walnut Street and non-State Aid Route of South 5th Street. These would be rebuilt with pedestrian facilities, curb & gutter, utilities, and a new roadway section. The pavement on non-State Aid Routes, Spruce Drive, Cedar Drive, and Balsam Street, would be reclaimed and replaced along with some repairs on adjacent sidewalk, pedestrian ramps, curb & gutter, and concrete pavement as needed. Roadway structures on these roads would be adjusted and upgraded as needed. It was recommended that City Council should consider using their available State Aid allocation for 2020 & 2021 (\$450,000) and bonding to fund the 2020 Street Improvements project. Discussion followed. This item was informational, and no action was taken.

ITEM 3.5 – WELL 4 EMERGENCY REPAIRS

City Engineer Hruska reviewed with City Council that Well #4 has recently failed due to the failure of the prelube line. The prelube line discharges water down the shaft of the pump to lubricate the bearings and impellers prior to the pump being operated. Due to the most recent prelube failure, it is recommended to change the existing vertical turbine pump to a submersible pump. This would be Option 2 of Proposal reviewed by City Council. The submersible pump does not require any prelube and has significantly fewer moving parts and will have similar capacity as the existing pump. The submersible pump will require the installation of a variable-frequency drive (VFD). The approximate material and installation costs for the submersible pump are as follows: Furnish & Install a 100 HP Submersible Turbine Pump System w/ galvanized drop pipe - \$60,649.94 (Thein Well); Furnish a Variable-Frequency Drive - \$16,378.00 (Automatic Systems); and Install the VFD and Electrical Install - TBD (Local Electrician). Following discussion, Member Williams made a motion, seconded by Member O'Donnell-Ebner, as follows:

MOTION TO ACCEPT THE CITY ENGINEER'S RECOMMENDATION TO INSTALL A 100 HP SUBMERSIBLE TURBINE PUMP SYSTEM W/ GALVANIZED DROP PIPE IN THE AMOUNT OF \$60,649.94 FROM THEIN WELL AND TO FURNISH A VARIABLE-FREQUENCY DRIVE (VFD) IN THE AMOUNT OF \$16,378.00 FROM AUTOMATIC SYSTEMS, WITH LOCAL ELECTRICIAN TO INSTALL THE VFD AND ELECTRICAL WITH COST TO BE DETERMINED.

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

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 by a 4-0 vote.

ITEM 3.6 – PLANNING COMMISSION MINUTES – JULY 9, 2019

City Zoning/Building Official Wetterlin reviewed with City Council the Planning Commission Minutes for the July 9, 2019 meeting. The Planning Commission recommended to City Council to accept the final plat submitted by MSM Development for Berkley Addition. City Council reviewed the minutes which included the findings of fact. Member O'Donnell-Ebner made a motion, seconded by Member Williams, as follows:

MOTION TO APPROVE THE FINAL PLAT SUBMITTED BY MSM DEVELOPMENT FOR BERKLEY ADDITION.

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

Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes

Mayor Mike Poellinger abstained from voting and Member Dale Williams voted against the same. The motion was declared duly carried by a 2-1 vote.

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

MOTION TO ADOPT THE FOLLOWING FINDINGS OF FACT: A) THE FINAL PLAT, AS PRESENTED, IS CONSISTENT WITH THE PRELIMINARY PLAT; B) CITY'S ENGINEERING FIRM HAS REVIEWED AND APPROVED THE PLAT, INCLUDING THE GRADING AND EROSION CONTROL PLAN; AND C) THE EROSION CONTROL PLAN SHOULD IMPROVE STORMWATER MANAGEMENT IN THE AREA.

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

Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes

Mayor Mike Poellinger abstained from voting and Member Dale Williams voted against the same. The motion was declared duly carried by a 2-1 vote.

ITEM 3.7 – ANNEXATION PETITION

City Attorney Wieser reviewed with City Council a Petition requesting annexation by the property owners at 1230 County 6. Before the adoption of an Ordinance, the City will need to hold a public hearing and provide 30 days written notice to La Crescent Township and contiguous property owners. It was recommended that the

Petition be accepted and that a Public Hearing be scheduled for August 26, 2019 at 5:30 p.m. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Williams, as follows:

MOTION TO ACCEPT THE PETITION FOR ANNEXATION FROM THE PROPERTY OWNERS AT 1230 COUNTY 6 AND CALL FOR A PUBLIC HEARING ON AUGUST 26, 2019 AT 5:30 PM AT CITY HALL.

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

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 by a 4-0 vote.

ITEM 3.8 – MnDOT TRANSIT RESOLUTION

City Administrator Waller reviewed with City Council a resolution to approve the State Transit Operating Assistance application for 2020. The resolution is adopted and submitted to MnDOT each year. In 2019, the City will receive approximately \$232,000.00 in Federal and State funds to operate the local bus service. It was recommended to City Council to adopt the resolution. Following discussion, Member Williams introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 07-19-16

**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 fifteen percent (15%) 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 22nd day of July, 2019.

SIGNED:

Mayor

ATTEST:

City Administrator

The foregoing motion was duly seconded by Member O'Donnell-Ebner and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Cherryl Jostad	Yes
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 by a 4-0 vote.

ITEM 3.9 – RELAY FOR LIFE

City Council reviewed memorandums from La Crescent Police Chief Doug Stavenau and the Relay for Life Co-Chair regarding the Houston County Relay for Life to be held at the La Crescent High School Track and Field on Friday, August 2, 2019. The Relay for Life organizers are requesting a temporary street closure of South 14th Street between Lancer Boulevard and Spruce Drive. The event starts at 5:00 p.m. Friday and continues for 24 hours. The request is being made for pedestrian safety crossing the street as there will be related activities and vehicle parking provided in the high school parking lot across the street. Traffic would be detoured on Lancer Blvd and directed onto South 11th Street to bypass the street closure. As the event is scheduled for the weekend, it is anticipated there would be minimal traffic impact other than minor inconvenience, and there would be no anticipated public safety concerns or hardships if emergency access was needed to the area. In addition to the request for the street closure, the Relay for Life committee requested the use of 2-3 golf carts from the golf course and use of any available picnic tables and garbage cans to 14th Street in front of the track concession stand. As part of this event, food truck vendors will be parked in front of the school's concession stand. Relay for Life will have a large event tent, tables, and chairs inside the track complex; however, they lack a place for families to eat that is directly next to the food trucks. It is their hope that community members not participating in the relay itself, might still support the event by picking up food from the trucks. Having picnic tables for seating and proper waste disposal would be very beneficial to the success of the event. The golf carts would be used to transport people who are elderly or have physical disabilities from the parking lot to the track in addition to around the track should they need assistance during the walk. It was recommended to City Council to grant permission for the street to be temporarily closed and provide the requested assistance. Following discussion, Member Williams made a motion, seconded by Member O'Donnell-Ebner, as follows:

MOTION TO APPROVE THE STREET CLOSURE FOR THE HOUSTON COUNTY RELAY FOR LIFE ON AUGUST 2, 2019 AS STATED ABOVE AND TO ALLOW THE USE OF 2-3 GOLF CARTS FROM THE GOLF COURSE AND USE OF ANY AVAILABLE CITY PICNIC TABLES AND GARBAGE CANS.

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

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 by a 4-0 vote.

ITEM 3.10 – AMENDMENT TO SEWER AGREEMENT

City Attorney Wieser reviewed with City Council a First Amendment to the existing Agreement between City of La Crescent and the City of La Crosse regarding Sanitary Sewer Conveyance and Treatment Agreement. The key provisions of the Amendment are as follows:

1. The area commonly referred to as Horsetrack Meadows would be included in the boundaries of the sanitary sewer service area. The areas commonly referred to as Apple Blossom Pointe and Stoney Point would be excluded. City Council reviewed a map illustrating the same.
2. Beginning January 1, 2020, all new sewer connections will require a connection fee payable to the City of La Crosse in the amount of \$711.00 per connection. This amount has yet to be finalized by La Crosse Common Council. Subparagraph F states that the connection fee payable by residents of La Crescent will be the same as the connection fees payable by La Crosse residents.

It should be noted the Amendment does not extend the termination date of the existing Agreement. Additionally, the Amendment does not address properties predominantly along County Highway 6 that may be in need of sewer services in the future. The City attempted to address these items with City of La Crosse officials before the City Council meeting. However, these matters are unresolved, and it was recommended that City Council approve the Amendment as presented and delegate authorization to City Administrator and City Attorney to continue to work towards resolution of this matter. Following discussion, Member Williams made a motion, seconded by Member O'Donnell-Ebner, as follows:

MOTION TO APPROVE THE FIRST AMENDMENT TO THE EXISTING AGREEMENT BETWEEN THE CITY OF LA CRESCENT AND THE CITY OF LA CROSSE REGARDING SANITARY SEWER CONVEYANCE AND TREATMENT AGREEMENT AND TO DELEGATE AUTHORIZATION TO CITY ADMINISTRATOR AND CITY ATTORNEY TO CONTINUE TO WORK TOWARDS RESOLUTION OF THE MATTERS STATED ABOVE.

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

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 by a 4-0 vote.

ITEM 3.11 – PERSONNEL COMMITTEE RECOMMENDATIONS

City Administrator Waller reviewed with City Council the following recommendation from the Personnel Committee: that the City Council accept the resignations of Tim Moore and Ryan Hutchinson from the La Crescent Fire Department. City Council reviewed a letter from Fire Chief Tom Paulson regarding this recommendation. Following discussion, Member Williams made a motion, seconded by Member O’Donnell-Ebner, as follows:

MOTION TO APPROVE THE RESIGNATIONS OF TIM MOORE AND RYAN HUTCHINSON FROM THE LA CRESCENT FIRE DEPARTMENT.

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

Cherryl Jostad	Yes
Teresa O’Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried by a 4-0 vote.

ITEM 3.12 – CALL FOR SPECIAL CITY COUNCIL MEETING

City Administrator Waller reviewed with City Council a recommendation from Mayor Poellinger to call for a Special City Council meeting on Thursday, July 25, 2019, beginning at 5:30 PM to consider and possibly take action on two personnel items. Following discussion, Member Williams made a motion, seconded by Member O’Donnell-Ebner, as follows:

MOTION TO CALL FOR A SPECIAL CITY COUNCIL MEETING ON THURSDAY, JULY 25, 2019, BEGINNING AT 5:30 PM TO CONSIDER AND POSSIBLY TAKE ACTION ON TWO PERSONNEL ITEMS.

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

Cherryl Jostad	Yes
Teresa O’Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried by a 4-0 vote.

ITEM 6.1 – STAFF CORRESPONDENCE/COMMITTEE UPDATES – NEIGHBORS NIGHT OUT 2019

City Council reviewed a flyer for the La Crescent Police Department’s 13th Annual National Neighbor’s Night Out 2019 for August 6, 2019 from 5:00 – 8:00 PM at Frank J. Kistler Memorial Park. No action taken.

ITEM 6.2 – STAFF CORRESPONDENCE/COMMITTEE UPDATES – EXPLORE LA CROSSE

City Council reviewed the Minutes from the June 18, 2019 and July 16, 2019 La Crosse County Convention & Visitors Bureau Board Meeting. No action taken.

ITEM 7.1 – CORRESPONDENCE – MN DEPARTMENT OF NATURAL RESOURCES

City Council reviewed a correspondence dated July 8, 2019 from the Local Grants Program for the Minnesota Department of Natural Resources regarding the successful completion of a Grant project for the Wagon Wheel Trail. No action taken.

ITEM 7.2 – CORRESPONDENCE – MN DEPARTMENT OF HEALTH

City Council reviewed a correspondence dated June 26, 2019 from the Minnesota Department of Health Drinking Water Protection Section regarding the Minnesota Legislature’s approval of an increase in the drinking water service connection fee from \$6.36 to \$9.72, effective January 1, 2020. No action taken.

ITEM 7.3 – CORRESPONDENCE – MN HOMELAND SECURITY/EMERGENCY MANAGEMENT

City Council reviewed a flyer from Minnesota Homeland Security and Emergency Management regarding an Emergency Management Training for Elected and Senior Officials regarding the roles and responsibilities in disaster situations. The presentation will be held at the Winona County Historical Society on July 23, 2019 from 3:30 – 6:00 PM. No action taken.

ITEM 8 – CHAMBER OF COMMERCE

Brad Helstad from the La Crescent Chamber of Commerce updated City Council regarding LizFest.

ITEM 3.13 – CLOSED SESSION

City Attorney Wieser reviewed Minn. Stat. § 13D.05 Subd. 2(b) with the City Council. The purpose of the Closed Session was for preliminary consideration of allegations against an individual subject to City Council authority. Pursuant to Minn. Stat. § 13D.05 Subd. 2(b), at 7:05 PM, Member Williams made a motion, seconded by Member O’Donnell-Ebner, as follows:

MOTION TO GO INTO CLOSED SESSION FOR PRELIMINARY CONSIDERATION OF ALLEGATIONS AGAINST AN INDIVIDUAL SUBJECT TO CITY COUNCIL AUTHORITY.

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

Cherryl Jostad	Yes
Teresa O’Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried by a 4-0 vote.

City Council went into Closed Session. At 7:55 PM, Member Williams made a motion, seconded by Member Jostad, as follows:

MOTION TO END CLOSED SESSION AND RECONVENE MEETING.

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

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

and none voted against the same. The motion was declared duly carried by a 4-0 vote.

The Closed Session ended, and City Council resumed the agenda.

Upon reconvening the meeting, Member Williams introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 07-19-17

RESOLUTION OF THE CITY OF LA CRESCENT CONCERNING MEETING ABSENCE OF COUNCILOR BRIAN J. KRENZ

WHEREAS, the City Council of the City of La Crescent has power to regulate its own procedure under Minn. Stat. § 412.191, Subd. 2;

WHEREAS, beginning December 1, 1975, the City of La Crescent established rules for the organization and procedure of its City Council Meetings;

WHEREAS, on January 14, 2019, Resolution 02-13-03 ("Resolution") establishing rules for the organization and procedure of the City Council was again reviewed and approved by the City Council. A true and correct copy of which is attached hereto as Exhibit A;

WHEREAS, Section 5, Subd. 1 of the Resolution provides as follows: "The council may punish non-attendance by a fine not exceeding \$100.00 for each absence from any meeting unless a reasonable excuse is offered.";

WHEREAS, Minn. Stat. § 43A.17, Subd. 10 also provides the power to deduct pay of an elected official for failure to attend meetings;

WHEREAS, Councilor Brian J. Krenz (hereinafter Councilor Krenz) has missed the following meetings: April 22, 2019; May 13, 2019; July 8, 2019; and July 22, 2019; and

WHEREAS, Councilor Krenz has failed to provide the Mayor, City Council, or City Administrator with a reasonable excuse for his non-attendance at City Council Meetings.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of La Crescent formally punish Councilor Krenz non-attendance at regularly scheduled Council Meetings the sum of \$100.00 for each of the above referenced absences, totaling \$400.00.

FURTHER BE IT RESOLVED that the City Council of the City of La Crescent formally authorizes the above-referenced fine to be reduced from Councilor Krenz' next regularly scheduled pay-check from the City of La Crescent.

ADOPTED this 22nd day of July, 2019.

SIGNED:

Mayor

ATTEST:

City Administrator

The foregoing motion was duly seconded by Member O'Donnell-Ebner and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Cherryl Jostad	Yes
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 by a 4-0 vote.

Member Williams then introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 07-19-18

**RESOLUTION OF THE CITY OF LA CRESCENT
CENSURING COUNCILOR BRIAN J. KRENZ**

WHEREAS, an elected City Council is the cornerstone of local government in Minnesota;

WHEREAS, the City Council as a body, not an individual Council Member, sets policy for the City and supervises the overall administration of the City;

WHEREAS, the continued behavior by Councilor Brian J. Krenz (hereinafter "Councilor Krenz") has caused great concern by the Council Members regarding his leadership and ability to interact with City staff and the public;

WHEREAS, these concerns include the following:

1. Repeatedly making telephone calls of an angry, irrational, and erratic nature directed towards City staff creating an unsafe, unfriendly and intolerable workplace environment;
2. Repeatedly making telephone calls of an angry, irrational, and erratic nature directed towards City appointees interfering with the appointees' and City staff's ability to conduct the regular and normal business of the City;
3. Repeatedly making telephone calls of an angry, irrational, and erratic nature directed towards other state elected officials;
4. Failed to attend regularly scheduled meetings of the City Council and failed to attend committee or commission appointment meetings; and
5. General disregard for City procedures and protocol.

WHEREAS, Councilor Krenz conduct has resulted in the filing of criminal charges against him in the Third Judicial District, Court File No. 28-CR-19-503;

WHEREAS, Councilor Krenz' conduct has prompted various reports to the Winona County Sherriff's Office, the Houston County Sheriff's Office; and the La Crescent Police Department;

WHEREAS, the City Council believes it has a duty to provide a safe workplace for City employees free of the kind of behavior Councilor Krenz has exhibited; and

WHEREAS, the City Council has determined that Councilor Krenz' conduct is unbecoming of the office of Council Member in the City of La Crescent.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of La Crescent as follows:

1. A formal censure of Councilor Krenz is hereby issued by the City Council for his inappropriate and unacceptable conduct.
2. Councilor Krenz' appointments to all City committees or commissions are immediately rescinded and the Mayor shall make, subject to Council confirmation, new appointments to those committees or commissions.
3. Councilor Krenz shall not initiate any contact, whether verbally, or in writing, including electronic communication, with any City staff or City appointee other than the City Administrator.
4. Councilor Krenz shall have no physical contact with City's offices located 315 Main Street, La Crescent, Minnesota, except for attendance at regularly scheduled City Council Meetings.
5. In the event Councilor Krenz violates this Resolution of the City of La Crescent, the City attorney or his designee shall, without further direction from the City Council, take all action deemed appropriate in order to seek compliance with the directive of the City Council.
6. The City Council requests Councilor Krenz to consider resignation from the office of City Council.

ADOPTED this 22nd day of July, 2019.

SIGNED:

Mayor

ATTEST:

City Administrator

The foregoing motion was duly seconded by Member O'Donnell-Ebner and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Cherryl Jostad	Yes
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 by a 4-0 vote.

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

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 by a 4-0 vote and the meeting duly adjourned at 8:01 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator

EXHIBIT A

Exhibit for Resolution No. 07-19-17

RESOLUTION NO. 02-13-03

A RESOLUTION ESTABLISHING RULES FOR THE ORGANIZATION AND PROCEDURE OF THE CITY COUNCIL OF THE CITY OF LA CRESCENT

The City Council of the City of La Crescent resolves as follows:

WHEREAS, the City Council of the City of La Crescent has power to regulate its own procedure under Minn. Stat. § 412.191, Subd. 2.

WHEREAS, the purpose of this policy on city council meetings is to set the ground work for orderly and respectful communication between and among council members, city staff and citizens to promote the efficient working of the public's business at city council meetings.

NOW, THEREFORE, the city council of the City of La Crescent has determined that its rules of organization and procedure are as follows:

Section 1. Open Meetings

The Open Meeting Law, Minn. Stat. Ch. 13D, generally requires all meetings of the council to be open to the public.

Subd. 1. Regular Meetings. Regular meetings of the city council shall be held on the second and fourth Monday of each calendar month at 5:30 p.m. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place. The deputy clerk shall maintain a schedule of regular meetings. This schedule shall be available for public inspection during regular business hours at the city clerk's office. All meetings, including special, emergency meetings, shall be held in the city hall, unless otherwise designated.

Subd. 2. Special Meetings. The mayor or any two members of the council may call a special meeting of the council upon at least twenty-four (24) hours written notice to each member of the council. This notice shall be delivered personally to each member, or left at the member's usual place of residence with some responsible person. Similar written notice shall be mailed at least three (3) days before the meeting date to those who have requested a notice of such special meetings. This request must be in writing and be filed with the deputy clerk, designating an official address where notice may be mailed. Such request will be valid for one (1) year.

Subd. 3. Emergency Meetings. The mayor or any two (2) council members may call an emergency meeting when circumstances require the immediate consideration of a matter by the council. Notice may be in writing personally delivered to council members or may be in the form of personal telephone communication. Notice must include the date, time, place, and purpose of such a meeting. Where practical, the deputy clerk shall make an effort to contact news gathering organizations that have filed a request to receive notice of special meetings.

Subd. 4. Closed Meetings. The Minnesota Open Meeting Law allows some meetings to be closed to the public for defined purposes. When a meeting is closed, the presiding officer at the council meeting will state the reason for closing the meeting on the record and cite the state statute that permits closure.

Subd. 5. Recessed or Continued Meetings. When a meeting is recessed or continued, the presiding officer shall state the time and place for the next meeting to occur pursuant to Minn. Stat. § 13D.04, subd. 4. The time and place shall be noted in the minutes. If the time and place are stated in the minutes, no additional notice of the meeting is required. However, if the time and place is not stated, the notice procedures for special meeting shall be required.

Subd. 6. Initial Meeting/Organizational Meetings. The council will conduct its organizational meeting concurrent with the first regular council meeting in January of each year to:

1. Appoint an acting mayor pursuant to Minn. Stat. § 412.121.
2. Select an official newspaper pursuant to Minn. Stat. § 412.831.
3. Select an official depository for city funds. This must be done within thirty (30) days of the start of the City's fiscal year pursuant to Minn. Stat. §§ 427.01-.02; 118A.02, subd. 1; 427.09.
4. Review council's bylaws and make any needed changes.
5. Assign committee duties to members.

Subd. 7. Public Meetings. Except as otherwise provided in the open meeting law, all council meetings, including special, emergency, and adjourned meetings and meetings of all council committees shall be open to the public.

Section 2. Presiding Officer

Subd. 1. Who Presides. The presiding officer shall be the mayor. In the absence of the mayor, the acting mayor shall preside. In the absence of both, the city administrator shall call the meeting to order and shall preside until the council members present at the meeting choose one of their number to act temporarily as presiding officer.

Subd. 2. Procedure. The presiding officer shall preserve order, enforce the rules of procedure herein prescribed and determine without debate, subject to the final decision of the council on appeal, all questions of procedure and order. The presiding officer shall determine which member has the right to speak and may move matters to a vote once the officer has determined that all members have spoken. The presiding officer may determine whether a motion or proposed amendment is in order and may call members to order. Except as otherwise provided by statute or by these rules, the proceedings of the council shall be conducted in accordance with *Robert's Rules of Order, Newly Revised, 11th Edition, as revised*.

Subd. 3. Appeals. Any member may appeal to the council from a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain his or her ruling, but no other council member shall participate in the discussion. Once both the maker of the motion and the presiding officer have spoken, the matter must be voted upon by the council as a whole. The appeal shall be sustained if it is approved by a majority of the members present.

Subd. 4. Rights of Presiding Officer. Whenever the presiding officer desires to speak on any question or to make or second any motion, the presiding officer shall vacate the chair, designate the acting mayor, or in their absence, some other council member, to preside temporarily, and shall not resume the chair until the matter under consideration has been acted upon by the council.

Section 3. Minutes

Subd. 1. Who Keeps. Minutes of each council meeting shall be kept by the deputy clerk or in the deputy city clerk's absence, the city administrator, or his assigns. In the absence of both, the presiding officer shall appoint the city attorney as a secretary pro tem. Ordinances, resolutions, and claims need not be recorded in full in the minutes if they appear in other permanent records of the deputy clerk and can be accurately identified from the description given in the minutes.

Subd. 2. Approvals. The minutes of each meeting shall be reduced to typewritten form, shall be signed by the deputy clerk, and copies shall be delivered to each council member as soon as practicable after the meeting. At the next regular meeting following such delivery, approval of the minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the council. If there is an objection, the council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

Subd. 3. Publication. Minutes shall be published as required by Minn. Stat. §§ 412.191, 331A.08, subd. 3, 331A.01, subd. 10.

Section 4. Order of Business.

Subd. 1. Order Established. Each meeting of the council shall convene at the time and place appointed. Council business shall be conducted in the following order:

1. Call to order
2. Pledge of Allegiance
3. Roll call
4. Action to change agenda
5. Consent agenda
6. Public hearings
7. Items for consideration
8. Unfinished business
9. Mayor's comments
10. Staff correspondence
11. Correspondence
12. Announcements
13. Items for next agenda
14. Adjournment

Subd. 2. Varying Order. The order of business may be varied by the presiding officer, but all public hearings shall be held at the time specified in the notice of hearing.

Subd. 3. Agenda. An agenda will be prepared for all regular council meetings by the city administrator. Agenda items may be placed by city council members and city staff. Members of the public wishing to place items on the agenda shall complete an agenda request form. When a special meeting is called, the agenda must be included in the request for the meeting and notice consisting of the date, time and purpose of the special meeting shall be posted by the City.

1. All requests to place an item on the agenda must be received by the city administrator/clerk by noon on the Wednesday prior to the next council meeting.
2. All requests to place an item on the agenda must be on the form prescribed by the city. The form should be completed with the goal of clearly describing the subject matter to be considered by council and any action requested or required. Supporting information may be attached to the form as necessary.
3. All requests to place an item on the agenda by city staff must be reviewed by the city administrator/clerk.
4. The agenda, along with information materials, will be mailed or delivered to all city council members and the city attorney at least three (3) days prior to the next council meeting.
5. No item of business shall be considered unless it appears on the agenda for the meeting or is approved for addition to the agenda by a unanimous consent of the Council Members present, unless extraordinary circumstances exist.

Section 5. Quorum and Voting.

Subd. 1. Quorum. At all council meetings a majority of the elected council members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. The council may punish non-attendance by a fine not exceeding \$100.00 for each absence from any meeting unless a reasonable excuse is offered.

Subd. 2. Voting. The votes of the members on any question may be taken in any manner, which signifies that the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. If any member is present but does not vote, the minutes, as to that member's name, shall be recorded as an abstention.

Subd. 3. Votes Required. A majority vote of all members of the council shall be necessary for approval of any ordinance unless a larger number is required by statute. Except as otherwise provided by statute, a majority vote of a quorum shall prevail in all other cases.

Section 6. Decorum of Council Members.

Subd. 1. Aspirational Statement. All council members shall assist the presiding officer in preserving order and decorum and in providing for the efficient operation of the meeting.

Subd. 2. Aspirational Statement. No council member shall engage in conduct which delays or interrupts the proceeding or which hinders honest, respectful discussion and debate.

Subd. 3. Aspirational Statement. City council meetings shall be conducted in a courteous manner that recognizes the validity of differing points of view and promotes the ideal of democratic discussion and debate free of insult, slander, and personal attacks and threats.

Subd. 4. Aspirational Statement. To effectuate these aspirational goals, city council members shall conduct themselves at council meetings in a manner consistent with the following:

1. No council member shall engage in private conversation or pass private messages while in the chamber in a manner so as to interrupt the proceedings of the council.
2. No council member shall leave his or her seat or make any noise of disturbance while a vote is being taken and until the result of the vote is announced.
3. No council member shall use profane or obscene words or unparliamentary language or use language that threatens harm or violence toward another person during a council meeting.
4. No council member shall speak on any subject other than the subject in debate.
5. No council member shall speak without being recognized by the chair; nor shall any council member interrupt the speech of another council member.

Section 7. Ordinances, Resolutions, Motions, Petitions and Communications.

Subd. 1. Readings. Every ordinance and resolution shall be presented in writing. An ordinance or resolution need not be read in full unless a member of the council requests such a reading.

Subd. 2. Signing and Publication Proof. Every ordinance and resolution passed by the council shall be signed by the mayor, attested by the deputy clerk, and filed by the deputy clerk in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

Subd. 3. Repeals and Amendments. Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision thereof shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or resolution amending an existing ordinance or resolution or part thereof shall set forth in full each amended section or subdivision as it will read with the amendment.

Subd. 4. Motions, Petitions, Communications. Every motion shall be stated in full before the presiding officer submits it to a vote and shall be recorded in the minutes. Every petition or other communication addressed to the council shall be in writing and shall be read in full upon presentation to the council unless the council dispenses with the reading. Each petition or other communication shall be recorded in the minutes by title and filed with the minutes in the office of the deputy clerk.

Section 8. Committees.

Subd. 1. Committees Designated. The following committee shall be appointed by the council at the first regular council meeting in January of each year:

1. Personnel committee

Subd. 2. Referral and Reports. Any matter brought before the council for consideration may be referred by the presiding officer to the appropriate committee or to a special committee that the presiding officer appoints for a written report and recommendation before it is considered by the council as a whole. A majority of the members of the committee shall sign the report and file it with the deputy clerk prior to the council meeting at which it is to be submitted. Minority reports may be submitted. Each committee shall act promptly and faithfully on any matter referred to it.

Section 9. Suspension or Amendment of Rules.

These rules may be suspended or amended only by a two-thirds vote of the members present and voting.

Originally passed February 25, 2013 and Amended May 27, 2014, and on January 12, 2015, by the City Council of the City of La Crescent.

/s/

Mayor

/s/

City Administrator