

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
AUGUST 23, 2021

Pursuant to due call and notice thereof, the second meeting of the City Council of the City of La Crescent for the month of August was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Monday, August 23, 2021.

Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Ryan Hutchinson, Cheryl 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, 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 – AUGUST 9, 2021
- 1.2 BILLS PAYABLE THROUGH AUGUST 19, 2021
- 1.3 CASH BALANCE/ACTIVITY REPORT – JUNE 2021
- 1.4 LIBRARY REPORT – JUNE 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 O'Donnell-Ebner made a motion, seconded by Member Hutchinson, as follows:

A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED.

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

Ryan Hutchinson	Yes
Cheryl 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 2.0 – PUBLIC HEARING – ANNEXATION – 6 PROPERTIES IN CRESCENT VALLEY

At 5:30 PM the City Council held a public hearing to consider input on the proposed annexation of the properties located in Crescent Valley that are 100% surrounded by the City and the adoption of Ordinance No. 553 annexing these properties. Mayor Poellinger opened the meeting for public comment. The following addressed City Council in person or by correspondence: Gene Grant – 1463 Valley Ln; Dave

Thompson – 29 Crescent Ave; Dave Becker – 96 Crescent Ave; Anthony Myhre – 1441 Valley Ln; Erika Botcher – 125 Crescent Ave; and Tom Clanin – 1383 East Ln. At 5:55 PM, Mayor Poellinger closed the public comments. City Administrator Waller reviewed response to questions. Dawn Klinski, 51 Crescent Ave, requested to address City Council. City Attorney Wieser reviewed Ordinance No. 553, the attached map and findings for the Ordinance. Following further discussion, Member Williams introduced the following Ordinance, and moved its passage and adoption, with additional findings:

ORDINANCE NO. 553

AN ORDINANCE OF THE CITY OF LA CRESCENT, MINNESOTA ANNEXING LAND LOCATED IN LA CRESCENT TOWNSHIP, HOUSTON COUNTY, MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(2), PERMITTING ANNEXATION BY ORDINANCE

WHEREAS, said property is unincorporated and is completely surrounded by land within the municipal limits of the City of La Crescent;

WHEREAS, said property is urban or suburban in nature;

WHEREAS, the City of La Crescent held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on August 23, 2021, following thirty (30) days written notice by certified mail to the Town of La Crescent and to all landowners within and contiguous to the area legally described in attached Exhibit A, to be annexed; and

WHEREAS, provisions of Minnesota Statutes § 414.033 Subd. 13 are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the territory to the municipality.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA CRESCENT HEREBY ORDAINS AS FOLLOWS:

1. The City Council hereby determines that the property as hereinafter described is completely surrounded by the city limits and is urban or suburban in nature.
2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statute § 414.0325.
3. The corporate limits of the City of La Crescent, Minnesota, are hereby extended to include the following described property, said land being completely surrounded by the municipal limits of the City of La Crescent. The land to be annexed is described on Exhibit A.

The described property on Exhibit A consists of a total of 6.055 acres, more or less. Copies of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and all appropriate plat maps are attached hereto as Exhibit B.

4. The City of La Crescent, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described on attached Exhibit A, hereby annexed, shall make a cash payment to the Town of La Crescent in accordance with the following schedule:

- a. In the first year following the year in which the City of La Crescent could first levy on the annexed area, an amount equal to \$5,030.49; and
- b. In the second and final year, an amount equal to \$5,030.49.

5. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town to the annexed property and any portion of debt incurred by the Town prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described on attached Exhibit A there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

6. The City will not require a mandatory connection to municipal sanitary sewer for a period of six (6) years after the adoption of this Ordinance, unless a public safety threat exists, or the property is sold or otherwise conveyed. In said event, the property owner will need to connect to municipal sanitary sewer within one (1) year of the date of sale or conveyance.

7. That the City Administrator of the City of La Crescent is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Houston County Auditor, and the La Crescent Township Clerk.

8. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of La Crescent, Minnesota, this 23rd day of August, 2021.

Mayor

ATTEST:

City Administrator

In approving the above Motion, the City Council made the following findings of facts:

- 1. The properties contained in the Ordinance are completely surrounded by the City limits and are about to become urban or suburban in nature;
- 2. The properties are currently not within a flood plain or shoreline area;
- 3. More than 30 days written notice was provided to the Town of La Crescent and contiguous landowners;
- 4. Minnesota Statute §414.033 Subd. 13 is not applicable as there will be no change in the electric utilities service provider;
- 5. The City has maintained the streets in Crescent Valley since 2010;
- 6. The City has maintained and improved the park in Crescent Valley;

7. The City provides public service to all of Crescent Valley; and
8. More than ten (10) years have elapsed since the September 2010 Joint Resolution regarding the annexation in Crescent Valley between the City of La Crescent and the Town of La Crescent.

The foregoing motion was duly seconded by Member O'Donnell-Ebner and 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 Member Ryan Hutchinson voted against the same. The ordinance was declared duly passed and adopted by a 4-1 vote.

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 Williams as follows:

MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 553 BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE CITY AND WITH "OFFICIAL COPY" SO MARKED BE KEPT ON FILE IN THE OFFICE OF THE CITY ADMINISTRATOR.

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

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.

After the adoption of the Ordinance, the Council reconvened with the schedule of the Regular City Council Meeting.

At 6:10 PM, Member Dale Williams left the City Council Meeting.

ITEM 3.1 – PLANNING COMMISSION MINUTES – AUGUST 3, 2021

City Council reviewed a Memo from Jason Ludwigson, Sustainability Coordinator, and the Minutes from the August 3, 2021 Planning Commission Meeting. At their meeting, the Planning Commission approved a variance request for 750 Shore Acres Rd. This item was informational, and no action was taken.

ITEM 3.2 – MnDOT LIMIT USE PERMIT RESOLUTION

City Administrator Waller reviewed with City Council a correspondence received from MnDOT regarding the need to update another of the City's existing limited use permits. This limited use permit pertains to the City's highway beautifications projects. City Council reviewed a resolution regarding the limited use permit. 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. 08-21-29

A RESOLUTION TO ENTER INTO A LIMITED USE PERMIT WITH THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION

IT IS RESOLVED that the City of La Crescent, Minnesota, enter into Limited Use Permit No. 2805-0055 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for maintenance and use by the City of La Crescent upon, along and adjacent to Trunk Highway No. 61 and limits of which are defined in said Limited Use Permit.

IT IS FURTHER RESOLVED by the City Council of the City of La Crescent, Minnesota that the Mayor and the City Administrator are authorized to execute the Limited Use Permit.

ADOPTED this 23rd day of August, 2021.

SIGNED:

Mayor

ATTEST:

City Administrator

The motion for the adoption of the foregoing resolution was duly seconded by Member Jostad and 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
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 3.3 – TEMPORARY PARKING LOT CLOSURE REQUEST

City Administrator Waller reviewed with City Council a Memo from La Crescent Police Chief Stavenau regarding the sports car enthusiast group, the Miata Club of Minnesota, having an event scheduled at the Best Western and La Crescent Event Center on September 10, 11, 12, 2021. There are an estimated 50 to 60 cars registered and the Best Western is requesting the upper parking lot area at Veteran's Park be closed to public parking and reserved for the group to use. It is anticipated there would be minimal disruption to the park facility. It was recommended to City Council to approve the temporary closure of the parking lot for the event. The Police Department will work cooperatively with management of the facilities to accommodate the venue providing barricades and other signage as necessary for the space to be reserved. Following discussion, Member Hutchinson made a motion, seconded by Member O'Donnell-Ebner, as follows:

MOTION TO APPROVE TEMPORARY CLOSURE OF THE UPPER PUBLIC PARKING LOT AREA AT VETERAN'S PARK ON SEPTEMBER 10-12, 2021 FOR AN EVENT SCHEDULED AT THE BEST WESTERN AND LA CRESCENT EVENT CENTER FOR THE MIATA CLUB OF MINNESOTA.

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
Mike Poellinger	Yes

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

ITEM 3.4 – MnDPS – DRIVERS EXAM LEASE AGREEMENT

City Administrator Waller reviewed with City Council that at the August 9th meeting, the City Council reviewed a proposed lease to allow the Minnesota Department of Public Safety (MnDPS) to operate a drivers exam station in the current City Council Chambers. It appears that MnDPS is agreeable to re-locating the service to the Community Room at the Community Building. A revised lease will be presented for review and consideration by the City Council when it becomes available. Prior to COVID-19, there were 30-50 lunch participants on a daily basis that used the Community Room. These individuals will be displaced once a month with the change in location of the driver's exam station. The on-site lunch service has been suspended since the start of the current health pandemic, and is tentatively set to return to in-person service on August 30th. This item was informational, and no action was taken.

ITEM 3.5 – ENGINEERING AGREEMENT – WAGON WHEEL PHASE 1

City Administrator Waller reviewed with City Council an engineering agreement with WHKS to pave the balance of the first phase of the Wagon Wheel Improvement project. It has been a rather lengthy process to work through the environmental review necessary to obtain the required agency approvals. City Council also reviewed a letter from MnDOT indicating approval to proceed, along with a map of the project. In June of 2020, the City's application to the Minnesota Department of Natural Resources for a Local Trail Connections Program grant was approved. The grant amount is \$86,210.00 and will pay for 74% of the cost

to pave the portion of the first phase of the Wagon Wheel improvement project that is not currently paved. The total estimated project cost is \$116,500.00. The City's 2021 general fund budget includes \$30,280.00 for the local share of the project costs. Currently the City is not sure if the project will be completed in the fall of 2021 or the spring of 2022. In order to proceed with the project, it was recommended to City Council to approve the engineering agreement. There are funds in the project budget for this expenditure. Following discussion, Member Jostad made a motion, seconded by Member Hutchinson, as follows:

MOTION TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT WITH WHKS & CO. FOR THE WAGON WHEEL PHASE 1 PAVING PROJECT IN AN AMOUNT UP TO \$10,000.00 USING FUNDS IN THE PROJECT 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
Mike Poellinger	Yes

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

ITEM 3.6 – MnDOT – CAPITAL EQUIPMENT GRANT

City Administrator Waller reviewed with City Council that the City has received a MnDOT Capital Vehicle Grant agreement to purchase a new City bus for use in the local transit service. The current City bus is a 2015 and has 246,826 miles on it. The total estimated project cost is \$164,000.00, with the grant paying for 90% of the acquisition cost of the new vehicle. The City's share is 10% of the total project cost, which amounts to \$16,400.00. In order to proceed, it was recommended to City Council to approve the grant agreement and authorize the required signatures, and modify the 2017 capital equipment certificate to reflect this expenditure. Following discussion, Member Jostad made a motion, seconded by Member O'Donnell-Ebner, as follows:

MOTION TO APPROVE THE MNDOT CAPITAL VEHICLE GRANT AGREEMENT TO PURCHASE A NEW CITY BUS FOR USE IN THE LOCAL TRANSIT SERVICE AND AUTHORIZE THE REQUIRED SIGNATURES, AND TO MODIFY THE 2017 CAPITAL EQUIPMENT CERTIFICATE TO REFLECT 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
Mike Poellinger	Yes

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

ITEM 3.7 – CITY RESTRAINING ORDER

City Attorney Wieser reviewed with City Council a City restraining order. This item was informational, and no action taken.

ITEM 8 – CHAMBER OF COMMERCE

Sarah Danielson of the La Crescent Chamber of Commerce informed City Council that the Chamber has an accepted offer from an applicant for the Executive Director position to being on September 1, 2021.

There being no further business to come before the Council at this time, Member Hutchinson 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
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 6:26 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator