

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
AUGUST 26, 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 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 26, 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, 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 12, 2019
- 1.2 BILLS PAYABLE – AUGUST 22, 2019
- 1.3 CASH BALANCE/ACTIVITY REPORT – JULY 2019
- 1.4 LIBRARY REPORT – JULY 2019

At the conclusion of the reading of the Consent Agenda, Mayor Poellinger asked if the Council wished to have any of the items removed from the Consent Agenda for further discussion. Member O'Donnell-Ebner made a motion, seconded by Member Williams, 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;

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 by a 4-0 vote.

ITEM 2.0 – PUBLIC HEARING – ANNEXATION – 1230 COUNTY ROAD #6

At 5:30 PM the City Council held a public hearing to consider input on the proposed annexation of the property located at 1230 County 6 that the owners had requested to be annexed and the adoption of Ordinance No. 535 annexing this property. City Attorney Wieser reviewed the map and findings for the Ordinance. Mayor Poellinger opened the meeting for public comment. Public comments were heard from Merle Landsom and

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

ORDINANCE NO. 535

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(3), PERMITTING ANNEXATION BY ORDINANCE

WHEREAS, a petition signed by all the property owners, requesting that property legally described herein be annexed to the City of La Crescent, Minnesota, was duly presented to the Council of the City of La Crescent on the July 22, 2019; and

WHEREAS, said property is unincorporated and abuts the City of La Crescent on its southerly boundary of County 6; is less than 120 acres; is not presently served by public sewer facilities or public sewer facilities are not otherwise available; and

WHEREAS, said property is currently residential and annexation is requested to facilitate the extension of city services for the residential development of the property; and

WHEREAS, the City of La Crescent held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on August 26, 2019, 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 herein, 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 abuts the city limits and is or is about to become urban or suburban in nature in that residential use is being proposed for said property which requires or will need city services, including public sewer facilities.
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 abutting the City of La Crescent and being 120 acres or less in area, and is not presently served by public sewer facilities or public sewer facilities are not otherwise available, and the City having received a petition for annexation from all the property owners of the land, to wit:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 9 IN TOWNSHIP 104 NORTH OF RANGE 4 WEST OF THE FIFTH PRINCIPAL MERIDIAN AS FOLLOWS:

COMMENCING AT A POINT ON THE 1/16 LINE 1198.75 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE ABOVE NAME SECTION ACCORDING TO THE SURVEY AND DESCRIPTION BY WALTER S. WOODS, LA CROSSE, WISCONSIN, THENCE NORTH 18 DEGREES 45' E 127.9 FEET TO THE PLACE OF BEGINNING ON THE CENTER LINE OF THE PINE CREEK HIGHWAY,

THENCE CONTINUING NORTH 18 DEGREES 45' E 500.95 FEET, THENCE NORTH 71 DEGREES 15' W 92.0 FEET, THENCE SOUTH 18 DEGREES 45' W 489.9 FEET TO THE CENTER LINE OF PINE CREEK HIGHWAY, THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID HIGHWAY 92.65 FEET TO THE PLACE OF BEGINNING;

ALL IN THE ABOVE-NAMED QUARTER SECTION, TOWNSHIP AND RANGE, HOUSTON COUNTY, MINNESOTA.

The above described property consists of a total of 0.96 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.

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 herein, 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 \$809.65; and

b. In the second and final year, an amount equal to \$809.65.

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 herein there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

6. 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.

7. 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 26th day of August, 2019.

Mayor

ATTEST:

City Administrator

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

1. The property owners signed a Petition requesting that the property be annexed to the City of La Crescent;
2. The property is not presently served by public sewer facilities and public sewer facilities are not otherwise available;
3. The property is currently residential;
4. Minnesota Statutes § 414.033 Subd. 13 is not applicable as there will be no change in the electric utility service provider; and
5. More than 30 days written notice was provided to La Crescent Township and to contiguous landowners by certified mail.

The foregoing motion was duly seconded by Member Jostad 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 ordinance was declared duly passed and adopted by a 4-0 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 Williams then made a motion, seconded by Member O'Donnell-Ebner as follows:

MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 535 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;

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

and none voted against the same. The ordinance was declared duly passed and adopted by a 4-0 vote.

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

ITEM 3.1 – 2020 LIBRARY BUDGET

La Crescent Library Director, LaVonne Beach, reviewed with City Council the proposed 2020 budget for the La Crescent Library requesting a 6% city levy increase. This item was informational, and no action taken.

ITEM 3.2 – APPLEFEST REQUEST

City Council reviewed a Memorandum from the Applefest Board of Directors requesting assistance from the City of La Crescent for coordinating the 71st year of Applefest which will take place September 19-22, 2019. The Applefest Board would like assistance with the following: help in preparing the carnival area, installing signs, installing stakes and fencing, a water line for the King Apple Tent, use of city garbage cans, picnic tables and trailer, as well as help barricading the staging route for the King Apple Parade, and use of 8 golf carts during the King Apple Parade. The Applefest Board of Directors also requested approval for the 2019 King Apple Parade to be held on September 22 and the Kiddie Parade to be held on September 21. The parades will be held on the same route as years previous. A map was provided for reference regarding the routes and staging areas. It was recommended to City Council to grant approval. Following discussion, Member Williams made a motion, seconded by Member O'Donnell-Ebner, as follows:

MOTION TO APPROVE THE FOLLOWING FOR APPLEFEST THAT WILL TAKE PLACE SEPTEMBER 19-22, 2019: HELP IN PREPARING THE CARNIVAL AREA, INSTALLING SIGNS, INSTALLING STAKES AND FENCING, A WATER LINE FOR THE KING APPLE TENT, USE OF CITY GARBAGE CANS, PICNIC TABLES AND TRAILER, AS WELL AS HELP BARRICADING THE STAGING ROUTE FOR THE KING APPLE PARADE, AND USE OF 8 GOLF CARTS DURING THE KING APPLE PARADE AND ALSO TO APPROVE THE PARADE ROUTES FOR THE 2019 KING APPLE PARADE TO BE HELD ON SEPTEMBER 22 AND THE KIDDIE PARADE TO BE HELD ON SEPTEMBER 21 .

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 – 2018 STREET PROJECT – CONTRACT EXTENSION

City Administrator Waller reviewed with City Council a Memorandum from the City Engineer and a letter from McHugh Excavating requesting contract extension for the 2018 Street Project to August 30, 2019. McHugh Excavating has completed work on all streets from the original contract except Stoney Point Road. The letter has been reviewed by the City engineering staff and they are in concurrence with the stated facts regarding the

delays. It was recommended to City Council to grant this construction extension request. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Jostad, as follows:

MOTION TO GRANT THE CONTRACT COMPLETION DATE EXTENSION TO MCHUGH EXCAVATING FOR THE 2018 STREET PROJECT TO AUGUST 30, 2019.

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 3.4 – NOTICE OF DESIRE TO NEGOTIATE - LELS

City Administrator Waller reviewed with City Council a notice of desire to negotiate from the Law Enforcement Labor Services Union. It was recommended to City Council to refer this to the Personnel Committee and that any tentative agreement reached through negotiations be presented to the City Council in the future. Following discussion, Member Jostad made a motion, seconded by Member O'Donnell-Ebner, as follows:

MOTION TO REFER THE NOTICE OF DESIRE TO NEGOTIATE FROM THE LAW ENFORCEMENT LABOR SERVICES UNION TO THE PERSONNEL COMMITTEE AND THAT ANY TENTATIVE AGREEMENT REACHED THROUGH NEGOTIATIONS BE PRESENTED TO THE CITY COUNCIL IN THE FUTURE.

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 3.5 – AMEND LODGING TAX RESOLUTION

City Administrator Waller reviewed with City Council a revised resolution regarding the additional increase in the local lodging tax. The resolution has been amended to include 1st Special Session wherever necessary. It was recommended to City Council to adopt the amended resolution. Following discussion, Member Jostad introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 08-19-19

A RESOLUTION AMENDING RESOLUTION 06-19-14 APPROVING SPECIAL LAW IN REGARD TO LOCAL LODGING TAX WITHIN THE CITY OF LA CRESCENT TO INCLUDE ADDITIONAL LANGUAGE REGARDING 1ST SPECIAL SESSION

WHEREAS, on June 10, 2019, the City Council for the City of La Crescent approved Resolution 06-19-14, a Resolution approving Special Law in Regard to Local Lodging Tax Within the city of La Crescent.

WHEREAS, Resolution 06-19-14 failed to include the specific language of “1st Special Session” for 2019, Chapter 6, Article 6, Section 21.

WHEREAS, the City Council for the City of La Crescent wishes to re-adopt the Resolution as stated below.

WHEREAS, on May 24, 2019 the Minnesota Legislature passed, and on May 30, 2019, the Governor of Minnesota signed, Session Laws 2019, 1st Special Session, Chapter 6, Article 6, Section 21, in regard to the lodging tax within the City of La Crescent, which contained the following special law:

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

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

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

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

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

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

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

Said Resolution was passed by a majority vote of all members of the City Council for the City of La Crescent on August 26, 2019.

SIGNED:

Mikel Poellinger
Mayor of the City of La Crescent

ATTEST:

Bill Waller
City Administrator

The foregoing motion was duly seconded by Member Williams 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 3.6 – AUTHORIZE SIDEWALK EXPENDITURE

City Administrator Waller reviewed with City Council that the City has been working with SpringBrook Village to extend the existing sidewalk to the County Road #25 right-of-way to allow for the site to be incorporated into the Apple Express transit route, and facilitate the construction of a bus stop and shelter. The City has received a price from Voss & Sons, the contractor working on the City's 2019 sidewalk project, of \$2,956.00 to construct the new sidewalk and pad. The City is recommending that the cost of the sidewalk be split equally between the developer and the City. In order to proceed, it was recommended that the City Council approve the additional work to be performed by Voss & Sons. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Williams, as follows:

MOTION TO APPROVE THE ADDITIONAL WORK TO BE PERFORMED BY VOSS & SONS TO EXTEND THE EXISTING SIDEWALK TO THE COUNTY ROAD #25 RIGHT-OF-WAY TO ALLOW FOR THE SITE TO BE INCORPORATED INTO THE APPLE EXPRESS TRANSIT ROUTE, AND FACILITATE THE CONSTRUCTION OF A BUS STOP AND SHELTER AT A COST OF \$2,956.00 AND THAT THE COST OF THE SIDEWALK BE SPLIT EQUALLY BETWEEN SPRINGBROOK VILLAGE, THE DEVELOPER, AND THE CITY.

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 3.7 – AUTHORIZE APPLICATION – TRANSIT SHELTERS

City Administrator Waller reviewed with City Council that the City has been working with the La Crosse MTU on a grant application to purchase three new bus shelters for the community. The new bus shelters would be located at SpringBrook Village, Crestview Apartments, and in proximity to Lancer Village. The Minnesota Department of Transportation has grant funds available that would pay 80% of the cost of purchasing the new bus shelters. The estimated cost is approximately \$10,000.00 per bus shelter. City Council reviewed a resolution to enter into an agreement with the State of Minnesota. In order to continue to proceed with the project, it was recommended for the City Council to adopt the resolution. Following discussion, Member O'Donnell-Ebner introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 08-19-20

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LA CRESCENT
ENTERING INTO AN AGREEMENT WITH THE STATE OF MINNESOTA AUTHORIZING
THE 2020-2021 APPLICATION FOR THE PURCHASE OF THREE (3) BUS STOP SHELTERS
FOR 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 purchase three (3) bus stop shelters for the City of La Crescent.

IT IS 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 the total capital costs.

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

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

Adopted this 26th day of August, 2019.

SIGNED:

Mayor

ATTEST:

City Administrator

The foregoing motion was duly seconded by Member Williams 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 6.1 – STAFF CORRESPONDENCE/COMMITTEE UPDATES – EXPLORE LA CROSSE

City Council reviewed the Agenda from the August 20, 2019 La Crosse County Convention & Visitors Bureau Board Meeting, which included the Minutes from the July 16, 2019 Board Meeting. No action taken.

ITEM 8 – CHAMBER OF COMMERCE

The La Crescent Chamber of Commerce gave an update on the Chamber Raffle and that the Chamber Office had moved.

There being no further business to come before the Council at this time, Member Jostad 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 5:46 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator