

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
AUGUST 27, 2018

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 27, 2018, followed by the Pledge of Allegiance.

Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Bernie Buehler, Ryan Hutchinson, Brian Krenz, Dale Williams and Mayor Mike Poellinger. Members absent: None. Also present was City Administrator Bill Waller and City Attorney Skip Wieser.

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 13, 2018
- 1.2 BILLS PAYABLE THROUGH AUGUST 23, 2018
- 1.3 CASH BALANCE ACTIVITY REPORT – JULY 2018
- 1.4 LIBRARY REPORT – JULY 2018

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 Buehler 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 present voted in favor thereof, viz;

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.1 – 2017 AUDIT REVIEW – MIKE TEMP

Mike Temp from Tostrud & Temp, S.C., Certified Public Accountants, gave an overview to City Council of the 2017 City audit. The auditor expressed an unmodified opinion. No action taken.

ITEM 2.0 – PUBLIC HEARING – ANNEXATION – 1331 VALLEY LANE

At 5:35 PM the City Council held a public hearing to consider input on the proposed annexation of the property located at 1331 Valley Lane that the owners had requested to be annexed and the adoption of Ordinance No. 523 annexing this property. City Attorney Wieser reviewed the map and findings for the Ordinance. Mayor Poellinger opened the meeting for public comment. There were no public comments. Following further discussion, Member Buehler introduced the following Ordinance, and moved its passage and adoption:

ORDINANCE NO. 523

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 16, 2018; and

WHEREAS, said property is unincorporated and abuts the City of La Crescent on its northerly, easterly, and westerly boundaries; 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 27, 2018, 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:

LOT TWELVE (12), BLOCK TWO (2), OF CRESCENT VALLEY FIRST ADDITION, LA CRESCENT TOWNSHIP, HOUSTON COUNTY, MINNESOTA.

The above described property consists of a total of 0.487 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 \$548.95; and

b. In the second and final year, an amount equal to \$548.95.

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 27th day of August, 2018.

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The ordinance was declared duly passed and adopted.

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 Krenz then made a motion, seconded by Member Hutchinson as follows:

MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 523 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;

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The ordinance was declared duly passed and adopted.

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

ITEM 3.2 – 2019 LIBRARY BUDGET

La Crescent Library Director, LaVonne Beach, reviewed with City Council the proposed 2019 budget for the La Crescent Library requesting a 5% city levy increase. This item was informational, and no action taken.

ITEM 3.3 – LANCER YOUTH HOCKEY LEASE AGREEMENT

City Attorney Wieser reviewed with City Council an updated Lease Agreement with Lancer Youth Hockey. Pete Hogan of Lancer Youth Hockey also addressed City Council. The City has not received confirmation that final form of the Agreement has been accepted by counsel for Lancer Youth Hockey. An update will be provided at an upcoming City Council Meeting. This item was informational, and no action was taken.

ITEM 3.4 – REFUSE/RECYCLING CONTRACT EXTENSION

City Attorney Wieser reviewed with City Council a draft contract for solid waste services in the City of La Crescent. The contract is still in the process of being reviewed with appropriate City staff and the City's insurance provider and will be included in the next City Council Meeting agenda. A sample tote was provided for City Council to view. This item was informational, and no action was taken.

ITEM 3.5 – AGENDA REQUEST – JEFF HENTHORNE

City Council reviewed an Agenda Request Form from Jeff Henthorne regarding updated questions on Veterans Park on behalf of Park Street residents. Mr. Henthorne addressed the Council with the concerns listed on the form. No action was taken.

ITEM 3.6 – ANNEXATION PETITION

City Attorney Wieser reviewed with City Council a Petition requesting annexation by property owners at 1727 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 October 8, 2018 at 5:35 p.m. Following discussion, Member Buehler made a motion, seconded by Member Krenz, as follows:

MOTION TO ACCEPT THE PETITION FOR ANNEXATION FROM THE PROPERTY OWNERS AT 1727 COUNTY 6 AND CALL FOR A PUBLIC HEARING ON OCTOBER 8, 2018 AT 5:35 PM AT CITY HALL.

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.7 – RESOLUTION – CALL FOR ASSESSMENT HEARING

As part of the process for the City to levy assessments to the properties benefiting from the Veteran’s Park improvement project, the City Council is required to hold an assessment hearing. City Council reviewed a Resolution calling for this required hearing. It was recommended to City Council to adopt the Resolution as presented. Following discussion, Member Krenz introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 08-18-22

**RESOLUTION CALLING HEARING ON ASSESSMENTS FOR
THE VETERANS PARK PARKING LOT AND
TRAIL/STORM WATER IMPROVEMENT PROJECT OF 2018**

WHEREAS, there has been prepared an assessment roll for the Veterans Park parking lot and trail/storm water improvements, and said proposed assessment roll is on file with the City Clerk and open to public inspection;

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

1. The Clerk shall publish notice that this Council will meet to consider the proposed assessments on September 24, 2018, at 5:30 o'clock P.M. in the City Hall of said City of La Crescent, Minnesota. The published notice shall be in substantially the form set forth on Exhibit A attached hereto.
2. A copy of the notice in substantially the form set forth in Exhibit B attached hereto shall be mailed to the owners of each parcel of property described in the assessment roll.
3. Said notice attached as Exhibit A hereto shall be published by the City Clerk in the official newspaper at least two weeks prior to the hearing and the notice attached hereto as Exhibit B shall be mailed by the Clerk to the owners of each parcel described in the assessment roll.
4. If the adopted assessment differs from the proposed assessment as to any particular lot, piece or parcel of land, the Clerk shall mail to the owner a notice stating the amount of the adopted assessment. Owners must also be notified by mail of any changes adopted by the Council in interest rates or prepayment requirements from those contained in the mailed notice of the proposed assessment.

ADOPTED this 27th day of August, 2018.

SIGNED:

Mayor

ATTEST:

City Administrator

The foregoing motion 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;

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	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 3.8 – APPLEFEST PARADE REQUEST

City Council reviewed a Memorandum from La Crescent Chief of Police, Doug Stavenau, regarding a request from the Applefest Board of Directors for approval for the 2018 King Apple Parade to be held on September 16, 2018, starting at approximately 1:00 PM. The parade will be held on the same route as years previous. A map was provided for reference regarding the route and staging areas. It was recommended to City Council to grant permission for the event. Following discussion, Member Buehler made a motion, seconded by Member Hutchinson, as follows:

MOTION TO APPROVE THE ROUTE FOR THE 2018 KING APPLE PARADE TO BE HELD ON SEPTEMBER 16, 2018, STARTING AT APPROXIMATELY 1:00 PM.

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 3.9 – CHAMBER OF COMMERCE – STREET CLOSURE

City Council reviewed a request from the La Crescent Chamber of Commerce for approval to close off the streets for the Applefest Car Show on Saturday, September 15, 2018 on South 4th Street between Oak Street and Elm Street. The Chamber also requested cones to block off the street for the duration of the Car Show. Following discussion, Member Williams made a motion, seconded by Member Buehler, as follows:

MOTION TO APPROVE THE STREET CLOSURE ON SOUTH 4TH STREET BETWEEN OAK STREET AND ELM STREET IN THE CITY OF LA CRESCENT FOR THE CHAMBER SPONSORED APPLEFEST CAR SHOW ON SATURDAY, SEPTEMBER 15, 2018 AND TO PROVIDE CONES FOR THE STREET CLOSURE.

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

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

ITEM 6.1 – STAFF CORRESPONDENCES/COMMITTEE UPDATES – LIBRARY BOARD MINUTES – APRIL 9, 2018

City Council reviewed the Minutes from the April 9, 2018 La Crescent Library Board meeting. No action taken.

ITEM 8 – CHAMBER OF COMMERCE

Brooke White of the La Crescent Chamber of Commerce gave an update on the Viking/Packer ticket raffle and Applefest.

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

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	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 6:06 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator