

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
SEPTEMBER 14, 2020

Pursuant to due call and notice thereof, the first meeting of the City Council of the City of La Crescent for the month of September was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Monday, September 14, 2020.

Pursuant to Minn. Stat. § 13D.021 and due to the COVID-19 pandemic, members of the City Council and City Staff were given the option to attend the meeting by telephone or Zoom. 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: Ryan Hutchinson. Also present was City Administrator Bill Waller, City Attorney Skip Wieser, City Engineer Tim Hruska (via Zoom), City Finance Director Debbie Shimshak, 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 24, 2020
- 1.2 BILLS PAYABLE THROUGH SEPTEMBER 10, 2020
- 1.3 CASH BALANCE/ACTIVITY REPORT – JULY 2020
- 1.4 LIBRARY REPORT – JULY 2020

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 3.1 – 2019 AUDIT REVIEW

Mike Temp from Tostrud & Temp, S.C., Certified Public Accountants, gave an overview to City Council of the 2019 City audit. Following questions, Member O'Donnell-Ebner made a motion, seconded by Member Williams, as follows:

MOTION TO ACCEPT THE INDEPENDENT AUDITOR’S REPORT FROM TOSTRUD & TEMP, S.C. FOR THE CITY OF LA CRESCENT DATED DECEMBER 31, 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 3.2 – BICYCLE/PEDESTRIAN BRIDGE MONITORING PLAN

City Engineer Hruska appeared via Zoom and reviewed with City Council a construction monitoring plan prepared by MnDOT for the La Crescent Bicycle/Pedestrian Bridge Project. The City Engineer also provided an update regarding the \$86,210 DNR Local Trail Connection Program grant that the City received to pave the balance of the first phase of the Wagon Wheel improvement project. One of the requirements of the grant is pre-approval of the project from the Minnesota State Historical Preservation Office. Also reviewed was that the City has received a \$26,400 grant from the Federal Transit Administration to install 3 new bus shelters in the City. The grant is administered by MnDOT. This project will also require National Environmental Policy Act (NEPA) approval, which will include a review by MnDOT's Cultural Resources Unit. Assuming final approval, it will most likely be 2021 before the bus shelters are installed. These items were informational, and no action was taken.

ITEM 3.3 – AUTHORIZE UTILITY EXTENSION

City Engineer Hruska reviewed with City Council that the homeowners along County Road 25 have requested City sewer and water services be provided to their homes. The City has received a quote from Zenke Inc. to install sanitary sewer services and water services to 1284 and 1304 County Road 25. The services would connect onto the existing mains installed as part of the Crescent Valley Sanitary Sewer Extension constructed in 2011. This project installed mains and services to properties in the area but did not extend services to these properties. The project did extend service laterals to the property line for each of the other connecting properties. This project will extend services from the mains located on the north side of the intersection of Cornforth Road and County Road 25 to the two properties. It was recommended to City Council to have the City cover the costs quoted by Zenke (\$24,450.00) as part of the project. The City would charge a connection charge of \$21,098.30 for sanitary sewer and \$10,546.20 for water. In addition to these infrastructure costs, there would also be city connection charges for each service. This is per the existing connection charge schedule setup for this area. Following discussion, Member Williams made a motion, seconded by Member O’Donnell-Ebner, as follows:

MOTION TO ACCEPT THE PROPOSAL FROM ZENKE INC IN THE AMOUNT OF \$24,450.00 AND TO ACCEPT THE RECOMMENDED CONNECTION CHARGES OF \$21,098.30 FOR SANITARY SEWER AND \$10,546.20 FOR WATER FOR 1284 AND 1304 COUNTY ROAD 25.

Upon a roll call vote taken and tallied by the City Administrator, the following Members 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 4-0 vote.

ITEM 3.4 – PLANNING COMMISSION MINUTES – 9/1/2020

City Attorney Wieser reviewed with City Council the Planning Commission Minutes from the September 1, 2020 meeting. The Planning Commission’s first recommendation to City Council was approving a District Zoning Change application for 427, 431, 435, 439, 443, 447, 451, 459, 455 South 3rd Street to rezone the properties from C-1 commercial to R-3 high density residential. For this District Zoning Change application, the following findings of fact were presented for City Council to consider:

Findings of Fact:

1. The request will not alter the essential character of the locality.
2. The property owner proposes to use the property in a reasonable manner permitted by the zoning ordinance in R-3 High Density Residential zoned areas.
3. No concerns have been registered from neighbors.
4. The request is in harmony with the general purposes and intent of the ordinance.
5. The R-3 High Density Residential zoning fits the neighborhood better than C-1 Commercial because most of the block is currently being used as such.
6. It’s reasonable use for the land.

Following discussion, Member O’Donnell-Ebner made a motion, seconded by Member Jostad, as follows:

MOTION TO APPROVE THE DISTRICT ZONING CHANGE APPLICATION FOR 427, 431, 435, 439, 443, 447, 451, 459, 455 SOUTH 3RD STREET TO REZONE THE PROPERTIES FROM C-1 COMMERCIAL TO R-3 HIGH DENSITY RESIDENTIAL AND TO ADOPT THE FINDINGS STATED ABOVE AND AS STATED IN THE SEPTEMBER 1, 2020 PLANNING COMMISSION MINUTES.

Upon a roll call vote taken and tallied by the City Administrator, the following Members 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 Attorney Wieser reviewed with City Council the Planning Commission’s second recommendation that the Preliminary Plat application for 427 South 3rd Street be approved with the following findings of fact and conditions of approval presented for City Council to consider:

Findings of Fact:

1. The request will not alter the essential character of the locality.
2. The property owner proposes to use the property in a reasonable manner permitted by the zoning ordinance in residential areas to wit, residential housing.
3. The proposed Townhome is allowable in the R-3 High Density Residential District.
4. The request is in harmony with the general purposes and intent of the ordinance and consistent with the comprehensive plan by improving the housing stock.

Conditions of Approval:

1. The final plat needs to show the locations of the water and sewer connections.
2. Spot elevations and drainage arrows need to be shown on the final grading plan.
3. The proposed site must meet the current site stormwater drainage. This can be accomplished by means on private property. The City should develop an agreement for maintenance of any private stormwater facilities. Drainage calculations need to be submitted.
4. The applicant complies with all applicable federal, state and local regulations.
5. The owner agrees to comply with City Ordinances 12.185 Storm Water Pollution and Erosion Control and Chapter 13 regarding subdivision regulations.
6. Additional easements required by private utility companies, if any, should be platted. All proposed utility conduit crossings must be shown on the final plans.
7. Lot 4 be considered non-buildable.
8. Driveway be located off of Alleyway.

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

MOTION TO APPROVE THE PRELIMINARY PLAT APPLICATION FOR 427 SOUTH 3RD STREET WITH THE ABOVE STATED CONDITIONS OF APPROVAL AND TO ADOPT THE FINDINGS STATED ABOVE AND AS STATED IN THE SEPTEMBER 1, 2020 PLANNING COMMISSION MINUTES.

Upon a roll call vote taken and tallied by the City Administrator, the following Members 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 – AGENDA REQUEST – DRIVE-IN MOVIE

City Council reviewed a memo from Chief Doug Stavenau, along with an Agenda Request Form from the La Crescent Rotary Club, regarding a "Drive-In Movie Night" to be held in the parking lot of Veteran's Park on September 19, 2020, starting at 7:30 p.m. The date has been established to coordinate with other public activities occurring in the City of La Crescent. The Rotary Club proposed alternate dates of

September 26 or October 3. The “Drive-In Movie Night” would be held in compliance with Minnesota Executive Orders and would be a permissible use of the facility. John Farnen from the Rotary appeared via Zoom. Following discussion, Member Williams made a motion, seconded by Member O’Donnell-Ebner, as follows:

MOTION TO APPROVE THE REQUEST FROM THE LA CRESCENT ROTARY CLUB FOR A “DRIVE-IN MOVIE NIGHT” TO BE HELD IN THE PARKING LOT OF VETERAN’S PARK ON SEPTEMBER 26, 2020 OR OCTOBER 3, 2020 WITH A REQUEST FOR THE LA CRESCENT ROTARY CLUB TO HAVE LIABILITY INSURANCE WITH THE CITY NAMED AS AN ADDITIONAL INSURED.

Upon a roll call vote taken and tallied by the City Administrator, the following Members 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 – MTU OPERATIONS AGREEMENT

City Administrator Waller reviewed with City Council the 2021 Transit Operating Agreement with the La Crosse MTU for the operation of the local Apple Express bus service. In order to continue to provide the bus service, it was recommended to City Council to approve the 2021 Operating Agreement. Following discussion, Member O’Donnell-Ebner made a motion, seconded by Member Jostad, as follows:

MOTION TO APPROVE THE 2021 OPERATIONS AGREEMENT BETWEEN THE CITY OF LA CROSSE AND THE CITY OF LA CRESCENT, MINNESOTA PERTAINING TO PUBLIC TRANSPORTATION BY BUS.

Upon a roll call vote taken and tallied by the City Administrator, the following Members 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 – MTU VEHICLE LEASE

City Administrator Waller reviewed with City Council the 2021 Motor Vehicle Lease with the La Crosse MTU. The City of La Crescent owns the bus that is used in the operation of the local Apple Express bus service, and leases the bus to the La Crosse MTU. In order to continue to provide the bus service, it was recommended to City Council to approve the 2021 Motor Vehicle Lease. Following discussion, Member Williams made a motion, seconded by Member O’Donnell-Ebner, as follows:

MOTION TO APPROVE THE 2021 MOTOR VEHICLE LEASE WITH LA CROSSE MTU.

Upon a roll call vote taken and tallied by the City Administrator, the following Members 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 – PERSONNEL COMMITTEE RECOMMENDATIONS

City Administrator Waller reviewed with City Council the following recommendations from the Personnel Committee:

1. That the City Council approve the hiring of 7 probationary firefighters. Pursuant to the terms and conditions of the Rules and Regulations of the Fire Department, the Probationary Firefighters will serve a probationary period of no more than 18 months. City Council also reviewed a memo from the Fire Chief regarding the recommendation that includes the names of the individuals to be hired.
2. On September 23, 2019, the City Council approved a waiver to the response time requirements included in the Rules and Regulations of the Fire Department for Fire Chief Tom Paulson. The waiver was for a one-year trial period, at which time the waiver would be reviewed and evaluated and a potential extension considered. In approving the waiver, the City Council made the finding of fact that no undue hardship or hazard would result to the citizens served by the Fire Department. The Personnel Committee is recommending that the City Council approve an additional one year waiver to the response time requirement for Fire Chief Tom Paulson. The waiver would run through October 31, 2021. The Personnel Committee cites the same finding of fact as was included in the motion from September 23, 2029.

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

MOTION TO APPROVE THE HIRING OF 7 PROBATIONARY FIREFIGHTERS FOR THE LA CRESCENT FIRE DEPARTMENT AS LISTED IN THE MEMO FROM FIRE CHIEF TOM PAULSON AND THAT PURSUANT TO THE TERMS AND CONDITIONS OF THE RULES AND REGULATIONS OF THE FIRE DEPARTMENT, THE PROBATIONARY FIREFIGHTERS WILL SERVE A PROBATIONARY PERIOD OF NO MORE THAN 18 MONTHS.

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.

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

MOTION TO APPROVE AN ADDITIONAL ONE YEAR WAIVER TO THE RESPONSE TIME REQUIREMENTS INCLUDED IN THE RULES AND REGULATIONS OF THE FIRE DEPARTMENT FOR FIRE CHIEF TOM PAULSON ALLOWING THE RESPONSE TIME TO BE 10 MINUTES FROM THE FIRE STATION IN LIEU OF 8 MINUTES WHICH WAS INITIALLY APPROVED BY CITY COUNCIL ON SEPTEMBER 23, 2019 AND THAT THE ADDITIONAL ONE YEAR WAIVER WOULD RUN THROUGH OCTOBER 31, 2021.

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

Mayor Mike Poellinger abstained from voting and none voted against the same. The motion was declared duly carried by a 3-0 vote.

In approving the above Motion, the City Council made the following finding of fact: that no undue hardship or hazard will result to the citizens served by the Fire Department.

ITEM 3.9 – PARTNERS IN ENERGY MOU

City Administrator Waller reviewed with City Council a Memorandum of Understanding with Xcel Energy for the City to participate in the Partners in Energy Program. The program was reviewed with the City Council at the last meeting. The Partners in Energy Program is a continuation of the City's GreenStep/Sustainability Initiative. It was recommended to City Council to approve the Memorandum of Understanding. Jason Ludwigson, the City's Sustainability Coordinator, will be the primary contact for the project. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Williams, as follows:

MOTION TO APPROVE THE MEMORANDUM OF UNDERSTANDING WITH XCEL ENERGY FOR THE CITY OF LA CRESCENT TO PARTICIPATE IN THE PARTNERS IN ENERGY PROGRAM.

Upon a roll call vote taken and tallied by the City Administrator, the following Members 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 – AUTHORIZE SALE OF EQUIPMENT

City Council reviewed a Memorandum from Chief Doug Stavenau regarding surplus vehicles and equipment for the City. As authorized new equipment has been purchased by various departments, a surplus of items is currently being stored that are either no longer needed, are in need of significant repair and/or are no longer feasible to maintain. The list of items would include a 2006 Ford F150, 1996 International fire truck, 2014 Dodge Charger, Massey Ferguson tractor, a road repair tarring trailer with material, a utility golf cart, and hydraulic pump and extrication tools. The combination of items is from the Police Department, the Fire Department, and Pine Creek Golf Course. The property would be made available for public purchase and the sale revenue would be returned to the appropriate City budget categories. It was recommended to City Council to approve the sale of the surplus vehicles and equipment with the sale revenue returned to the appropriate City Budget categories. Following discussion, Member Jostad made a motion, seconded by Member Williams, as follows:

MOTION TO APPROVE THE SALE OF THE FOLLOWING SURPLUS VEHICLES AND EQUIPMENT: A 2006 FORD F150, 1996 INTERNATIONAL FIRE TRUCK, 2014 DODGE CHARGER, MASSEY FERGUSON TRACTOR, A ROAD REPAIR TARRING TRAILER WITH MATERIAL, A UTILITY GOLF CART, AND HYDRAULIC PUMP AND EXTRICATION TOOLS; WITH THE SALE REVENUE RETURNED TO THE APPROPRIATE CITY BUDGET CATEGORIES.

Upon a roll call vote taken and tallied by the City Administrator, the following Members 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 – COVID-19

City Administrator Waller reviewed with City Council the following items:

1. The City's first monthly report that was submitted to the Minnesota Office of Management and Budget regarding the allocation/distribution of CARES Act funds covering the period of time from March 1, 2020 - August 31, 2020. This report does not include authorized expenditures that have been approved but were not delivered by August 31, 2020.
2. Coronavirus Relief Fund categories with definitions.
3. The previous memos that have been presented to the City Council on this topic.

City Administrator Waller also reviewed the following recommended allocation of payroll expenses from the CARES Act funding that the City has received:

1. \$217,620 in payroll expenses for the Police Department for certain functions that are necessary to the COVID-19 public health emergency based on an analysis of response needs that include the Police Officers integral and routine job duties necessary to limit spread, to monitor and enforce

closure orders, to ensure that Police Officers in general are readily available, trained, and prepared to respond to unanticipated conditions without the opportunity to perform those duties remotely, and to enforce mask/face covering orders. The City Council believes that payroll costs for public safety employees are payments for services substantially dedicated to mitigating and responding to COVID-19. The \$217,620 is 50% of the actual payroll costs covering the period from March 1, 2020 - August 31, 2020, and is a conservative approach to the allocation of the payroll costs incurred in response to COVID-19.

2. \$18,258 in payroll expenses for the Fire Department/First Responders for certain functions that are necessary to the COVID-19 public health emergency based on an analysis of response needs that include the Firefighters/First Responders integral and routine job duties necessary to limit spread and to ensure that Firefighters/First Responders in general are readily available, trained, and prepared to respond to unanticipated conditions without the opportunity to perform those duties remotely. The City Council believes that payroll costs for public safety employees are payments for services substantially dedicated to mitigating and responding to COVID-19. The \$18,258 is 50% of the actual payroll costs covering the period from March 1, 2020 - August 31, 2020, and is a conservative approach to the allocation of the payroll costs incurred in response to COVID-19. This figure represents the City's portion of these costs, and does not account for the Townships portion of the costs associated with this service.
3. \$25,661.50 in payroll expenses for administrative expenses associated with the administration of CRF funds. The City Council believes that these payroll costs are payments for services necessary to administer the CRF funds. The administrative expenses are 10% of the payroll costs for Debbie Shimshak, Angie Boettcher, Shawn Wetterlin, Kara Tarrence, Chris Fortsch, and Bill Waller for the period of time from March 1, 2020 – August 31, 2020. The payroll expenses are for certain functions necessary to the administration of the CARES Act funds, including but not limited to categorizing and tracking expenditures, soliciting pricing and proposals, overseeing building improvements to safeguard employees and the public, completing reports, and participating in webcasts/meetings regarding the CARES Act funding.
4. \$5,683.00 in payroll expenses for staff time/expense to clean City facilities with the intended purpose of disease suppression and ensuring the safety of City employees and community members.

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

MOTION TO APPROVE THE ALLOCATION OF EMPLOYEE EXPENSES AS PRESENTED AND THE SEPTEMBER MONTHLY REPORT THAT WAS SUBMITTED TO THE MINNESOTA OFFICE OF MANAGEMENT AND BUDGET REGARDING THE ALLOCATION/DISTRIBUTION OF CARES ACT FUNDS COVERING THE PERIOD OF TIME FROM MARCH 1, 2020 - AUGUST 31, 2020.

Upon a roll call vote taken and tallied by the City Administrator, the following Members 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.

It is expected that this item will be on City Council agendas into the foreseeable future. The City expects that there will be very little, if any, CARES Act funds that will be available for a business assistance program.

ITEM 8 – CHAMBER OF COMMERCE

Eileen Krenz from the La Crescent Chamber of Commerce reported they will be having a Candidate Forum on October 22, 2020.

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

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 6:41 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator