

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
SEPTEMBER 23, 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 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 23, 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 – SEPTEMBER 9, 2019
- 1.2 BILLS PAYABLE – SEPTEMBER 19, 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 3.1 – CLEAN ENERGY EXHIBIT/ECO EXPERIENCE

City Sustainability Coordinator Jason Ludwigson was in attendance at the meeting to review the City's participation in this year's Clean Energy Exhibit at the Minnesota State Fair. The City received a grant of \$2,500 from the Minnesota Department of Commerce to cover the cost of the City participating in the Energy Exhibit at the 2019 Eco Experience. The purpose of the project was for communities to share clean energy successes with the public. City Council also reviewed handouts that were produced and available for distribution at the Energy Exhibit. There will be an open house at the maintenance facility with a press release. This item was informational, and no action was taken.

ITEM 3.2 – CHANGE FIRST CITY COUNCIL MEETING IN OCTOBER

Due to scheduling conflicts, it was recommended to the City Council to move the date of the first City Council meeting in October from Monday, October 14, 2019, at 5:30 pm, to Monday, October 7, 2019 at 5:30 pm. Following discussion, Member Williams made a motion, seconded by Member O'Donnell-Ebner, as follows:

MOTION TO APPROVE MOVING THE DATE OF THE FIRST CITY COUNCIL MEETING IN OCTOBER FROM MONDAY, OCTOBER 14, 2019, AT 5:30 PM, TO MONDAY, OCTOBER 7, 2019 AT 5:30 PM.

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 – FALL 2019 CITY NEWSLETTER

City Administrative Assistant Angie Boettcher reviewed with City Council the Fall/Winter 2019 La Crescent Newsletter that was developed and will be sent out to residents the week of October 1st. Ms. Boettcher's plan is to continue the newsletter on a biannual basis, with the Spring/Summer 2020 edition to go out at the end of April. Information for the newsletter was supplied by City staff, Commissions, and Committees. This item was informational, and no action was taken.

ITEM 3.4 – PERSONNEL COMMITTEE RECOMMENDATIONS

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

1. That the City Council approve a change in the structure of the Fire Department and replace one of the two Deputy Fire Marshal positions with a third Captains position and authorize that the position of Captain be posted. A hiring recommendation would then be presented at a future City Council meeting. City Council reviewed a letter from the Fire Chief regarding this change.
2. That the City Council approve a 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. City Council reviewed a letter from the Fire Chief. In granting the waiver, it was recommended to City Council to make the finding that no undue hardship or hazard will result to the citizens served by the Fire Department. It was also recommended that the waiver be for a one year trial period, at which time the waiver would be reviewed and evaluated and a potential extension considered.
3. That the City Council approve a mediation settlement agreement with the LELS union. City Council reviewed a copy of the agreement along with a memorandum from City Attorney Wieser. City Attorney Wieser reviewed the settlement agreement with the City Council at the meeting.

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

MOTION TO APPROVE A CHANGE IN THE STRUCTURE OF THE FIRE DEPARTMENT AND REPLACE ONE OF THE TWO DEPUTY FIRE MARSHAL POSITIONS WITH A THIRD CAPTAINS POSITION AND AUTHORIZE THAT THE POSITION OF CAPTAIN BE POSTED WITH A HIRING RECOMMENDATION TO BE PRESENTED AT A FUTURE CITY COUNCIL 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

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

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

MOTION TO APPROVE A 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 AND THAT THE WAIVER BE FOR A ONE YEAR TRIAL PERIOD, AT WHICH TIME THE WAIVER WOULD BE REVIEWED AND EVALUATED AND A POTENTIAL EXTENSION CONSIDERED.

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.

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

MOTION TO APPROVE A MEDIATION SETTLEMENT AGREEMENT WITH THE LELS UNION.

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 – PLANNING COMMISSION MINUTES – 9/10/2019

City Council reviewed the minutes from the September 10, 2019 Planning Commission Meeting. City Council reviewed the proposed changes to the Solsmart's zoning ordinance for solar panels. It was the consensus of City Council to have the solar ordinance amendments be brought back at a future City Council meeting. This item was informational, and no action was taken.

ITEM 3.6 – 2020 PRELIMINARY BUDGET/LEVY

City Administrator Waller reviewed with City Council the proposed 2020 general fund budget and proposed resolution that sets the preliminary levy. By September 30, the City Council is required to adopt a resolution setting the preliminary levy and set the date for the public meeting at which time the proposed budget and levy will be discussed, and the final budget and levy determined. The public meeting has been set for 6:00 p.m., on November 25, 2019, which is the second regular City Council meeting in November. As part of the budget review and adoption process, it was noted to City Council that they cannot adopt the 2020 general fund budget until after the public meeting in November and once the preliminary levy is set, the City Council has the discretion to lower the levy, but the City Council cannot increase the preliminary levy. The proposed 2020 preliminary resolution reflects a 6.56% increase. The final total City levy in 2019 was \$2,867,040.00. Following discussion, Member Williams introduced the following resolution and moved its passage and adoption:

RESOLUTION 09-19-21

RESOLUTION MAKING PRELIMINARY GENERAL LEVIES FOR COLLECTION WITH REAL ESTATE TAXES PAYABLE IN THE CALENDAR YEAR 2020

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

1. It is hereby determined and declared that there shall be and there is hereby levied upon all taxable property within the City for the general purposes of the City, as provided by law, to be collected in the year 2020 as part of the general taxes due and payable in the year 2020 a direct ad valorem tax in the amount of \$2,012,766.00 as provided by State law to be levied and collected in the manner provided by law.
2. Be it also hereby determined and declared that there shall be and there is hereby levied upon taxable property within the City of La Crescent for public library service, a tax in the amount of \$164,301.00 to be collected in the year 2020, as authorized by Minnesota Statutes, Section 134.33 and 134.34.
3. It is hereby found, determined, and declared that the amounts set forth in a column at the right to be levied with taxes to be collected in the calendar year 2020, in conjunction with the various bonds issued and sinking funds described below:

FUND #	YEAR	DESCRIPTION	TO BE LEVIED FOR COLLECTION IN CALENDAR YEAR 2020
101	2012	Tax Abatement – Walnut St. Prop.	\$7,200.00
322	2015A	G.O. Refunding Bonds – Apple Blossom Acres	\$111,615.00
324	2011A	G.O. Improvement Bonds – Crescent Valley	\$40,000.00
325	2016A	G.O. Refunding Rec. Fac. Bonds – Aquatic Center	\$198,650.00
326	2013A	G.O. Equipment Certificates	\$89,900.00
327	2016A	G.O. Improvement Bonds – Oak St.	\$115,940.00
328	2017A	G.O. Equipment Certificates	\$120,540.00
329	2018A	G.O. Improvement Bonds – Streets/Veterans Park	\$148,219.00
330	2019A	G.O. Equip. & TIF Bonds – Fire Trk/Veterans Park	\$46,030.00
		TOTAL DEBT SERVICE LEVY	\$878,094.00

4. Total levy for the City of La Crescent for collection in 2020 is \$3,055,161.00.

ADOPTED this 23rd day of September, 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 by a 4-0 vote and the resolution duly passed and adopted.

ITEM 8 – CHAMBER OF COMMERCE

Sarah Dohnalik of the Chamber of Commerce addressed City Council regarding Applefest and thanked the City for its involvement.

ITEM 3.7 – CLOSED SESSION: THE CITY COUNCIL WILL CLOSE THE MEETING FOR PRELIMINARY CONSIDERATION OF ALLEGATIONS AGAINST AN INDIVIDUAL SUBJECT TO CITY COUNCIL AUTHORITY, PURSUANT TO AUTHORITY OF MINN. STAT. 13D.05, SUBD. 2(B)

City Attorney Wieser reviewed Minn. Stat. § 13D.05 Subd. 2(B) with the City Council and the process for a Closed Session. 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), 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, 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.

City Council went into Closed Session at 6:10 PM. Following the Closed Session, Member Williams made a motion, seconded by Member O'Donnell-Ebner, as follows:

MOTION TO END CLOSED SESSION AND RECONVENE 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.

The Closed Session ended, and City Council resumed the agenda at 6:40 PM.

Upon reconvening the meeting, City Attorney Wieser reviewed the proposed Resolution concerning censuring and pay reduction of Councilor Brian J. Krenz. Member Williams introduced the proposed resolution and moved its passage and adoption, there was no second. Discussion followed to amend the Resolution reducing the fine to \$200.00. Member O'Donnell-Ebner introduced the proposed amendment to reduce the fine to \$200.00 and moved its passage and adoption, there was no second. Following further discussion, Member Williams introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 09-19-22

RESOLUTION OF THE CITY OF LA CRESCENT CONCERNING CENSURING AND PAY OF 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 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, Councilor Brian J. Krenz (hereinafter Councilor Krenz) has missed the following meetings: July 25, 2019; August 12, 2019; August 26, 2019; September 9, 2019; and

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 failure to attend regularly scheduled City Council meetings.
2. 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.
3. 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.
4. The City Council requests Councilor Krenz to consider resignation from the office of City Council. In the event City Staff believes the requirements are satisfied to declare a vacancy on the City Council, City Staff is directed to bring forth the appropriate resolution(s) at the first available City Council meeting for City Council consideration.

ADOPTED this 23rd day of September, 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, the following Members present voted in favor thereof, viz;

Cherryl Jostad	Yes
Dale Williams	Yes
Mike Poellinger	Yes

Member Teresa O'Donnell-Ebner voted against the same. The motion was declared duly carried and the resolution duly passed and adopted by a 3-1 vote.

ITEM 6.1 – STAFF CORRESPONDENCE/COMMITTEE UPDATES – PARK & RECREATION COMMISSION MINUTES – 9/16/19

City Council reviewed the Minutes from the September 16, 2019 La Crescent Park and Recreation Commission meeting. No action taken.

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

City Council reviewed the Agenda from the September 17, 2019 La Crosse County Convention & Visitors Bureau Board Meeting, which included the Minutes from the August 20, 2019 Board Meeting. No action taken.

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, 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 6:47 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator