

City of La Crescent
Planning Commission
Meeting Notice



April 2nd, 2024 - 5:30 P.M.
LA CRESCENT COMMUNITY BUILDING
336 SOUTH FIRST STREET

Agenda

1. Call To Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of November 7th, 2023 Meeting Minutes
5. Appointment of Chair and Vice Chair
6. 5:45PM-Public Hearing PC-24-01-CUP Five7/Eriah Hayes
7. Review of Job Duties and Responsibilities - Attorney, Skip Wieser
8. Future agenda items- Commission Members
9. Adjourn

MINUTES, REGULAR MEETING
PLANNING COMMISSION, CITY OF LA CRESCENT, MINNESOTA
NOVEMBER 7th, 2023

The Planning Commission met at 5:30 p.m., on November 7th, 2023 in the City's Community Building located at 336 S. 1st Street.

Item 1. Call to Order

Chair Greg Husmann called the meeting to order at 5:30 p.m.

Item 2. Pledge of Allegiance

Members recited the Pledge of Allegiance.

Item 3. Roll Call

Upon a roll call taken and tallied by Josh Tarrence, Building Inspector, the following members were present: Chair Greg Husmann, Vice Chair Mike Welch, Dave Hanifl, Jerry Steffes, and Christopher Langen. Ex-Officio City Council Representative Cherryl Jostad was present. Community Development Director Larry Kirch was also present.

Item 4. Approval of the October 30th , 2023 Planning Commission Minutes

Vice Chair Welch made a motion to accept the minutes from the October 30th meeting. Commissioner Langen seconded the motion. Upon a roll call vote taken and tallied by Josh Tarrence, Building Inspector, the following Members voted in favor thereof, viz;

Mike Welch	Yes
Chris Langen	Yes
Dave Hanifl	Yes
Greg Husmann	Yes
Jerry Steffes	Yes

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

Item 5. Variance Application- PC-23-01-VAR 400 Backstretch Court

Jeff Reget, applicant for the variance, spoke as to why he was seeking a variance for the property located at 400 Backstretch Court and his intentions for the property. Others speaking for the applicant included

- Kayla Maloney, 616 S 4th Street

- Kris Walter, 424 Backstretch Court
- Ben Schieber, Ben Schieber Builders

Larry Kirch spoke on behalf of the City of La Crescent. Planning Commission members discussed the application. A motion was made by Commissioner Hanifl to approve the variance request with the following findings:

Zoning Ordinance states the following:

A variance is a modification or variation of the provision of this zoning code as applied to a specific piece of property.

Subd. 2.

A. Variances shall only be permitted

1. when they are in harmony with the general purposes and intent of the ordinance, and
2. when the variances are consistent with the comprehensive plan.

B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

Subd. 3. "Practical difficulties," as used in connection with the granting of a variance, means that

1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
3. The variance, if granted, will not alter the essential character of the locality.

FINDINGS:

1. Is the request in harmony with the general purposes and intent of the ordinance?

The variance **is** in harmony with the purpose and intent of the zoning ordinance based on the following findings of the Board of Adjustment because: the zoning code encourages homes to have side entry garages.

2. Would granting the variance be consistent with the Comprehensive Plan?

Granting the variance is consistent with the Comprehensive Plan because: there is no specific reference in the comprehensive plan to the maximum or minimum percentage a garage may take up along a street frontage.

Practical Difficulties Analysis

3. Does the property owner propose to use the property in a reasonable manner not permitted by the ordinance?

The property owner does propose to use the property as a residential single-family home which is permitted by the ordinance

4. Is the plight of the landowner due to circumstances unique to the property not created by the landowner?

There are circumstances unique to the property that prevent compliance with the ordinance because: the lot is a corner lot and the landowner is proposing a home that is unique to the neighborhood.

5. Would granting the variance allow the essential character of the locality to stay the same?

Granting the variance will not alter the essential character of the locality because: the use of the property is still a single-family residential home with a two-car garage.

The motion was seconded by Commissioner Steffes. Upon a roll call vote taken and tallied by Josh Tarrence, Building Inspector, the following Members voted in favor thereof, viz;

Dave Hanifl	Yes
Jerry Steffes	Yes
Mike Welch	Yes
Chris Langen	Yes

and one member voted against the same.

Greg Husmann	No
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The motion was declared duly carried. Larry Kirch read the notice of Appeal to City Council.

Item 6. League of Minnesota Cities Planning Commission Guide (Handout)

Larry Kirch briefly discussed a handout given to the Planning Commission Members, obtained from the League of Minnesota Cities, to review and use as a guide for Planning Commission duties.

Item 7. Adjourn.

Prior to adjournment, Chair Husmann asked that an item number be added to the agenda for giving Commissioners the opportunity to add future agenda items. A motion was made by Commissioner Langen to adjourn the meeting. The motion was seconded by Vice Chair Welch. Upon a roll call vote taken and tallied by Josh Tarrence, Building Inspector, the following Members voted in favor thereof, viz;

Chris Langen	Yes
Mike Welch	Yes
Dave Hanifl	Yes
Greg Husmann	Yes
Jerry Steffes	Yes

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

The Planning Commission meeting was adjourned at 6:18 p.m.

**PLANNING COMMISSION
CUP PUBLIC HEARING
STAFF REPORT**

MEETING DATE:	April 2, 2024
CASE NUMBER:	PC-24-01 - CUP "FIVE7 Athletic Training Facility"
OWNER:	City of La Crescent 315 Main Street La Crescent, MN 55947
PARCEL IDs:	25.1958.000
APPLICANT:	Mr. Eriah Hayes
REQUEST:	Proposed Conditional Use Permit ("CUP") to allow an athletic training center in the R1-B Traditional Low Density Residential Zoning District.
LOCATION:	The property is located on the west side of S Grandview Terrace and north of S 14 th Street (1214 Grandview Terrace).
GENERAL PLAN/ ZONING DESIGNATION:	Public and Institutional / R1-B Traditional Low Density Residential District
SURROUNDING USES:	North: Vacant, residential; South: Vacant/Cell Tower, S 14 th Street, Residential; East: Residential; West: Community Ice Arena; Abnet Fields.

BACKGROUND

The property has been vacant for many years. The city purchased the property for future uses related to the Community Ice Arena.

PROPOSAL

PC-24-01 - CUP is a request for a Conditional Use Permit to allow for an athletic training facility including a skating treadmill.

PLANNING STAFF ANALYSIS

Relationship to Comprehensive Plan:

The subject site is designated by the City's General Plan as "Public and Institutional." The Comprehensive Plan states that this land use designation *uses include schools, churches, cemeteries, and utility buildings, typically in residential neighborhoods. As mapped, they are existing public or non-profit uses outside the downtown area that are developed in some way but do not generate property tax revenue. If no longer needed for one of these public or non-profit uses, redevelopment or re-use should occur in a way that is consistent and compatible with the surrounding neighborhood.*

Subd. 4. CONDITIONAL USES. In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in an R-1A district and require a conditional use permit based upon procedures set forth in and regulated by this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in this title.

A. Government buildings and structures; private recreational buildings for the exclusive use of residents and their guests, neighborhood or community centers, and public swimming pools.

Site Context:

The .56-acre site consists of one tax parcel which is mostly vacant with a portion of the garage/storage building on the west side of the lot. The property has been used for green space and storage. To the west lies the Community Ice Arena and Abnet Fields. To the north, east and south are residential single-family residences. The city purchased the lots in 2019.

Infrastructure Improvements:

N/A

Public Input:

At the writing of this report, the city has not received any comment on this application.

FINDINGS OF FACT FOR CONDITIONAL USE PERMIT

As required by Chapter 12, Zoning Ordinance, the Planning Commission shall advise the council, make recommendations and findings on the effect of the proposed use on the health, safety, morals, and general welfare of occupants of surrounding lands.

The applicant in their CUP application, submitted findings which are attached as Exhibit 1.

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS.

- A. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

Applicant Response:

Response (Findings): See applicant response: The applicant states that there will be no injurious impacts to surrounding uses in the vicinity.

Staff comment: The primary concern is for aesthetics and the surrounding residential character. The city staff has stated that it will not permit vehicle access to/from Grandview Terrace and that traffic and parking would be on the west side and in the Community Ice Area lot. Building design that is harmonious with the residential uses is recommended.

- B. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Applicant Response:

Response (Findings): See applicant response: The applicant states that the project will be a great addition and extension to the ice arena and Lancer Youth Hockey Association.

Staff comment: The proposed use is compatible with the Comprehensive Plan Land Use designation and the property will be accessed from the west through the ice arena lot.

- C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Applicant Response:

Response (Findings): See applicant response: Access to the property will be through the ice arena lot.

Staff comment: The current utilities, access roads, drainage, and facilities are sufficient to support the proposed conditional use.

- D. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Applicant Response:

Response (Findings): See applicant response: The building will have parking of its own and also use the arena parking lot.

Staff comment: The applicant is providing sufficient parking on-site and the ice arena has capacity as well for the proposed use.

- E. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.

Applicant Response:

Response (Findings): See applicant response: We will follow all local laws/policy in regards to noise, fumes (none) etc. It will not be a nuisance to surrounding property.

Staff comment: The site will not generate any odors, fumes, dust, noise or vibration and the applicant will control outdoor lighting. With a residential design character, the use is allowed as a conditional use in the R1-B residential zoning district.

- F. The use is not in conflict with the policies of the City of La Crescent.

Applicant Response:

Response (Findings): See applicant response: I feel that this falls within conditional uses.

Staff comment: The proposed use is not in conflict with the Comprehensive Plan's Land Use category which is Public and Institutional. The use, while commercial, is already existing within the Community Ice Arena and is compatible to what is already occurring at the ice arena.

- G. The use will not cause traffic hazards or congestion.

Applicant Response:

Response (Findings): See applicant response: The use will not cause any hazards or congestion due to the access to the arena parking lot.

Staff comment: The proposed use will have all of its access from the ice arena parking lot and the use is not a significant traffic generator. Bicycle parking at the site should be installed to encourage community youth to get physical exercise on the way to the athletic training center.

- H. Existing uses will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.

Applicant Response:

Response (Findings): See applicant response: The uses of the building will not negatively affect the surrounding area nor will it affect the looks in a negative manner.

Staff comment: The use is a commercial use but not a retail establishment therefore existing uses will not be negatively affected by excessive traffic or noise. With proper site planning and architectural design, there should not be noise, glare or general unsightliness. The applicant has agreed to keep the street frontage along Grandview Terrace landscaped and more subdued in terms of the architectural compatibility with the adjacent residential uses.

STAFF FINDINGS AND RECOMMENDATION

City staff has reviewed the submitted application, the applicant's response to the CUP criteria, reviewed the city zoning district regulations for the R1-B Traditional Low Density Residential Zoning District, and the adopted Comprehensive Plan Economic Development Element, Goals and Objectives. The proposed use is compatible with the Economic Development Element.

1.3. Local startups and entrepreneurship will increase.

Goal 3 Tourism and associated local spending will grow in La Crescent

Strategies: 2. Respond promptly and collaboratively with existing businesses seeking to remodel, expand, or move to La Crescent.

The proposed use is consistent with the Goal and Objectives of the Natural Systems, Open Spaces and Recreation comprehensive plan element as it provides recreational opportunities.

Goal 4 There will be recreational opportunities for all ages and abilities, in support of the health and well-being of our community.

In the Neighborhood Residential section of the Land Use and Community Design element, the text states: *Though housing is the primary land use in most neighborhoods, healthy and balanced neighborhoods may also include other uses that support the needs of residents, including:* • Parks and recreational facilities.

Staff finds that the proposed use for an athletic training facility is compatible with the stated intent of the zoning district and the conditional uses found in the R1-A residential district. As long as the architectural character of the building leans toward residential in its design elements, it can meet the intent of the zoning code. With access from the west, negative impacts to the residential uses can be minimized greatly. The proposed project is consistent

with the comprehensive plan Economic Development Element, the Natural Systems, Open Spaces and Recreation Element and the Land Use and Community Design Element.

Subd 1. PURPOSE AND INTENT. The purpose and intent of the R-1B, Traditional Single-Family Residential District is to provide for development of low-density neighborhoods in character with the original residential lot layout of the city.

A. Government buildings and structures; private recreational buildings for the exclusive use of residents and their guests, neighborhood or community centers, and public swimming pools.

The staff finds that the proposed use does meet the CUP criteria in Section 12.06, Subd. 4 of the Zoning Code and recommends approval of the CUP. The Planning Commission may have their own findings, recommend changes, or additional conditions which they feel may be applicable to the proposed project.

RECOMMENDED MOTION FOR CONDITIONAL USE PERMIT

I move that the Planning Commission recommend to the La Crescent City Council the (APPROVAL/DENIAL) case PC-24-01 - CUP "FIVE7 Training Facility" a request by Mr. Eriah Hayes to approve a Conditional Use Permit to allow for an athletic training facility as a conditional use under 12.14 Subd. 4 A. Government buildings and structures; private recreational buildings for the exclusive use of residents and their guests, neighborhood or community centers, and public swimming pools. (located at Parcel Number 25.1958.000), subject to the following conditions of approval:

- 1) This CUP is conditionally approved pursuant to Chapter 12, ZONING ORDINANCE of the City of La Crescent, Minnesota, Section 12-06, Conditional Use Permits and the use shall be as set forth in accordance with the application and plans attached and associated to this case and all the provisions of the zoning ordinance and city codes applicable to this case.
- 2) Applicant will abide by the representations made by the applicant, or their agents, made during the permitting process, to the extent those representations were not negated by the Planning Commission or City Council and to the extent they are not inconsistent with spirit or letter explicit conditions of the Conditional Use Permit.
- 3) The applicant shall comply with the city's adopted building codes.
- 4) In accordance with Subd. 4 of Section 12.06, the Planning Commission can require berms, screening, landscaping or other facilities to protect adjacent or nearby property and require landscaping, fencing, screening, or other improvements to protect adjacent or

nearby property. Residentially appropriate fencing, tree plantings, landscaping and vegetative screening improvements shall be planted to enhance the residential character of the area.

- 5) Any security and site lighting shall be “Dark Sky” compliant, wherein all light sources shall be down-lit, full cutoff fixtures and shielded, and the correlated color temperature (“CCT”) shall not exceed 2,700 Kelvins.
 - 6) Access to the property shall be restricted to the west side of the property through the city-owned Community Ice Arena property.
 - 7) The final site plan and final design of the building will contain elements that are residential in character including additional windows facing west and south. Signage shall be restricted to the west and south side of the building and any lighting for the signage shall be indirect lighting.
 - 8) Applicant shall comply with all federal, state, and local regulations.
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Prepared by Larry Kirch, Community Development Director

Attachments:

Exhibit #1 – Conditional Use Permit – Applicant Request

Exhibit #2 – Aerial Map – Parcel Maps

Exhibit #3 – Zoning Map

Exhibit #1 – Conditional Use Permit – Applicant Request

Conditional Use Permit Application

City of La Crescent Minnesota
Building/Zoning Department
315 Main Street
La Crescent, MN 55947
(507) 895-4409
www.cityoflacrescent-mn.gov

<https://www.cityoflacrescent-mn.gov/wp-content/uploads/Zoning-Ordinance-Book-pdf.pdf>

Questions: If you have any questions, please contact the Building/Zoning Department, Monday through Friday, 7:30 a.m. to 4:00 p.m. at 507-895-4409, or write to, Building Department, 315 Main Street, City of La Crescent, Minnesota, 55947.

CUP PROCEDURES AND REQUIREMENTS

The following information and requirements are intended to provide the applicant with an overview of the application process and requirements for seeking a Conditional Use Permit (CUP). For more detailed information regarding CUPs please refer to Section 12.06 of the City of La Crescent, Minnesota Zoning Ordinance (see "City Zoning Code On-Line" at <https://www.cityoflacrescent-mn.gov/wp-content/uploads/Zoning-Ordinance-Book-pdf.pdf>)

What is a Conditional Use Permit? A land use or development as defined by ordinance to which reasonable conditions of approval may be attached, that may only be approved by a showing by the applicant that the standards and criteria stated in the ordinance will be satisfied.

Step 1: Pre-Application Meeting. The applicant schedules an informal pre-application meeting with Building and Zoning staff to discuss their proposed project and to review the application materials and be informed about the process.

Step 2: Submit CUP Application. The applicant shall complete and submit a complete application for a CUP request to the Building Official a minimum of thirty (30) days prior to the Planning Commission meeting in order for staff to review the application for completeness and to allow staff to evaluate the request and prepare a staff recommendation. The application may be submitted in person or via email in PDF format for Building and Zoning staff review. If the application and any required plans are not complete, the public hearing process and final action will be delayed.

Be sure that:

- ✓ The application form is filled out completely and includes any narrative and supporting documentation you wish to provide along with materials required by the application form or deemed necessary for the CUP request are provided.
- ✓ All persons having an ownership interest in the property (e.g. husband and wife, contract seller and buyer, partners, corporation) have signed the Ownership Certification. Submit a copy of the warranty deed, quit-claim deed, joint tenancy deed or a title report for the property to establish some reasonable proof of property ownership.
- ✓ A scaled drawing which shows, at a minimum, all lot lines, existing and proposed structures, driveways and parking areas, significant topographical features and mature trees. If the variance request proposes any physical changes to the exterior of the existing building and/or site, the applicant shall submit a scaled site plan.
- ✓ One (1) copy of the Houston (or Winona) County Tax Parcel Map showing the subject property and abutting properties and those property owners that would be abutting except for the existence of a right-of-way is included in the submitted application. These maps are available using Schneider Corporation Beacon mapping system for Houston and Winona counties, Minnesota.

HOUSTON COUNTY

<https://beacon.schneidercorp.com/Application.aspx?AppID=137&LayerID=1649&PageTypeID=1&PageID=936>

WINONA COUNTY

<https://beacon.schneidercorp.com/Application.aspx?AppID=597&LayerID=9787&PageTypeID=2&PageID=4325>

- ✓ Address labels, which include the assessor's parcel number (APN) of all property owners abutting the subject properties and those property owners that would be abutting except for the existence of a right of way are included in the submitted application. Property owner addresses may be obtained from the county mapping website or a title company (must be less than 30 days old). From the provided labels, the abutting property owner's properties and those property owners that would be abutting except for the existence of a right-of-way will be notified of your request and the date of the public hearing.
- ✓ Signed Mailing Label Certification (the city will verify the mailing label to ensure that the correct abutting property owners are properly notified)
- ✓ Required application fee. \$250.00
- ✓ After a preliminary review, additional information may be required.
- ✓ Once the application is deemed complete by the Building and Zoning staff, the application can proceed to a regularly scheduled Planning Commission meeting. Pursuant to Minnesota Statutes, an application for a variance shall be approved or denied within 60 days from the dates of its official and complete submission. The 60-day review period can be extended an additional 60 days pursuant to Minnesota Statute 15.99 as it may be amended from time to time. If the initial 60-day review period is extended, the city must provide written notice of the extension to the applicant before the end of the initial review period.

Step 3: Planning Commission Public Hearing. After receipt of a completed application, a date shall be set for a public hearing before the Planning Commission. Not less than 10 days prior to the public hearing, notice shall be published in the official newspaper and sent by mail to the applicant and to the owners of all properties located wholly or partially within 350 feet, as reflected in the certified records of the Houston County Auditor. Following the hearing or any continuance which is not appealed by the applicant, the Planning Commission shall make a recommendation to the City Council. The Building and Zoning staff shall arrange for the Notice of Public Hearing to be placed in the official newspaper, sending notices to the applicant and the owners of all properties located wholly or partially within 350 feet and post the notice in three required public posting locations prior to the meeting. Applicants are requested to be present at the Public Hearing.

At the Planning Commission Public Hearing meeting, staff will present its staff report and offer a recommendation to the Commission. The applicant will be provided an opportunity to present their information in support of their request, including their own proposed findings. In evaluating the CUP request, city staff and the Commission will consider the factors outlined in the zoning code. Staff may recommend approval, denial or approval with conditions. The Commission may recommend approval, denial or approve with conditions and shall include findings in their recommendation.

Step 4: City Council Meeting. After receipt of the recommendation of the Planning Commission, the City Council shall consider the request. In evaluating an application for a conditional use permit, the City Council shall consider and adopt findings regarding compliance with the general and specific criteria under Section 12.07, Subd. 3 of the zoning ordinance. In granting a conditional use permit, the La Crescent City Council shall consider the advice, recommendations and findings of the Planning Commission and the effect of the proposed use on upon the health, safety, morals and general welfare of occupants of surrounding lands. The Planning Commission may recommend and the City Council may impose conditions on granting the permit in order to ensure compliance with the criteria or to affect the purpose of the zoning ordinance.

Step 5: Proceed to Building Permit. If the CUP is granted, the applicant may make application to the Building Department and submit required building plans for issuance of a building permit.

CUP PROCESS

Pre-Application Meeting with Building and Zoning staff



Submittal of CUP Application and Required Fee

Staff Completeness Review



Newspaper Notice and Notification of Adjacent Property Owners



Planning Commission Public Hearing and Recommendation to City Council



City Council Meeting - Review and Action



If CUP is granted by the City Council, Submittal of Final Plans and Building Permit Application to

Building Department for Staff Review and Approval



Building Permit(s) Issued



Inspection to Verify Project Complies with CUP Requirements

CUP APPLICATION

SUBJECT PROPERTY INFORMATION	
PROJECT NAME: <u>FIVE7</u>	LEGAL DESCRIPTION (Attach) <u>Sect-15 Twp-104 Range-064 Mc Caffreys Lot 898</u>
PROPERTY ADDRESS: <u>1214 GRANDVIEW TERRACE</u>	ASSESSOR'S PARCEL ID. <u>251958000</u>
GROSS ACREAGE:	CURRENT ZONING DISTRICT: <u>R1-B</u>
PROPERTY OWNER	
NAME: <u>City of La Crescent</u>	
MAILING ADDRESS: <u>315 Main Street</u>	
EMAIL: <u>bwallen@cityoflacrecent-mn.gov</u>	TELEPHONE: <u>507-895-2595</u>
APPLICANT	
NAME: <u>ERTIAH HAYES</u>	
MAILING ADDRESS: <u>1165 TSCHUMPER RD LA CRESCENT, MN 55947</u>	
EMAIL: <u>ejhayes25@gmail.com</u>	TELEPHONE: <u>847-651-9536</u>
OWNER AUTHORIZATION	
My signature below signifies that: I hereby declare that I am the owner, or authorized agent of the owner, of the above-described property and I agree to construct the building or use herein described in accordance with the regulations and ordinances that govern said improvement within the City of La Crescent and that the foregoing information contained on this application is a true and correct statement of my intentions. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a CUP does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction. I understand that any utility that must be moved as a result of additions or alterations to the property will be at my expense and I will be responsible for the cost of the plan check of this application even though I do not continue the project. I have also read and understand the instructions and information contained in the application materials. - I have read the application form and background information and have provided the required information. - I have reviewed the legal description on my property deed and indicated all recorded easements and deed restrictions on the submitted site plan. <i>(Please provide a description here of the easements and restrictions shown on your property deed.</i> _____ <i>)</i> - I believe the information provided in this application is accurate to the best of my knowledge. - I am aware that City staff and/or Planning Commission members may view my property and proposed construction. <i>(Please note any special instructions regarding access to your property such as dogs, gates, alarms, etc.</i> _____ <i>.)</i>	

- I understand that if this application is approved, a building permit is required for construction and that no construction may commence prior to issuance of the permit. No changes may be made without City approval, and changes may require a new application.
- I (we) understand that additional data may be requested by the City of La Crescent Planning Commission.

Bill Walker, City Administrator
 Property Owner Signature

3-1-2024
 Date

[Signature]
 Applicant Signature

3-1-2024
 Date

REVIEW TIMEFRAME

ADMINISTRATIVE COMPLETENESS REVIEW: 5 DAYS

REVIEW OF SUBMITTAL: 30 DAYS

CUP SUBMITTAL CHECKLIST

PLEASE RETURN THIS COMPLETED APPLICATION FORM WITH YOUR SUBMITTAL. SUBMITTALS WITHOUT THE INFORMATION BELOW WILL BE CONSIDERED INCOMPLETE AND WILL BE REJECTED. ALL SUBMITTAL MATERIALS MUST BE DELIVERED TO CITY HALL OR SUBMITTED VIA EMAIL IN PDF FORMAT.

PLEASE NOTE: IT IS HIGHLY RECOMMENDED THAT A PRE-APPLICATION MEETING BE HELD PRIOR TO A FORMAL SUBMITTAL.

- ☒ Project Narrative of Proposed Request (See Page 8 for further details)
- ☐ Legal Description
- ☒ Site Plan (showing north arrow and other relevant data)
- ☐ Elevations and Floor Plans (if applicable)
- ☐ Copy of deed establishing ownership
- ☐ Mailing Label Certification
- ☐ Mailing Labels (with Houston/Winona County parcel maps)
- ☐ Application Fees (\$250.00)
- ☐ All requested items have been included

CUP Application Requirements

After you have had a pre-application meeting, please review your project before completing the application to make sure it meets the criteria in the zoning ordinance. Provide complete and accurate information. Plan your project so that it is compatible with the surroundings and does not disrupt the neighborhood with undue noise or traffic. Submitting an application for a CUP demands time, expense and justification. Please consider designing, refining or redesigning the project to meet all zoning standards before submitting an application for a CUP.

A narrative describing the basis for the proposed request must be submitted. In order to provide the staff, Planning Commission, and City Council with sufficient information with which to make a recommendation (staff and Planning Commission make a recommendation) and decision (City Council makes the decision), on whether the request meets the requirements of the zoning code, the CUP narrative should include the following information:

Application Narrative Requirements: Please submit as a separate document.

- Please provide a brief description of the project.
- What is the reason for your request?
- Location/Address/Tax Parcel ID of the property subject to the request
- Legal Description
- Vicinity information
- Current site conditions- **A survey or sketch drawn to scale must be attached showing:**
 - a. Lot lines and corner pins (If there are any questions as to property lines, a survey may be needed). The city has a metal detector at City Hall for property owners to check out.
 - b. Dimensions of existing buildings and proposed new construction;
 - c. Distances from lot lines to buildings.
 - d. All Easements (Utility and drainage)
 - e. Utility lines entering the property.
 - f. Corner pins must be established and marked by the owner.
 - g. Two copies of construction plans must also be submitted
- Applicant's Evaluation of Criteria and Findings of Fact
Please include a response to each of the following items. Please type or print legibly. If your response does not fit within the available space, please attach additional sheets. If the question does not apply to your situation, respond with "Not Applicable" and include a statement as to why a question is not applicable.

A. Please indicate what steps you have taken to discuss this project with your neighbors prior to submission.

HAVE TALKED TO MOST NEIGHBORS IN PERSON.

B. Please indicate what steps you have taken to discuss this project with the city staff prior to submission.

- C. As part of your application narrative, please review the Criteria for Granting Conditional Use Permits found in Section 12.06 Subd. 3. of the zoning ordinance (below) and provide your Response (Findings) in the space provided or on a separate sheet.

Subd. 3. CRITERIA FOR GRANTING CONDITIONAL USE PERMITS. In granting a conditional use permit, the La Crescent City Council shall consider the advice, recommendations and findings of the Planning Commission and the effect of the proposed use on upon the health, safety, morals and general welfare of occupants of surrounding lands. The City Council may make the following findings where applicable:

- A. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

Response (Findings): THE CONDITIONAL USE WILL NOT BE
INJURIOUS TO THE USE OF THE VICINITY.

- B. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Response (Findings): THIS PROJECT WILL BE A GREAT ADDITION
AND AN EXTENSION OF THE ICE ARENA AND LYHA.

- C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Response (Findings): ACCESS TO THE BUILDING WILL BE THROUGH
THE ARENA PARKING LOT.

- D. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Response (Findings): THE BUILDING WILL HAVE PARKING OF ITS
OWN AND USE OF THE ARENA PARKING LOT

- E. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.

Response (Findings): WE WILL FOLLOW ALL LOCAL LAWS/POLICY IN
REGARDS TO NOISE, FUMES (NONE) ETC. WILL NOT
BE A NUISANCE TO SURROUNDING AREA.

F. The use is not in conflict with the policies of the City of La Crescent.

Response (Findings): I FEEL THAT THIS FALLS WITHIN
CONDITIONAL USES

G. The use will not cause traffic hazards or congestion.

Response (Findings): THE USE WILL NOT CAUSE ANY HAZARDS
OR CONGESTION DUE TO THE ACCESS TO THE ARENA
PARKING LOT.

H. Existing uses will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.

Response (Findings): THE USE OF THE BUILDING WILL NOT
NEGATIVELY AFFECT THE SURROUNDING AREA NOR WILL IT
AFFECT THE LOOKS ^{IN} ~~TO~~ A NEGATIVE MANNER.

D. Please review the potential additional conditions below from Section 12.06 Subd. 4. of the zoning ordinance and provide any explanation you deem necessary in your narrative for any of the potential additional conditions.

Subd. 4. ADDITIONAL CONDITIONS. In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose additional conditions which are considered necessary to protect the best interest of the surrounding area or the community as a whole. Additional conditions may include but are not limited to the following:

- A. Increasing the required lot size or yard dimensions.
- B. Limiting the height, size or location of buildings.
- C. Modifying the building architecture or orientation or requiring berms, screening, landscaping or other facilities to protect adjacent or nearby property.
- D. Controlling the location and number of vehicle access points.

- E. Increasing the street or driveway width to mitigate traffic or safety concerns.
- F. Increasing the number of required off-street parking spaces.
- G. Requiring landscaping, fencing, screening, or other improvements to protect adjacent or nearby property.
- H. Limiting the number, size, location, or lighting of signs.

Note: In addition to any conditions that may be imposed by the City Council, the city has the following standard conditions of approval for all applications.

City Standard Conditions of Approval

- A. Applicant will abide by the representations made by the applicant or their agents made during the permitting process, to the extent those representations were not negated by the Planning Commission or City Council and to the extent they are not inconsistent with spirit or letter explicit conditions of the Conditional Use Permit.
- B. Exterior lighting will comply with the La Crescent Ordinances (dark sky, LED) lighting requirements.
- C. Applicant comply with all federal, state, and local regulations.

Information for Mailing Labels

- Labels should be Avery Address Labels #5160 or comparable, approximately 1" x 2-5/8" each, 30 labels to a sheet.
- Labels shall include all property owners abutting and those property owners that would be abutting except for the existence of a right of way of the property proposed for a variance:

- Label Sample:

Line 1:	000-00-0000	<i>[Assessor Parcel No.]</i>
Line 2:	John Doe	<i>[Name]</i>
Line 3:	123 Elm St.	<i>[Address/PO Box]</i>
Line 4:	La Crescent, MN 55947	<i>[City/State/Zip]</i>

- Please print or type all information on the labels.

NOTE: Property owner information must be obtained from Beacon (Schneider Corp) for Houston County or Winona County. Mailing labels may be generated through the Beacon website, as well.

Mailing Label Certification

I/We, ERIAH HAYES

hereby certify that this is a complete list of property owners abutting and those property owners that would be abutting except for the existence of a right of way of the property proposed for a variance as obtained from the Houston or Winona County Assessor's Office on: (date obtained) 3/1/2024.

I/We further certify that this list is not older than thirty (30) days at the time of filing of said application.

PLEASE PRINT

~~★~~ ~~★~~ LABELS ATTACHED

Property Owner Name

Signature

Street Address

City, State, Zip

Telephone

Property Owner Name

Signature

Street Address

City, State, Zip

Telephone

Agent Name

Signature

Street Address

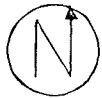
City, State, Zip

Telephone

BUILDING APPLICATION SKETCH - CITY OF LA CRESCENT

Name SAMPLE OF SKETCH DRAWING Address _____ Date ____/____/____

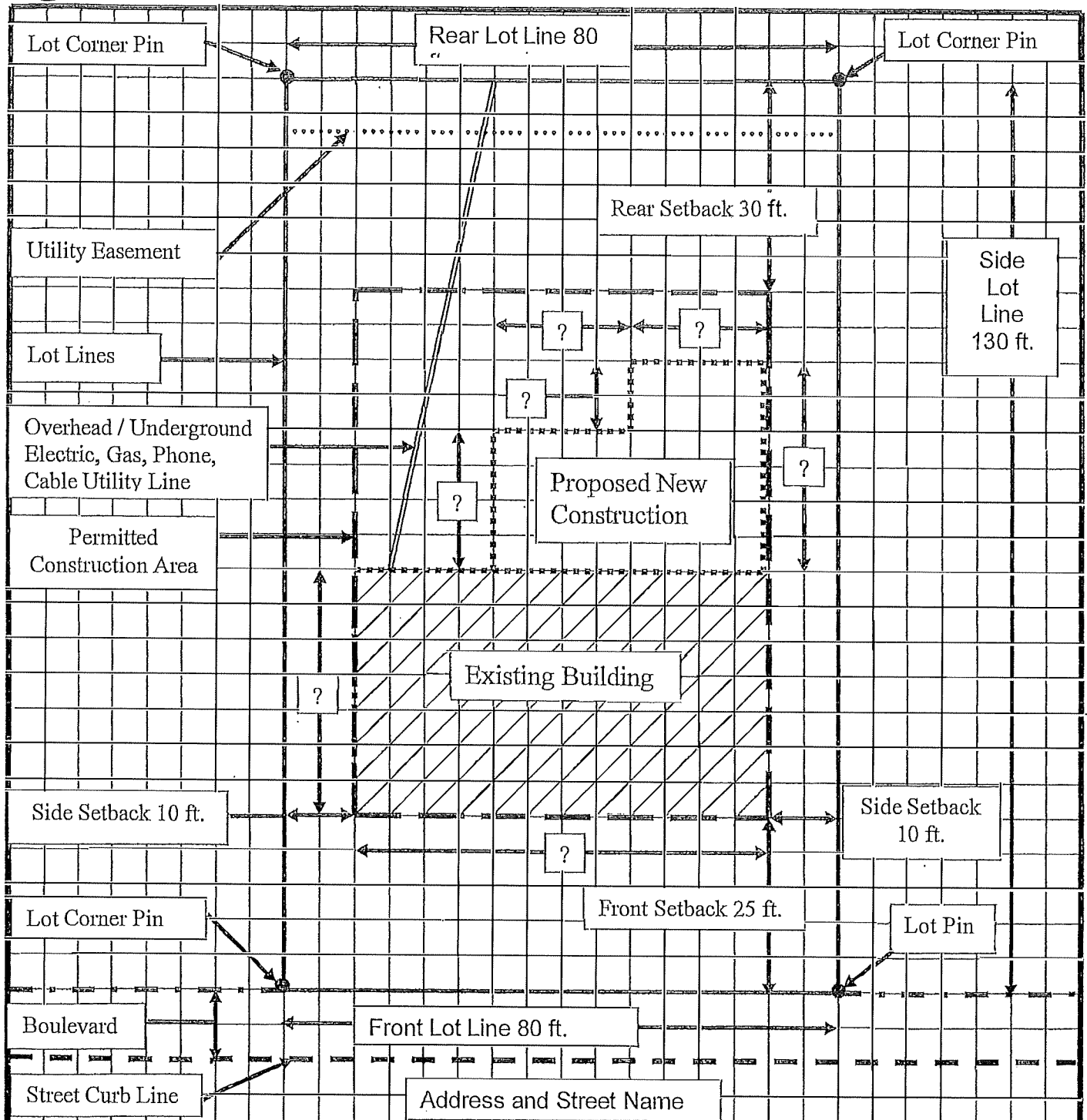
ALL SKETCHES MUST BE DRAWN TO SCALE and contain the following information: North Arrow, all abutting streets and alleys with names, dimensions of lot or lots, all existing buildings on lots, all existing utility lines and easements, proposed buildings, and distances from all property lines to existing or proposed buildings.



Crosshatch all existing buildings. **Label** property lines.

← **Indicate North in the Circle.**

SCALE $\frac{1}{4}" = 5'$



The above sample is for a lot zoned **R-1**. Lots zoned other than R-1 may have different setback requirements. Remember when making the drawing, use the edge of the roof overhang for the setback requirements not the walls of the proposed construction. Show the location of **all** utility line connections to the property.

BUILDING APPLICATION SKETCH -- CITY OF LA CRESCENT

Name _____ Address _____ Date ____/____/____

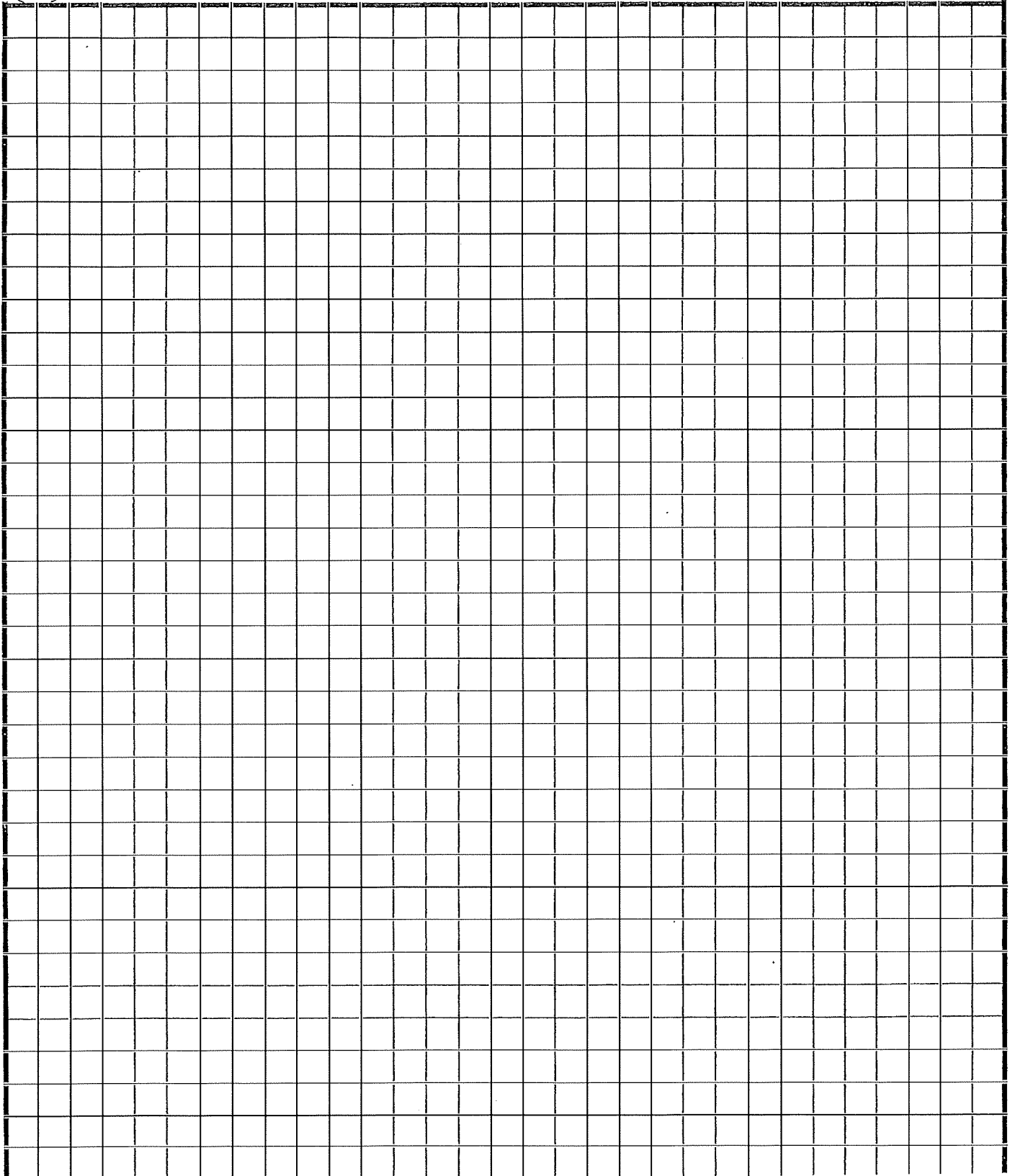
ALL SKETCHES MUST BE DRAWN TO SCALE and contain the following information: North Arrow, all abutting streets and alleys with street names, dimensions of lot or lots, all existing buildings on lots, proposed buildings, and distances from all property lines to existing or proposed buildings.



Crosshatch all existing buildings. Label property lines.

Indicate North in the Circle

SCALE 1/4" = _____



Houston County, MN

Summary

Parcel ID251958000

Property1214 GRANDVIEW TER

AddressLA CRESCENT

Sec/Twp/Rng15-104-004

BriefSect-15 Twp-104 Range-004 MCCAFFREY'S SURVEY NOT REGISTR Lot-999

Tax DescriptionPT NE1/4 NW1/4 - LOT 14 ANNEXATION 06/29/00-OC 206886 LA CRESCENT TWP #08.0589.000 DOC 258145, DOC 258146; DOC 291514; DOC 296708 EX DOC 303086
(Note: Not to be used on legal documents)

Deeded Acres0.00

Class958 - (NON-HSTD) MUNICIPAL PUB-OTHER

District(2501) LCSTC/SD300/FD6

School District0300



Owner

Primary Taxpayer

LA Crescent City

315 Main St

LA Crescent, MN 55947

Sales

Date	Seller	Buyer	Recording	eCRV	Sale Condition - NUTC	Type	Multi Parcel	Amount
12/24/2019	ROSEMARY POELLINGER REV TRUST	City of La Crescent	296708	1053266	Government or Exempt Party Sales	Trustee Deed		\$150,000.00
6/29/2000	TOWNSHIP OF LA CRESCENT	CITY OF LA CRESCENT				N/A		\$0.00

Recent Sales In Area

Sale date range:

From:03 / 01 / 2021

To:03 / 01 / 2024

Sales by Neighborhood

Sales by Subdivision

1500FeetSales by Distance

Permits

Permit #	Date	Description
980	11/15/2023	Demo/Rmvl

Valuation

	2023 Assessment	2022 Assessment	2021 Assessment	2020 Assessment	2019 Assessment
+ Estimated Building Value	\$9,500	\$9,500	\$7,000	\$21,100	\$18,200
+ Estimated Land Value	\$32,500	\$32,500	\$16,200	\$32,500	\$32,500
+ Estimated Machinery Value	\$0	\$0	\$0	\$0	\$0
= Estimated Market Value	\$42,000	\$42,000	\$23,200	\$53,600	\$50,700

Taxation

	2023 Payable	2022 Payable	2021 Payable	2020 Payable
Estimated Market Value	\$42,000	\$23,200	\$53,600	\$50,700
- Homestead Exclusion	\$0	\$0	\$0	\$0
= Taxable Market Value	\$42,000	\$23,200	\$53,600	\$50,700
Net Taxes Due	\$0.00	\$0.00	\$960.00	\$912.00
+ Special Assessments	\$0.00	\$0.00	\$0.00	\$0.00
= Total Taxes Due	\$0.00	\$0.00	\$960.00	\$912.00

Taxes Paid

Receipt #	Receipt Print Date	Bill Pay Year	Amt Adj	Amt Write Off	Amt Charge	Amt Payment
466445	6/8/2021	2021	\$0.00	\$0.00	\$0.00	(\$480.00)
457211	5/10/2021	2021	\$0.00	\$0.00	\$0.00	(\$480.00)
443538	10/6/2020	2020	\$0.00	\$0.00	\$0.00	(\$456.00)
431523	5/6/2020	2020	\$0.00	\$0.00	\$0.00	(\$456.00)
416540	9/23/2019	2019	\$0.00	\$0.00	\$0.00	(\$419.00)
413079	5/15/2019	2019	\$0.00	\$0.00	\$0.00	(\$419.00)
379494	5/7/2018	2018	\$0.00	\$0.00	\$0.00	(\$852.00)

Photos



TriMin Landshark

[Click here to search for Parcel in TriMin LandShark](#)

No data available for the following modules: Ag Buildings, Commercial Buildings, Residential Buildings, Extra Features, Unpaid Taxes, Tax Statements, Valuation Notices.

These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.
| [User Privacy Policy](#) | [GDPR Privacy Notice](#)
[Last Data Upload: 2/29/2024, 7:34:20 PM](#)

Contact Us



**Beacon**TM

Houston County, MN

**Overview****Legend**

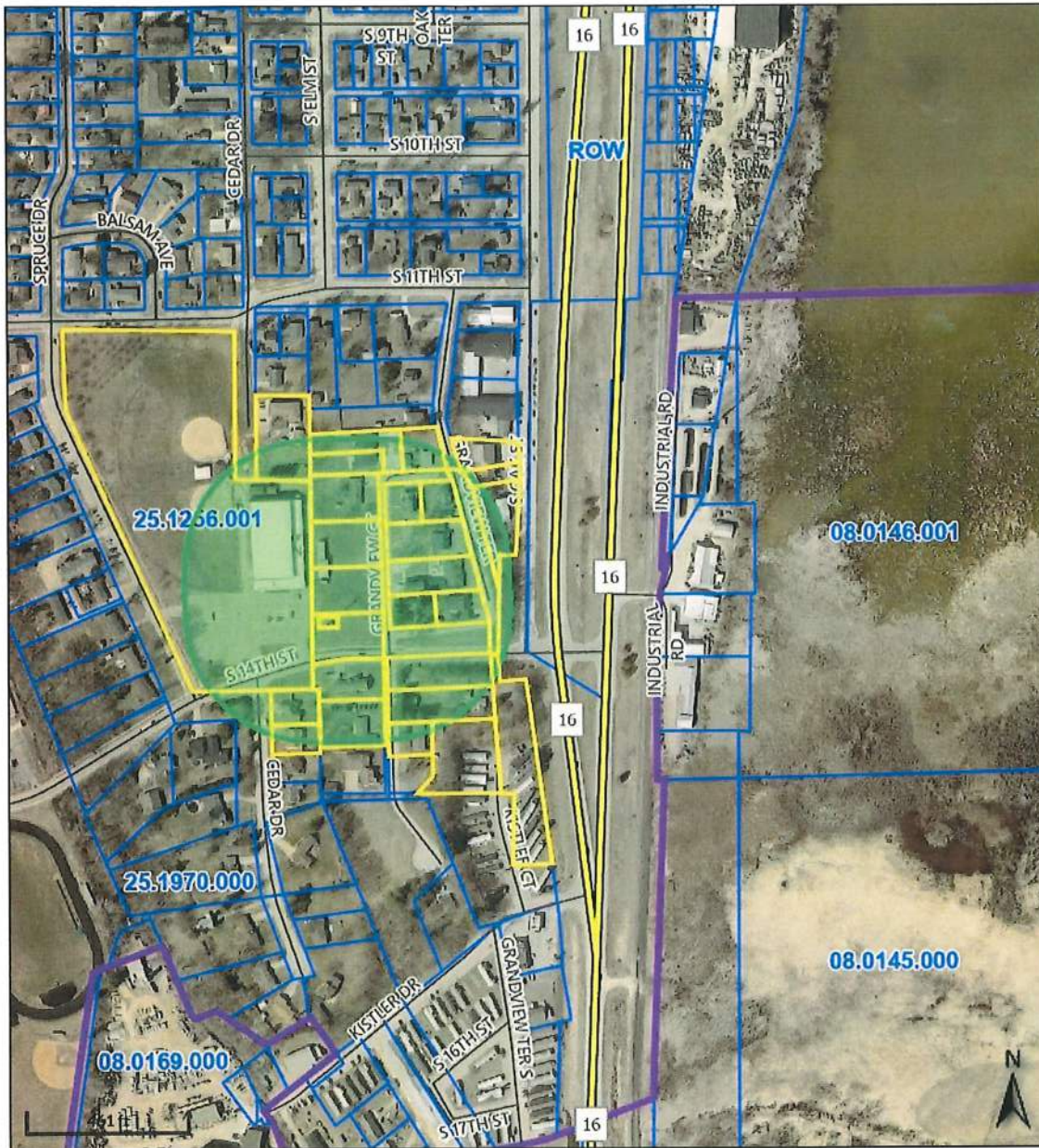
- Parcels
- Corporate Limits
- Roads**
 - FEDERAL HIGHWAY
 - STATE HIGHWAY
 - COUNTY HIGHWAY
 - TOWNSHIP ROAD
 - MUNICIPAL ROAD
- Political Townships

Parcel ID	251958000	Alternate ID	n/a	Owner Address	LA CRESCENT CITY
Sec/Twp/Rng	15-104-004	Class	958 - MUNICIPAL PUB-OTHER		315 MAIN ST
Property Address	1214 GRANDVIEW TER	Acreage	n/a		LA CRESCENT, MN 55947
	LA CRESCENT				
District	LCSTC/SD300/FD6				
Brief Tax Description	PT NE1/4 NW1/4 - LOT 14 ANNEXATION 06/29/00-OC 206886 LA CRESCENT TWP #08.0589.000				
	(Note: Not to be used on legal documents)				

Date created: 3/1/2024

Last Data Uploaded: 2/29/2024 8:34:20 PM

Developed by **Schneider**
GEOSPATIAL



Overview



Legend

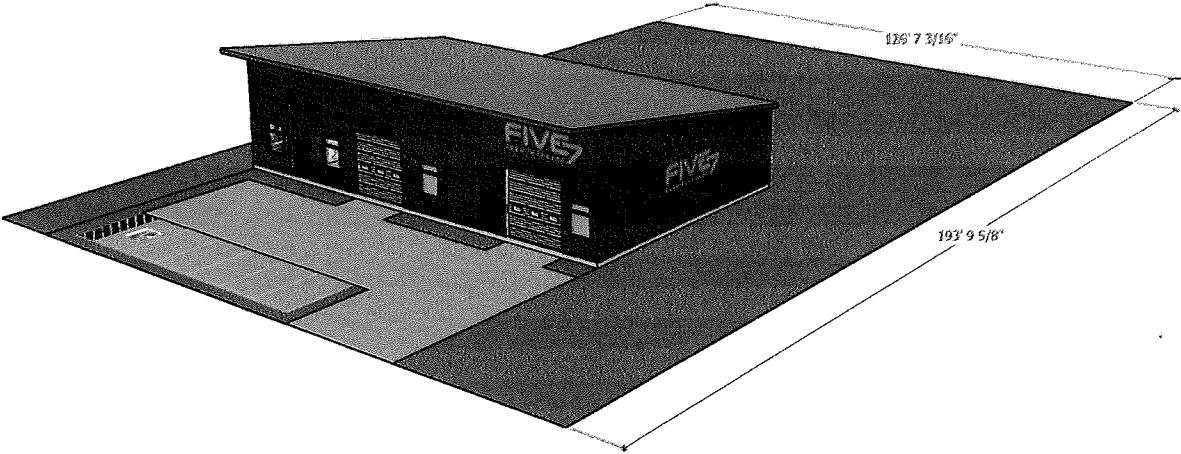
- Parcels
- Corporate Limits
- Roads**
 - FEDERAL HIGHWAY
 - STATE HIGHWAY
 - COUNTY HIGHWAY
 - TOWNSHIP ROAD
 - MUNICIPAL ROAD
 - Political Townships

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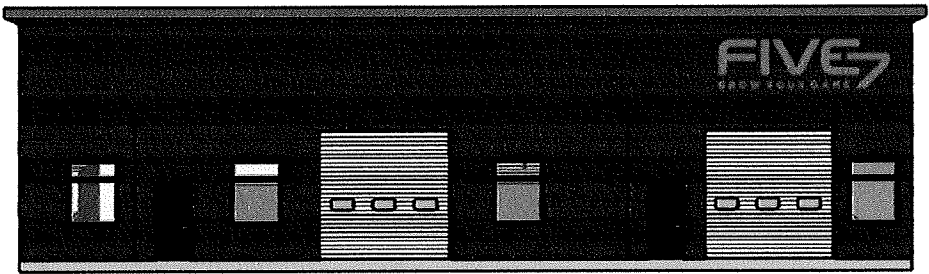
Developed by  **Schneider**
GEOSPATIAL

FIVE7

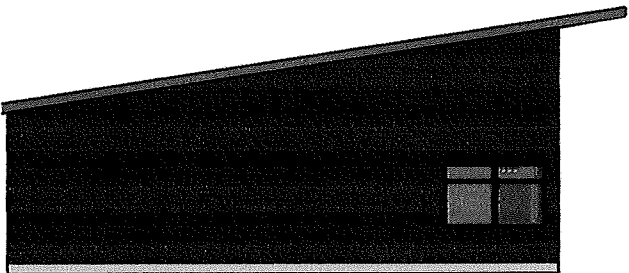
ISO



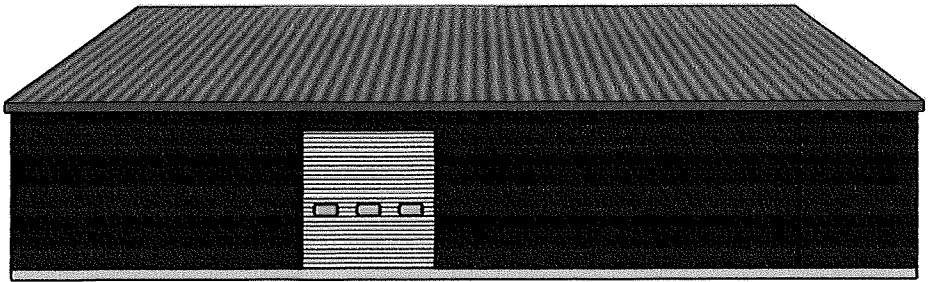
Front



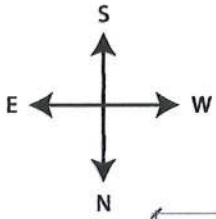
R. Side



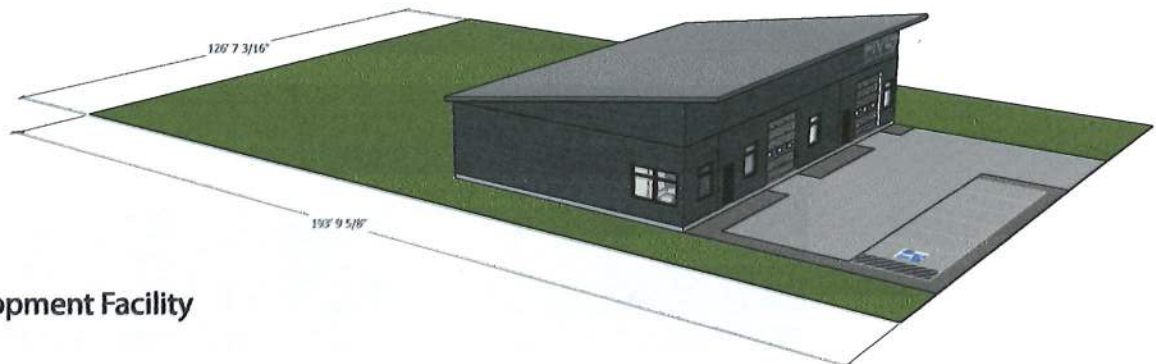
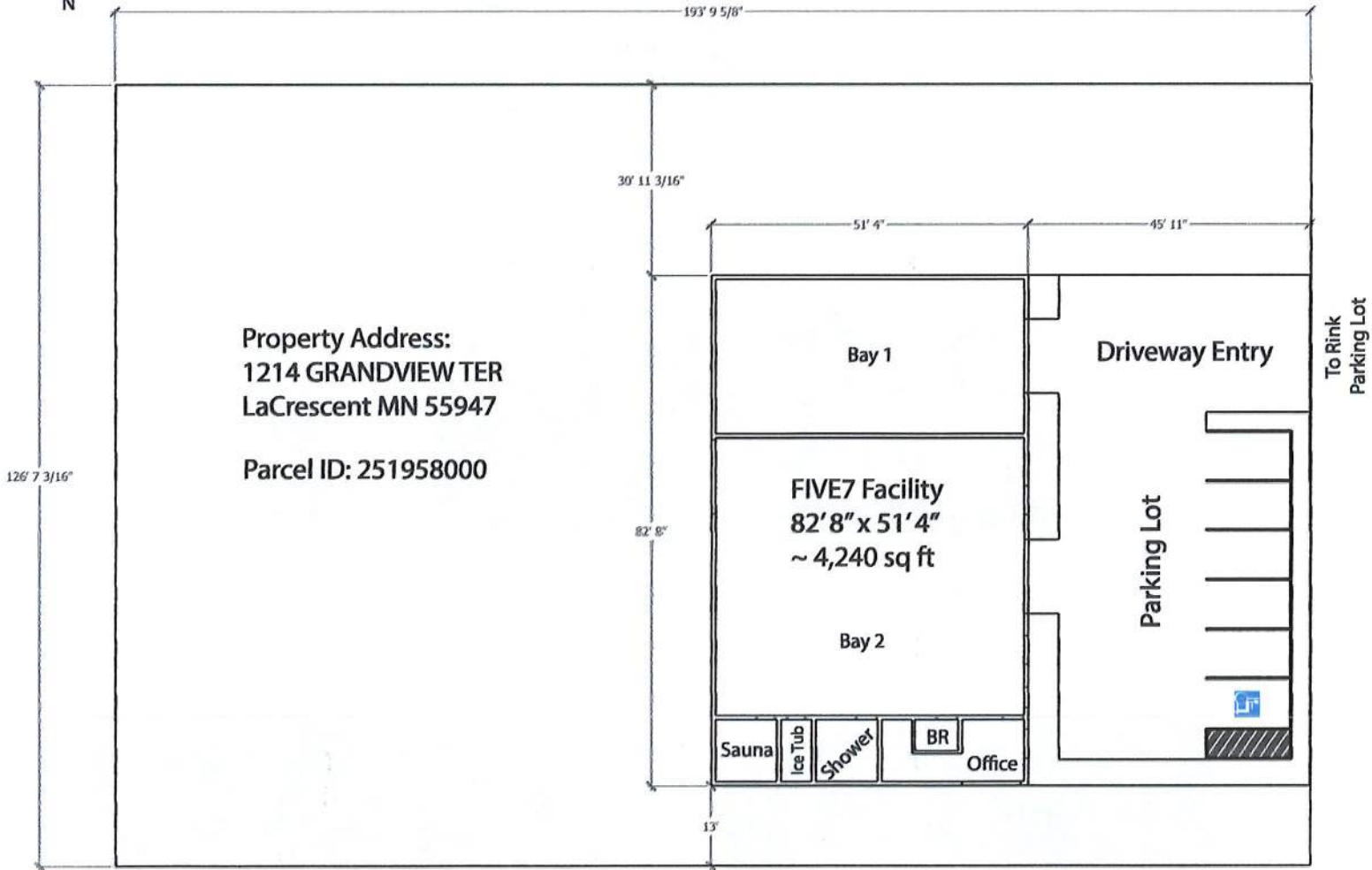
L. Side



Back



Lot Dimensions = 126.6' x 193.8'



Proposed Use:
- FIVE7 Athlete Development Facility

CUP Application Narrative

The reason for our request is to purchase the city lot located at TBD Grand View Terrace next to the La Crescent Community Arena. I am the owner of FIVE7, which is a training facility and program that works with athletes of all ages, and most specifically hockey players from the region. FIVE7 is currently located in the Arena and we are in need of expansion as we have seen a tremendous amount of growth in the past couple years. The lot next to the Community Arena is a perfect spot for us to expand our footprint and continue the relationship we have with the Lancer Youth Hockey Association. FIVE7 brings thousands of kids from all over the world to La Crescent to learn from their highly skilled coaching staff. Allowing us to stay in the city of La Crescent is a big opportunity for our city and for our youth and high school programs as we have seen an influx of kids move to La Crescent to be a part of FIVE7, the Youth Program and the High School Program. We want to remain as close as we can to the community arena so that we can continue to build on the success we have seen in very recent years.

The plan for the lot is to build a training facility right next to the hockey rink. Inside the training facility will be a strength and conditioning area for all athletes. In this area we will include all of our weight lifting equipment and machines so that we are able to train athletes of all ages no matter what sport they are in. There will also be a separate area for hockey players to skate on a skating treadmill. The skating treadmill is a very unique piece of equipment we purchased that is one of the best tools a player can use in their training. The building will also offer a place for kids to work on their off ice skills such as shooting and stickhandling. Another thing we will include is a cold tub and a sauna so that the athletes we serve can also receive the best recovery methods possible in order to be the best athlete they can be.

We feel this would be a great addition to the great city of La Crescent and the surrounding area. This space will attract athletes and hockey players from all over the world to the apple capital of Minnesota.

Thank you,

Eriah Hayes
Activities Coordinator/Head Boys Hockey Coach
La Crescent-Hokah High School
FIVE7

251256001
IND SCHOOL DIST #300
703 11TH ST S
LA CRESCENT, MN 55947

251257000
MICHALKE,JOSEPH H & JANE M
7778 UNION RIDGE DR
HOKAH, MN 55941

251257003
KISTLER,WILLIAM J
1711 GRANDVIEW TER S
LA CRESCENT, MN 55947

251257016
KISTLER,WILLIAM J
1711 GRANDVIEW TER S
LA CRESCENT, MN 55947

251257019
KISTLER,JOSEPH, FRANK KISTLER
627 MAIN ST
LA CRESCENT, MN 55947

251257020
S & I PROPERTIES LLC
PO BOX 40
LA CRESCENT, MN 55947

251257021
S & I PROPERTIES LLC
PO BOX 40
LA CRESCENT, MN 55947

251928000
KLUG,MELINDA M & TIMOTHY D
1405 CEDAR DR
LA CRESCENT, MN 55947

251929000
LAUDEN,HEATH D & CASSANDRA C
1407 CEDAR DR
LA CRESCENT, MN 55947

251948000
PAPENFUSS,EDWARD, TAMARA SOMEF
1303 GRANDVIEW CT
LA CRESCENT, MN 55947

251948001
LAMPERT,DOUGLAS J & LORI A
1202 GRANDVIEW TER S
LA CRESCENT, MN 55947

251949000
CARLSON,SAMUEL J & ALLISON N, C/O
1208 GRANDVIEW TER
LA CRESCENT, MN 55947

251950000
RIFFE,MATTHEW & HONOR DIDONATO
1214 GRANDVIEW TER
LA CRESCENT, MN 55947

251952000
COUNTY OF HOUSTON
304 S MARSHALL ST
CALEDONIA, MN 55921

251953000
VON ARX,RICHARD FRANCIS
439 14TH ST S
LA CRESCENT, MN 55947

251954000
WILLIAMS,MARY ANN
1421 GRANDVIEW CT
LA CRESCENT, MN 55947

251956000
OLDENBURG,LISA A
1412 GRANDVIEW CT
LA CRESCENT, MN 55947

251957000
LA CRESCENT,CITY OF
315 MAIN ST
PO BOX 142
LA CRESCENT, MN 55947

251957001
LEE, CHONGCHER & TIA YANG
509 SOUTH 14TH ST
LA CRESCENT, MN 55947

251957002
LA CRESCENT,CITY OF
315 MAIN ST
PO BOX 142
LA CRESCENT, MN 55947

251958000
LA CRESCENT CITY
315 MAIN ST
LA CRESCENT, MN 55947

251958001
LANCER YOUTH HOCKEY ASSOCIATIO
520 14TH ST S
LA CRESCENT, MN 55947

251959000
BULMAN,AARON J & STACY L
1304 GRANDVIEW CT
LA CRESCENT, MN 55947

251965001
DARLING,BRIAN
1120 GRANDVIEW TERRACE
LA CRESCENT, MN 55947

251967000
STEFFES,GERALD A & DAWN TRUST
1145 CEDAR DR, APT 4
LA CRESCENT, MN 55947

252260000
WEBB,SUSAN K
1220 GRANDVIEW TERR
LA CRESCENT, MN 55947

252261000
WEBB,SUSAN K
1220 GRANDVIEW TERR
LA CRESCENT, MN 55947

252270000
BRITZIUS,FREDERICK C, SUSAN M STE
1300 GRANDVIEW CT
LA CRESCENT, MN 55947

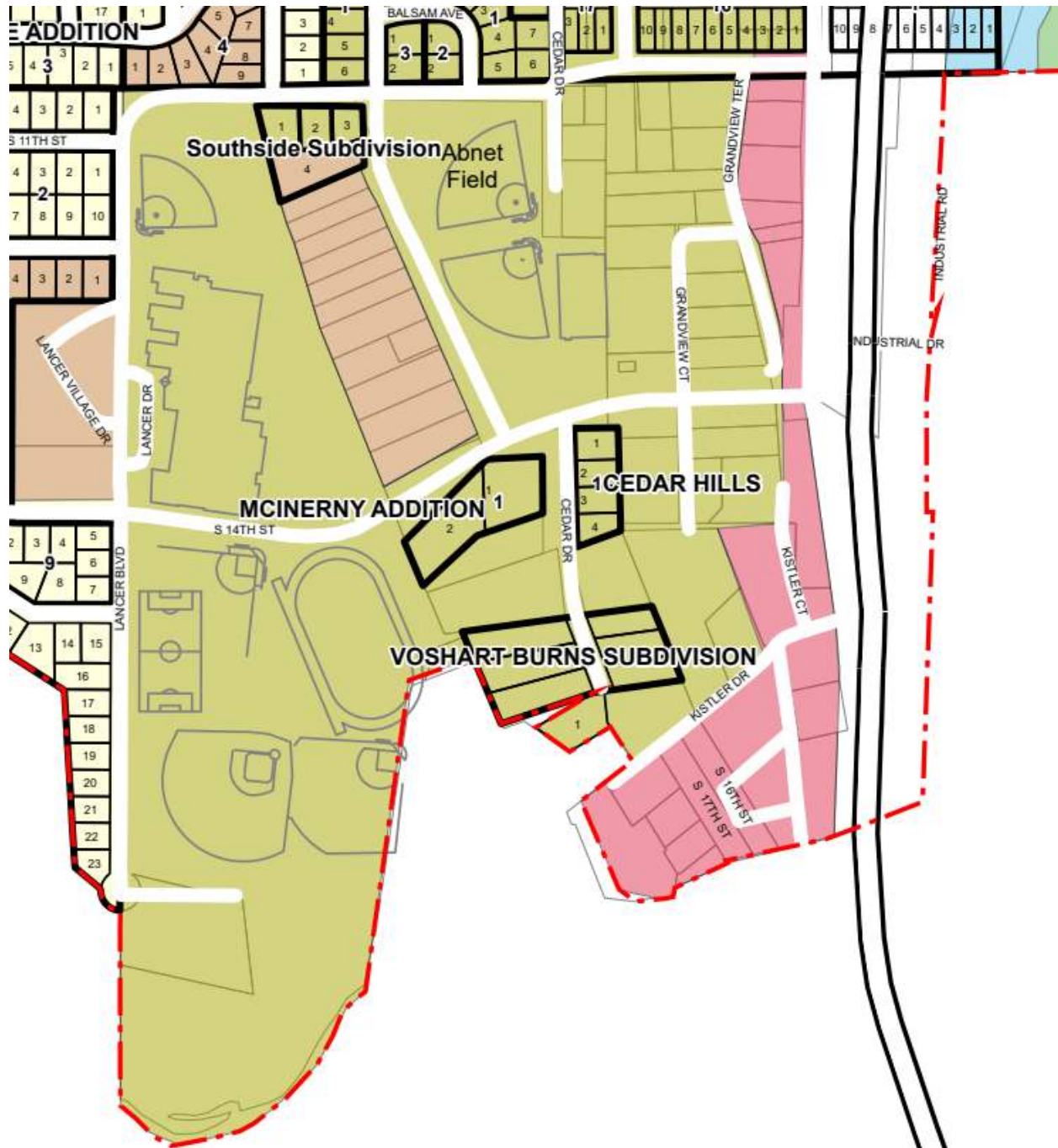
252271000
CONWAY,JEFFREY K & JULIE A
1302 GRANDVIEW CT
LA CRESCENT, MN 55947

Exhibit #2 – Aerial Map – Parcel Maps

Houston County Beacon Aerial Map – Parcel Map Combined Parcels



Exhibit #3 – Zoning Map



CITY OF LA CRESCENT, MINNESOTA

Code of Conduct

Purpose.

The city council of the City of La Crescent determines that a code of conduct for its members, as well as the members of the various boards and commissions of the City of La Crescent, is essential for the public affairs of the city. By eliminating conflicts of interest and providing standards for conduct in city matters, the city council hopes to promote the faith and confidence of the citizens of La Crescent in their government and to encourage its citizens to serve on its council and commissions.

Standards of Conduct.

Subd. 1. No member of the city council or a city board or commission may knowingly:

- a. Violate the open meeting law.
- b. Participate in a matter that affects the person's financial interests or those of a business with which the person is associated, unless the effect on the person or business is no greater than on other members of the same business classification, profession, or occupation.
- c. Use the person's public position to secure special privileges or exemptions for the person or for others.
- d. Use the person's public position to solicit personal gifts or favors.
- e. Use the person's public position for personal gain.
- f. Except as specifically permitted pursuant to Minn. Stat. 471.895, accept or receive any gift of substance, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstances in which it could be reasonably expected to influence the person, the person's performance of official action, or be intended as a reward for the person's official action.
- g. Disclose to the public or use for the person's or another person's personal gain, information that was gained by reason of the person's public position if the information was not public data or was discussed at a closed session of the city council.
- h. Disclose information that was received, discussed, or decided in conference with the city's legal counsel that is protected by the attorney-client privilege unless a majority of the city council has authorized the disclosure.

Subd. 2. Except as prohibited by the provisions of Minn. Stat Sec. 471.87, there is no violation of subdivision 1 b. of this section for a matter that comes before the council, board, or commission if the member of the council, board, or commission publicly discloses the circumstances that would violate these standards and refrains from participating in the discussion and vote on the matter. Nothing herein shall be construed to prohibit a contract with a member of the city council under the circumstances described under Minn. Stat. Sec. 471.88, if proper statutory procedures are followed.

CITY OF LA CRESCENT, MINNESOTA

Complaint, Hearing.

Any person may file a written complaint with the city clerk alleging a violation of the standards of conduct. The complaint must contain supporting facts for the allegation. The city council may hold a hearing after receiving the written complaint or upon the council's own volition. A hearing must be held only if the city council determines (1) upon advice of the city attorney, designee, or other attorney appointed by the council, that the factual allegations state a sufficient claim of a violation of these standards or rise to the level of a legally-recognized conflict of interest, and (2) that the complaint has been lodged in good faith and not for impermissible purposes such as delay. The city council's determination must be made within 30 days of the filing of the allegation with the city clerk. If the council determines that there is an adequate justification for holding a hearing, the hearing must be held within 30 days of the city council's determination. At the hearing, the person accused must have the opportunity to be heard. If after the hearing, the council finds that a violation of a standard has occurred or does exist, the council may censure the person, refer the matter for criminal prosecution, request an official not to participate in a decision, or remove an appointed member of an advisory board or commission from office.

CITY OF LA CRESCENT COMMUNICATIONS POLICY

POLICY NUMBER: 24

ADOPTED: 3/24/03

UPDATED: 1/12/09 - PER DIEM

UPDATED: 05/28/13

APPROVED BY COUNCIL: 3/24/03
UPDATED 1/12/09 - PER DIEM POLICY

To better serve our citizens and give our workforce the best tools to do their jobs, the City of La Crescent continues to adopt and make use of new means of communication and information exchange. Many of our employees have access to one or more forms of electronic media and services, including, but not limited to, computers, e-mail, telephones, cellular telephones, pagers, voice mail, fax machines, external electronic bulletin, boards, wire services, on-line services, social media, the Internet and the World Wide Web.

The City of La Crescent encourages the use of these media and associated services because they can make communication more efficient and effective and because they are valuable sources of information. However, all employees and everyone connected with the City of La Crescent should remember that electronic media and services provided by the City of La Crescent are City of La Crescent property and their purpose is to facilitate and support City of La Crescent business. No expectation of privacy exists for employees in regards to use of the City of La Crescent's electronic communication systems in any respect related to accessing, transmitting, sorting, or communicating information via the system.

This policy cannot lay down rules to cover every possible situation. The purpose of this policy is to express the City of La Crescent's philosophy and set forth general guidelines governing the use of electronic media and services. By adopting this policy, it is the City of La Crescent's intent to ensure the electronic communication systems are used to their maximum potential for business purposes and not used in a way that is disruptive, offensive to others or contrary to the best interest of the City of La Crescent.

It is recognized that some personal use of communications is necessary, but all personal use should be kept as brief as possible during work time.

GENERAL:

This policy applies to all full-time, regular part-time, part-time, and temporary employees, contractors, volunteers, customers, and all other individuals who are provided access to the City of La Crescent communication systems. This policy does not constitute a contract. Revisions may be made from time to time at the discretion of the City Administrator.

All employees will be provided with a written copy of this policy, which will be signed, and the signature page placed in their personnel file.

MAIL:

The City of La Crescent employees may purchase postage at the City office for use on their personal mail items. Personal mail items may be included with the City's daily delivery of mail to the U.S. Post Office.

TELEPHONE:

Personal telephone calls shall be kept as brief as possible and shall be made during lunch breaks or rest breaks whenever possible. No charge will apply to local calls. Employees may use their own personal calling cards to make long distance calls. All other long distance calls must be reimbursed to the City. Incoming personal calls may be answered by the employee, but they shall be kept as brief as possible. The City of La Crescent staff will take personal messages for employees. Employees should discourage callers from making personal calls on a regular basis. Employees may check for their messages during lunch breaks, rest breaks, or at the end of the workday. If an incoming message represents an emergency, the City staff will make every effort to contact the employee immediately.

FAX:

The City of La Crescent employees may use the City's fax machine on lunch breaks, rest breaks, before work hours, or after work hours to fax personal communications. No charge will apply to local faxes.

CELLULAR PHONE AND CAMERA:

I. PURPOSE/POLICY

A. **Purpose.** This policy is intended to define acceptable and unacceptable uses of cellular telephones, cellular phone cameras, cellular phone video, and still and video photography (hereinafter "Cellular Technology." Its application is to insure that Cellular Technology usage is consistent with the best interest of the City of La Crescent without unnecessary restriction of employees in the conduct of their duties. It is recognized that some personal use of communications is necessary to enhance the efficiency of the employee's time. All personal use should be kept as brief as possible during work time. Employees are to use their Cellular Technology in a safe manner at all times. This policy will be implemented to prevent the improper use of or abuse of Cellular Technology and to insure that City of La Crescent employees exercise the highest standards of propriety in their use.

B. **Policy.** Employees may not post or publish images of victims, images of emergency scenes, the interior of private dwellings, pictures of our residents, or any other non-public information on any websites of personal use such as but not limited to Facebook, MySpace, Instagram and/or other social media is prohibited.

II. GENERAL

This policy applies to all full-time, regular part-time, part-time, temporary employees, contractors, volunteers, customers, and other individuals who are provided access to City of La Crescent communication systems. This policy does not constitute a contract. Revision may be made from time to time at the discretion of the City Administrator.

III. POLICY: EMPLOYEE CELL PHONE PER DIEM AGREEMENT/POLICY

With City Council approval, certain Department Heads and Supervisors shall be entitled to a monthly payment representing a cellular phone allowance. To be eligible for this allowance, a job-related necessity must exist requiring the Department Head/Supervisor to be available, outside of normal office hours. The cell phone allowance must also eliminate a City owned cell phone and/or the need for the Department Head/Supervisor to seek reimbursement for job-related toll charges made on their own personal phone.

This allowance shall be approved with the understanding that the employee will furnish his/her own cellular phone to be used for City business purposes related to his/her job duties. Such cellular phone number shall be readily available to other City Officials and employees, as well as members of the public, to the same extent as if the City were providing him/her with a cellular phone. All use for official City business purposes shall comply with all City of La Crescent policies and auditing/disclosure practices.

In accepting the monthly Per Diem, the Department Head/Supervisor is obligated/required to maintain a cellular phone and calling plan that is sufficient to meet the needs of their position. Factors determining sufficiency include, but are not limited to, adequate amount of minutes or calling time available, adequate phone battery life and adequate reception to be accessible throughout the City, as technology permits.

Effective June 1, 2013, the monthly Per Diem shall increase to \$50.00 per month for eligible Department Head/Supervisors. Said amount may be reviewed as needed by the Council at the first meeting in January each year hereafter or at other times as determined by the Council in the Council's discretion.

The Department Head/Supervisor is also obligated/required to safeguard any City information or conversations discussed on his/her cellular phone and maintain any City data stored or accessible on the cellular phone according to its classification under the Minnesota Government Data Practices Act (MGDPA).

The City of La Crescent does not endorse the practice of City employees using handheld cellular phones, while driving for work related purposes. Therefore, all employees are required to use the cellular phone in an appropriate and safe manner, especially while driving.

INTERNET/E-MAIL:

The City of La Crescent recognizes that the Internet offers a wealth of information that can improve the City's services and the productivity of the City's employees. The City of La Crescent recognizes that e-mail is an efficient and convenient form of communication for both business and personal applications. Confidential information shall not be transmitted via e-mail. E-mail users should be aware the e-mail is easily misdirected or forwarded by the recipient to untold numbers of persons, and the content is easily misconstrued or altered. E-mail and Internet users should also be aware that when they have deleted a message or document from their computer, it may not have been deleted from the entire system and may be stored on the computer's back-up system. E-mail is not a good form of communication with legal counsel when seeking legal advice or transmitting information concerning matters in litigation. Inadvertent disclosure or dissemination of the communication could waive the attorney-client privilege.

The same rules, which apply to record retention for other City of La Crescent documents, apply to e-mail. As a rule, e-mail is a public record whenever a paper message with the same content would be a public record.

The Internet and e-mail are to be accessed for business purpose only, during working hours. Employees may use the City's Internet access to reach sites of personal interest during lunch breaks, rest breaks, before work hours, or after work hours. Employees may receive personal e-mail communications during work hours, but shall not respond to those communications during work-hours, except in the case of an emergency.

Only those employees or officials who are duly authorized to speak to the media, to analysts or in public gatherings on behalf of the city may speak/write in the name of the City to any news group or chat room. Other employees may participate in news groups or chats in the course of business when relevant to their duties, but they do so as individuals speaking only for themselves.

The City provides Internet access to employees for work on City business. Employees may use this access for work-related matters in a professional manner.

Occasional personal use of the Internet and e-mail is acceptable within the bounds of all City policies. The following considerations apply to all uses of the Internet whether business related or personal:

1. There is no quality control on the Internet. All information found on the Internet should be considered suspect until confirmed by another source.
2. Internet use during work hours must be limited to subjects directly related to job duties.

3. Personal use of the Internet during non-work hours (breaks, lunch hour, before or after work) is permitted. However, employees may not at any time access inappropriate sites. Some examples of inappropriate sites include but are not limited to adult entertainment, sexually explicit material, or material advocating intolerance of other people, races or religions, or in manners that otherwise violate City policies related to respectful workplace and harassment prevention. This prohibition includes information on social media sites such as Facebook and MySpace, blogs and microblogs such as Twitter.
4. No software or files may be downloaded from the Internet unless approved in advance by the technology department or City Administrator. This includes but is not limited to free software or downloads, maps, weather information, toolbars, music or photofiles, clipart, screensavers and games.
5. Employees may not participate in any Internet chatroom – an online meeting place to discuss a particular topic, sometimes in semi-privacy – unless the topic area is related to City business.
6. The City may monitor any employee's use of the Internet for any purpose without prior notice, as deemed appropriate by the City Administrator.
7. Employees may not post or publish images of victims, images of emergency scenes, the interior of private dwellings, pictures of our residents, or any other non-public information on any websites of personal use such as but not limited to Facebook, MySpace, Instagram and/or other social media.

PARTICIPATION IN ON-LINE FORUMS OR SOCIAL MEDIA

1. Employees should remember that any messages or information sent on City of La Crescent-provided facilities to one or more individuals via an electronic network (for example: Internet mailing lists, bulletin boards and on-line services) are statements identifiable and attributable to the City of La Crescent.
2. The City of La Crescent recognizes that participation in some forums might be important to the performance of an employee's job. For instance, an employee might find the answer to a technical problem by consulting members of a newsgroup devoted to the technical area.
3. Employees shall include the following disclaimer in all of their postings to public forums:

"The views, opinions and judgments expressed in this message are solely those of the author. The message contents have not been reviewed or approved by the City of La Crescent".

4. Employees should note that even with a disclaimer, a connection with the City of La Crescent exists and a statement could be imputed legally to the City of La Crescent. Therefore, employees should not rely on disclaimers as a way of insulating the City of La Crescent from the comments and opinions they contribute to forums. Instead, employees must limit their discussion to matters of fact and avoid expressing opinions while using the City of La Crescent's systems or provided account.
5. Employees must receive authorization from their department head prior to participating in an online forum.

THE FOLLOWING SHALL APPLY TO ALL MEANS OF COMMUNICATION;

Access Rules: Employees shall only use software that is supplied by the City, including but not limited to, web browser and e-mail applications. Employees shall not install hardware or software on the City's system without the express permission of Information Management Specialists or City of La Crescent personnel so designated. Employees shall not access, intercept, record, read, modify, or delete the files belonging to others. Employees shall only use the user names provided by the City. Employees may not subscribe to receive e-mail from news groups or list services without the permission of Information Management Services or the City of La Crescent personnel so designated.

Individual workstations are configured to operate in a complex, networked environment. Users shall not change their system's setup files. Users who believe their setup files are not configured correctly should contact Information Management System for assistance.

Security: Every employee must maintain the security of the City of La Crescent's communication systems. Employees shall not divulge passwords or security protocols to anyone outside of the City of La Crescent. Employees shall not permit unauthorized users to use their password(s) or the City of La Crescent's Internet or e-mail access.

UNACCEPTABLE USE OF THE CITY OF LA CRESCENT'S COMMUNICATION SYSTEMS:

At no time, during work hours or non-work hours, shall an employee use any of the City of La Crescent's communications system for any of the following purposes:

1. To access, transmit, upload, download, receive or distribute pornographic, obscene, abusive, or sexually explicit materials or materials containing unclothed or partially clothed people.
2. To transmit or receive obscene, abusive or sexually explicit language or profanity.
3. To violate any local, state or federal law or engage in any type of illegal activities.

4. To vandalize, damage or disable the property of another person or organization.
5. To access the materials, information, files or e-mail of another person or organization without permission or without a legitimate business reason.
6. To violate any applicable state, federal, or international copyright, trademark, or intellectual property laws or regulations, or otherwise use another person or organization's property without prior approval or proper attribution consistent with copyright laws, including unauthorized downloading or exchanging of pirated or otherwise unlawful software, or copying software to or from any of the City of La Crescent's computer.
7. To engage in any form of gambling, wagering, betting, or selling.
8. To engage in any type of harassment or discrimination, including but not limited to; sexual harassment, harassment, or discrimination based upon race, gender, sexual orientation, religion, national origin, marital status, status with respect to public assistance, disability or any other type of harassment or discrimination prohibited by law and by the City of La Crescent policy.
9. To engage in any type of commercial enterprise unrelated to the specific purposes and needs of the City of La Crescent.
10. To engage in any form of solicitation for private purpose that is not related to the business purpose of the City of La Crescent.
11. To promote any political or private causes or other activities that are not related to the business purpose of the City of La Crescent.
12. To enter into financial or contractual obligations without the prior express consent of the City Administrator.
13. To advocate or access information advocating any type of unlawful violence, vandalism or illegal activity.
14. To download large files, requiring the City of La Crescent's storage capacity, from the Internet for personal use.
15. To connect personal social media account names or e-mail addresses to the City of La Crescent.
16. To disclose private or non-public information.

RECEIPT OF INAPPROPRIATE E-MAIL OR ACCESS OF INAPPROPRIATE INTERNET SITES:

If an inappropriate and unsolicited e-mail message is received, it should be immediately deleted unless the message includes reference to an illegal activity as noted above. Messages referring to illegal activities should be immediately reported to the employee's Department Head. If an employee inadvertently accesses an Internet site which is inappropriate or prohibited, the employee shall immediately escape from such site. Employees should be aware that every transaction on the Internet leaves a trail that can be easily traced and timed.

ENFORCEMENT:

Any employee who abuses the provisions of this policy will be subject to discipline, including discharge, for abuse of this policy and/or for any other related applicable policies, rules or state and federal laws. In addition, violations of the policy or misuse of the communication systems, which are of a criminal nature, may be referred for criminal prosecution.

DISCLAIMER/USER LIABILITY:

While the City of La Crescent has adopted and shall enforce this policy to the extent practicable, it does not have the resources or technical capability to ensure complete compliance by its users, who shall be individually responsible for adhering to the terms of this policy. The City of La Crescent shall not assume, and hereby expressly disclaims, liability for the misuse of its communication systems, computers, equipment or Internet access, which violates this policy or any law.

CITY OF LA CRESCENT COMMUNICATIONS POLICY

ACKNOWLEDGEMENT OF RECEIPT OF COMMUNICATION POLICY

I, _____, an employee of the City of La Crescent, acknowledge that I have received a copy of the City Communication Policy and understand that this receipt will be filed with my personnel records.

SIGNATURE

DATE

NAME (PRINT)

