BELLE PLAINE CITY COUNCIL
REGULAR SESSION
APRIL 21, 2014

1. PLEDGE OF ALLEGIANCE.

Mayor Michael Pingalore led those present in the Pledge of Allegiance.

2. CALL TO ORDER. 2.1. Roll Call.

The Belle Plaine City Council met in Regular Session on Monday, April 21, 2014 at 6:12 p.m. in the council chambers of City Hall, 218 North Meridian Street, Belle Plaine, MN. Mayor Michael Pingalore called the meeting to order with Councilmembers Gary Trost, Cary Coop, Scott Schneider and Paul Chard present.

Also present were Interim City Administrator Dawn Meyer, Public Works Superintendent Al Fahey, Community Development Director Chelsea Alger, Police Chief Tom Stolee, City Engineer Joe Duncan and City Attorney Bob Vose. Interim City Administrator Dawn Meyer also served as the video recording operator.

3. APPROVAL OF AGENDA.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve the agenda as presented. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.
4.1. Regular Session Minutes of April 7, 2014.
4.2. Approve Temporary On-Sale Strong Beer License for Belle Plaine Festival and Events for Bar-B-Q Days.
4.3. Resolution 14-029 Approving Modifications to the Revolving Loan Fund.
4.4. Resolution 14-040 Re-Classifying Police Secretary Lori Latzke as Police Administrative Assistant.
4.5. Approving Modifications to the Prairie Park Concept Plan.

Councilmember Trost commented on the location of the playground equipment and questioned its close proximity to the ball field.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve the consent agenda as follows: 4.2. Approve Temporary On-Sale Strong Beer License for Belle Plaine Festival and Events for Bar-B-Q Days, 4.3. Resolution 14-029 Approving Modifications to the Revolving Loan Fund, 4.4. Resolution 14-040 Re-Classifying Police Secretary Lori Latzke as Police Administrative Assistant, and 4.5. Approving Modifications to the Prairie Park Concept Plan. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

Ridgeview Ambulance Supervisor Doug Sweeney was present. The Council acknowledged receipt of the Ambulance Department report.

5.2. Fire Department.

Fire Chief Todd Otto was present. The Council acknowledged receipt of the Fire Department report.

5.3. Police Department.

Police Chief Tom Stolee was present. He will provide a breakdown of the public service calls as requested by Councilmember Chard. The Council acknowledged receipt of the Police Department report.

5.4. Community Development Department.

Community Development Director Chelsea Alger was present. The Council acknowledged receipt of the Community Development Department report.

5.5. Administration Report.

Interim City Administrator Dawn Meyer was present. The Council acknowledged receipt of the Administration report.

6. PUBLIC FORUM.

6.0. RECOGNITION OF INVOLVED CITIZENS.

No one spoke during the public forum.

6.1. Request to Address Fees Associated with the Licensing of Massage Therapists and Massage Therapy Establishments, by Dr. Steve Gansen, River Valley Chiropractic, 210 North Meridian Street.

Mayor Pingalore welcomed Dr. Steve Gansen.

Dr. Gansen requested consideration of waiving annual fees associated with massage therapy. He questioned why annual fees are required for massage establishments and therapists, but not for other services, particularly those in the medical field.

It was the consensus of the Council to direct staff to research the issue of fees associated with massage therapy and report back at a future meeting.

6.2. PROCLAMATION – ARBOR DAY – MAY 19, 2014.

Mayor Pingalore read the Arbor Day proclamation for May 19, 2014.

7. PUBLIC HEARINGS.

7.1. Ordinance 14-05, Scrap Recycling Facilities Regulations. The City Council will consider public comment on proposed Ordinance 14-05, an ordinance amending Sections 1101.00, 1105.12, 1105.13, and 1106.04 of the Zoning Ordinance to establish provisions for Scrap Recycling Facilities as a Conditional Use in the I-2, General Industrial District, and the I-C, Industrial/Commercial District.

Mayor Pingalore referenced a memo dated April 21, 2014 from Community Development Director Alger regarding Ordinance Amendment 14-05 Scrap Recycling Facilities.

Community Development Director Alger explained that in February the Planning Commission and City Council considered an appeal request by Ryan Reed in order to operate a scrap recycling business on his residential property with a conditional use permit. Though the appeal was denied, both the Planning Commission and City Council requested that Staff look into establishing provisions for this type of use in a more appropriate zoning district(s). As such, Staff reviewed any provisions surrounding these types of uses from several communities as well as Scott County.

At the March meeting, and subsequently the April public hearing, the Commission reviewed the draft language of Ord. 14-05 pertaining to a use defined as a “Scrap Recycling Facility,” where appliances, electronics and metals can be disassembled or processed. This use is separate from a “Junk/Salvage Yard”, which is defined by the Zoning Ordinance as an open area where waste or scrap materials are brought for final disposal or sale. A Salvage Yard, by comparison, would be the location in which materials processed from a Scrap Recycling Facility would be brought for sale or exchange. The Scrap Recycling Facility use is proposed as a Conditional Use in the I-2, General Industrial; and I-C, Industrial Commercial Districts. The main concerns addressed by the Planning Commission were outdoor storage and handling of hazardous materials. Both items are addressed within the proposed specific conditional use standards for Scrap Recycling Facilities. The hearing conducted by the Planning Commission on April 14, 2014 solicited no comment either for or against the proposed amendment. The Planning Commission recommended approval of Ordinance 14-05.

Mayor Pingalore opened the public hearing at 6:38 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Trost, second by Councilmember Coop, to close the public hearing at 6:39 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Coop inquired about the proposed ordinance amendment and inquired as to whether a building is required and if a person could operate a scrap/recycling business on a vacant lot. Community Development Director Alger replied that typically a building is associated with such businesses. City Attorney Vose explained the definition of a scrap recycling facility implies the operation will occur within a building and that a Conditional Use Permit could further stipulate that requirement. City Attorney Vose also explained that a building may be a requirement of the State and County licensing process.

1. Reading of Ordinance 14-05, Amending the Zoning Ordinance by Adding Language to Sections 1101, 1105, and 1106 Pertaining to Scrap Recycling Facilities.

MOTION by Councilmember Trost, second by Councilmember Coop, to TABLE action on adoption of Ordinance 14-05, Amending the Zoning Ordinance by Adding Language to Sections 1101, 1105, and 1106 Pertaining to Scrap Recycling Facilities, to allow time for staff to obtain further information on State and County regulations. ALL VOTED AYE. MOTION CARRIED.

7.2. Alley Vacation. The City Council will consider public comment on a request by Gerald and Jaclyn Smith, 28118 Scenic Byway, Belle Plaine, MN, to vacate a portion of the alley between Willow Street and Meridian Street, adjacent to Lots 1, 2, 8 and 9, Block 96, Original Plat of Belle Plaine.

Mayor Pingalore referenced a memo dated April 21, 2014 from Community Development Director Alger regarding a request for the vacation of a portion of the alley in Block 96.

Community Development Director Alger explained applicants, Gerald and Jaclyn Smith, are requesting the City Council vacate the dedicated alley on Block 96, adjacent to Lots 1, 2, 8 and 9 in order to allow combination of the parcel located at 120 Forest Street West, and subsequent construction of a new home on the property. Vacation of public rights-of-way are regulated by MN Statute §412.851, which allows the Council to vacate by resolution, if petitioned by a majority of abutting property owners. In this case, the Smiths own the parcels on either side of the alley, which are already combined for tax purposes. The vacation would create, then, one zoning parcel since the alley is divided equally to each abutting property. Staff has reviewed the proposal and sees no issue with granting the vacation of the alley, which is not improved nor is there an intention to improve it in the future. Utility companies have been contacted and neither Centerpoint Energy nor Xcel Energy has indicated objections to the proposed vacation.

Mayor Pingalore opened the public hearing at 6:54 p.m. and asked for public comment.
Steve Link, SJL, 1400 West 3rd Avenue, Shakopee, MN, stated he owns property in Block 79, just west of Block 96. He requested notification in the event a property owner in Block 79 requests the alley be vacated.

There were no further comments.

MOTION by Councilmember Coop, second by Councilmember Chard, to close the public hearing at 6:57 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 14-041 Approving the Vacation of a Portion of Alley in Block 96.

Councilmember Chard recommended an easement be granted rather than the vacation of the alley.

MOTION by Councilmember Trost, second by Councilmember Chard, to approve Resolution 14-041 Approving the Vacation of a Portion of Alley in Block 96. Councilmember Chard VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve the Presentation of Claims as presented. ALL VOTED AYE. MOTION CARRIED.

8.2. Large Assembly Permit by Belle Plaine Festival and Events for Bar B Q Days.

Mayor Pingalore referenced a memo dated April 21, 2014 from Interim City Administrator Meyer regarding a large assembly permit.

Interim City Administrator Meyer explained the Belle Plaine Festival and Events organization has requested a large assembly permit and road closure permit for the annual Bar B Q Days celebration to be held on July 18, 19 and 20. They are requesting the road closures for the carnival and events, and also for the parade route on Saturday, July 19. The organization is requesting the closure of Park Street between Market Street and Eagle Street on Sunday, July 20, from 11:00 a.m. until the close of fireworks after discussions with Police Chief Stolee for increased public safety. The Department Heads have met to review the application and recommend approval with the conditions. A Road Obstruction Permit Application will be submitted to Scott County for their review and approval for the parade route.

Councilmember Trost asked if the parking lot near Chatfield Elementary was utilized in the past for Bar B Q Days. Police Chief Stolee responded that the parking lot had been used in the past, and this year the parking lot will be closed starting at an earlier time on Sunday due to the operation of the fireworks display.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve the large assembly permit by Belle Plaine Festival and Events and subsequent road closures, with conditions as listed on the application. ALL VOTED AYE. MOTION CARRIED.

8.3. Resolution 14-042 Authorizing Credit on Utility Accounts Resulting From Usage Related to Frozen Utility Lines.

Mayor Pingalore referenced a memo dated April 21, 2014 from Interim City Administrator Meyer regarding credit on utility accounts resulting from frozen utility lines.

Interim City Administrator Meyer explained that through the winter months several residents had their service line freeze due to the extreme weather conditions. In order to prevent a re-freeze of their service lines, residents let water run until the threat of reoccurrence had past. The City received several requests from the residents that had frozen service lines and let their water run, to reduce their water and sewer charges. The City Council discussed this at a workshop on April 7, 2014. It was recommended by the Council to issue a credit based on previous year's usage for properties that meet the following requirements: 1) The property had their service line frozen, and had contacted Public Works, and 2) The service had utilized 1,000 gallons or more than the same months the previous year. There were a total of 21 accounts with varying amounts of credit, totaling $3,727.76.

Councilmember Coop urged the Council to vote against the credit due to precedent setting.

MOTION by Councilmember Trost, second by Councilmember Chard, to approve Resolution 14-042 Authorizing Credit on Utility Accounts Resulting From Usage Related to Frozen Utility Lines. Councilmember Coop VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

Public Works Superintendent Fahey reported that he has recently received requests from property owners who did not unthaw their frozen water lines and are seeking credit on their accounts. This issue will be placed on an upcoming council agenda.

8.4. Public Works Department.

8.4.1. Authorize Replacement of John Deere 5420 Tractor.

Mayor Pingalore referenced a memo dated April 21, 2014 from Public Works Superintendent Fahey regarding the replacement of a tractor.

Public Works Superintendent Fahey explained the public works department uses several pieces of equipment to maintain city properties. One of these pieces of equipment is the John Deere 5420 tractor. The model 5420 is used daily during the summer for dragging fields and mowing the water ways and ponds. During the winter months an attached snow thrower clears the 6-foot trails. The tractor was purchased in 2002 and has 2,000 hours of operation on it and is included in the C.I.P. Plan for replacement this year. Attached is the quote received for a contract price for the purchase of a replacement tractor of $23,000.00 after trade. The Public Works Committee had discussion on this item and made a recommendation to send it to Council for further discussion.

Councilmembers Trost and Chard were opposed to the replacement and recommended to do the necessary repairs and maintenance in order to utilize it for another year. Mayor Pingalore and Councilmember Schneider inquired about the costs for the immediate repairs. Public Works Superintendent Fahey explained the necessary repairs, including replacement of the tires.

MOTION by Councilmember Coop, second by Councilmember Schneider, to authorize the replacement of John Deere 5420 tractor at a cost of $23,000 plus trade-in. Mayor Pingalore and Councilmembers Coop and Schneider VOTED AYE. Councilmembers Chard and Trost VOTED NAY. MOTION CARRIED.

8.4.2. Authorize Replacement of John Deere MX10 Rotary Cutter.

Mayor Pingalore referenced a memo dated April 21, 2014 from Public Works Superintendent Fahey regarding the replacement of the rotary cutter.

Public Works Superintendent Fahey explained the public works department uses several pieces of equipment to maintain the city properties. One of these pieces of equipment is the John Deere MX10 rotary cutter, also known as a brush hog. The rotary cutter is used for brush clearing and heavy grass cutting. The city purchased this rotary mower in 2001 and over the years the deck that mounts the blade to the gear box has bent and is off center. The cost to replace the deck is approximately $1,000.00. The quote received to replace the mower is $3,000.00 less the trade for the old one. The Public Works Committee has had discussion on this item and makes a recommendation to send this item to Council for action.

MOTION by Councilmember Coop, second by Councilmember Schneider, to authorize the replacement of John Deere MX10 rotary cutter at a cost of $3,000 plus trade-in. ALL VOTED AYE. MOTION CARRIED.

8.5. Park Board Recommendation for Electrical Upgrade at Court Square.

Mayor Pingalore referenced a memo dated April 21, 2014 from Community Development Director Alger regarding electrical upgrade at Court Square.

Community Development Director Alger explained the Chamber of Commerce made a request to the Park Board in 2013 to cost share on proposed electrical updates at the Court Square Park Shelter. The project quote identifies $3,725 in upgrades. Public Works Superintendent Fahey has indicated willingness to contribute $500 towards the cost, stating the majority of the upgrades are a result of electrical issues encountered with hosting the larger Chamber functions, not for the typical use for which the shelter is rented. Previously, both the Park Board and Public Works Committee indicated support of the $500, and that any remaining contribution could be considered in budgeting discussions for 2015. At the March 17, 2014 Park Board meeting Mayor Pingalore made a request to the Park Board to reconsider a contribution towards the project. The Park Board discussed and recommended unanimously to allocate $1,000 (in addition to the $500 coming from the Public Works budget). This additional amount would be expended from the Park Fund.

Councilmember Chard inquired about electrical service for the restroom facility. Public Works Superintendent Fahey explained the electrical service at the restroom facility is not being addressed at this time.

MOTION by Councilmember Schneider, second by Councilmember Chard, to approve $1,000 to be expended from the Park Fund for electrical upgrades at Court Square as recommended by the Park Board. ALL VOTED AYE. MOTION CARRIED.

8.6. Resolution 14-043 Authorizing Bolton and Menk to Proceed with Met Council Interchange Request (Appendix E) Process for TH169 Overpass near CSAH 3.

Mayor Pingalore referenced a memo dated April 21, 2014 from Interim City Administrator Meyer regarding submittal of a funding application.

Interim City Administrator Meyer explained the City of Belle Plaine needs to submit the Appendix E Application for the Hwy 169 Overpass near CSAH 3 in order to pursue possible funding sources from the State of Minnesota. Appendix E is a document that is required by Met Council as part of an interchange request process. Although the bridge being proposed near CSAH 3 is not an interchange, Met Council has requested that the City of Belle Plaine submit the document as part of their funding/partnership request. The City Council discussed this issue at the April 7, 2014 workshop, and directed staff to obtain a proposal from Bolton and Menk to obtain a cost estimate for the application process. The proposal outlines the scope of Bolton and Menk's work as well as an estimated cost of $26,000.00 to complete the Appendix E process.

Councilmember Trost was opposed to proceeding further with the CSAH 3 area bridge project. He stated that the preliminary design indicates numerous turns for vehicles and believes it will cause congestion. Councilmember Trost believes the bridge should align with CSAH 3 as it is now and also that the State should contribute funds towards the interchange. Mayor Pingalore explained an interchange at CSAH 3 is estimated to cost $15 million and the cost would be a major setback for the project. He also explained the City should focus on seeking economic development and the bridge would assist with commercial and residential development. City Engineer Duncan explained the MNDOT and Scott County were in support of the bridge concept, which will help move the CSAH 3 area bridge forward. Councilmember Trost voiced his opposition and stated the City Council never voted on the re-design. Councilmember Chard concurred with Councilmember Trost and believes there should be an interchange at CSAH 3, not just a bridge. Councilmember Chard was opposed to the proposed turnback of the northern portion of CSAH 3. City Engineer Duncan explained that road turnbacks are at the discretion of the County and the City cannot refuse a turnback. Councilmember Chard stated that he believes there should be a straight, direct overpass at CSAH 3 and recommended to return to the original concept plan. Councilmember Coop commented that historically, the Belle Plaine City Council has been short-sighted in its dealings with MNDOT. He said that when the re-alignment of TH169 occurred in the 1950's, the City Council denied the opportunity to have a frontage road built by MNDOT. Councilmember Coop recommends any future City Council's accept the first deal offered by MNDOT because historically, it has been the best deal for the City, with lesser propositions following the initial offer. He further commented that if Belle Plaine wants to have a second bridge across TH169, it will be up to the City to accomplish that. Councilmember Schneider commented that at this time, Scott County is on aboard with financial assistance for the bridge. A full interchange located to the west can be built in the future, near the Oakcrest Elementary site.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 14-043 Authorizing Bolton and Menk to Proceed with Met Council Interchange Request (Appendix E) Process for TH169 Overpass near CSAH 3. Mayor Pingalore and Councilmembers Coop and Schneider VOTED AYE. Councilmembers Trost and Chard VOTED NAY. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Design Committee, 5:15 p.m., Monday, May 5.
2. City Council, 6:30 p.m., Monday, May 5.
3. Work Session, 7:00 p.m., Monday, May 5.
4. Public Works, 11:00 a.m., Tuesday, May 6.
5. Public Safety, 4:30 p.m., Tuesday, May 6.
6. EDA, 5:00 p.m., Monday, May 12.
7. Planning Commission, 7:00 p.m., Monday, May 12.

Mayor Pingalore reminded those present of the upcoming meetings as listed. He noted Coffee with the Mayor on May 1, 2014 at McDonald's restaurant.

10. ADJOURN.

MOTION by Councilmember Trost, second by Councilmember Coop, to adjourn at 7:55 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary