

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
MAY 6, 2013**

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, May 6, 2013 at 6:30 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 and Scott Schneider present. Commissioner Paul Chard arrived at 6:35 p.m.

Also present were City Administrator David Murphy, Public Works Superintendent Al Fahey, Finance Director Dawn Meyer, Police Chief Tom Stolee, City Engineer Joe Duncan and City Attorney Bob Vose. Zachary Schoenecker served as the video recording operator.

3. APPROVAL OF AGENDA.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve the agenda with the addition of 8.5. Authorizing the Hiring of Seasonal Pool Employees, and 8.6. Closed Session – Property Related Issue. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of April 15, 2013.

4.2. Board of Appeal and Equalization Minutes of April 15, 2013.

4.3. Board of Appeal and Equalization Minutes of April 29, 2013.

4.4. Special Session Minutes of April 29, 2013.

4.5. Resolution 13-042 Appointing Bob Stier and Trevor Latzke as Seasonal Employees with the Public Works Department.

4.6. Resolution 13-043 Adopting Mission Statement and Values Statement for the City of Belle Plaine.

4.7. Accepting Michael Dominy's resignation from the Design Committee and Authorizing Staff to Proceed with Advertising to Seek Candidates.

4.8. Resolution 13-046 Appointing Barrineau and Moloney as Part-Time Police Officers with the Belle Plaine Police Department.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve the consent agenda as follows: 4.1. Regular Session Minutes of April 15, 2013, 4.2. Board of Appeal and Equalization Minutes of April 15, 2013, 4.3. Board of Appeal and Equalization Minutes of April 29, 2013, 4.4. Special Session Minutes of April 29, 2013, 4.5. Resolution 13-042 Appointing Bob Stier and Trevor Latzke as Seasonal Employees with the Public Works Department, 4.6. Resolution 13-043 Adopting Mission Statement and Values Statement for the City of Belle Plaine, 4.7. Accepting Michael Dominy's resignation from the Design Committee and Authorizing Staff to Proceed with Advertising to Seek Candidates, and 4.8. Resolution 13-046 Appointing Barrineau and Moloney as Part-Time Police Officers with the Belle Plaine Police Department. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Community Services Department.

Community Services Director Nelson Ladd was present. The Council acknowledged receipt of the Community Services Department report.

5.2. Public Works Department.

Public Works Superintendent Al Fahey was present. The Council acknowledged receipt of the Public Works Department report.

5.3. City Engineer Report.

City Engineer Joe Duncan was present. The Council acknowledged receipt of the City Engineer report.

5.4. City Administration Report.

City Administrator David Murphy was present. He noted the History Channel film crew was in town on April 25th to film the Hillstrom Historical House. Mayor Pingalore acknowledged the historical expertise of former Mayor Gerald Meyer for the filming event. The Council acknowledged receipt of the City Administration report.

6. PUBLIC FORUM.

No one spoke at the public forum.

MOTION by Councilmember Coop, second by Councilmember Chard, to close the public forum. ALL VOTED AYE. MOTION CARRIED.

CERTIFICATE OF APPRECIATION

Mike Dominy, Design Committee.

Mayor Pingalore presented Mike Dominy with a certificate of appreciation for his four years of service on the Design Committee.

7. PUBLIC HEARINGS.

7.1. Vacation of Drainage and Utility Easement in Valley Business Park. The City Council will receive and consider public comment on a request by the City of Belle Plaine to vacate a drainage and utility easement dedicated in the plat of Valley Business Park, which will no longer be needed upon the replat of the property as Valley Business Park Second.

Mayor Pingalore referenced a memo dated May 6, 2013 from Community Development Director Alger regarding the vacating of the drainage easement in Valley Business Park.

Community Development Director Alger explained the City Council approved the preliminary plat for Valley Business Park Second Addition at their meeting on February 19, 2013. The plat consists of replatting Lots 1-4, Block 1 Valley Business Park and Lot 2, Block 2, Excelsior Henderson Industrial Park into two parcels: a 4.09 acre parcel which houses the city's public works facility, and a nearly six acre parcel which is being marketed by the City for development. Prior to approving the final plat the City must vacate the drainage and utility easement that exists on the westerly property line of Lot 4, Block 1 Valley Business Park. This easement is positioned in what will be the middle of the newly platted Lot 1, Block 1, Valley Business Park Second Addition, creating a development encumbrance. Vacation of public easements are regulated by MN Statute §412.851, which allows the Council to vacate, by resolution, on its own motion or by petition of a majority of the owners of abutting land owners. In this case, since the vacation was not the result of a land owner petition, the resolution must be adopted by at least four-fifths of all members of the City Council. Staff has reviewed the proposal and sees no issue with granting the

vacation of the drainage and utility easement, particularly because the previously approved preliminary plat establishes drainage and utility easements on the perimeter of the newly created lot. Utility companies have been contacted and have indicated no objections to the proposed vacation. Therefore, Staff sees no need for public use of these original easements at any point in the future.

Mayor Pingalore opened the public hearing at 6:45 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 6:46 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 13-041 Approving the Vacation of the Drainage and Utility Easement in Valley Business Park.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve Resolution 13-041 Approving the Vacation of the Drainage and Utility Easement in Valley Business Park. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

1. Pay Request No. 1 by Chard Tiling for \$225,186.34 for the 2013 Street Improvement Project.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve the Presentation of Claims and Pay Request No. 1 by Chard Tiling for \$225,186.34 for the 2013 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

8.2. Large Assembly Permit and Road Closure for German Days Celebration.

Mayor Pingalore referenced a memo dated May 6, 2013 from City Administrator Murphy regarding the German Days celebration.

City Administrator Murphy explained the Belle Plaine German Days Committee has submitted a large assembly permit application for Friday, June 21 and Saturday June 22, 2013. Public Works Superintendent Fahey, Police Chief Stolee and City Administrator Murphy discussed the road closure application and recommend closure of 100 Block of N. Meridian from 4 p.m. to 2 a.m. on Friday, June 21; the 100 Block of North Meridian from 12 p.m. to 2 a.m. on Saturday, June 22, and 100 Block of W. Main St. from 2 p.m. to 7 p.m. on Saturday, June 22. Public Works Superintendent Fahey will need a list of signs needed by the German Days Committee and will need to work with them on the number of barricades needed. Mr. Fahey wants the Council and applicant to be aware that he does not have the signs needed for the detours etc., nor the amount of barricades needed and that the applicant will need to rent approved signs and barricades. Mr. Fahey will also need to inspect the 100 block of West Main street the first business day after the mini-rod event and that the German Days Committee will be responsible for any repairs necessary to the street. The German Days Committee will also need to provide current liability insurance to the City prior to any work or preparations being made for the event. After review of the application and investigation, staff recommends approval with conditions as listed in City Administrator Murphy's memo.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the large assembly permit for the German Days Celebration for June 21 and 22, with conditions as listed in City Administrator Murphy's memo. ALL VOTED AYE. MOTION CARRIED.

8.3. Request to Allow Chickens.

Mayor Pingalore referenced a memo dated May 6, 2013 from City Administrator Murphy regarding the requests for allow chickens in the residential district.

City Administrator Murphy explained the City has received two petitions to keep farm animals (hen chickens) within city limits. Farm animals are not allowed in city limits other than those areas zoned A-2. The Belle Plaine City Code contains a provision where residents may petition the council for exception from this regulation. Petitions were received from Philip and Amanda Denzer, 821 Sunrise Lane, and Ben and Olivia Aronson, 425 North Meridian Street.

Councilmember Schneider asked about public safety issues. Police Chief Stolee responded that there is a possibility of animal nuisance and the city code addresses these issues. Councilmember Coop suggested the council table action and have the public safety committee address the issues of feed storage, which may attract rodents, and also proper animal waste disposal. Mayor Pingalore and Councilmember Trost were opposed to allowing animals in the residential district.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the requests by Philip and Amanda Denzer, 821 Sunrise Lane, and Ben and Olivia Aronson, 425 North Meridian Street. to allow chickens. Councilmember Coop VOTED AYE. ALL OTHERS VOTED NAY. MOTION FAILED.

8.4. Authorizing the Purchase of a Replacement Cab for the 1445 John Deere Tractor.

Mayor Pingalore referenced a memo dated May 6, 2013 from Public Works Superintendent Fahey regarding the replacement of the cab for the tractor.

Public Works Superintendent Fahey explained the public works department uses a cab on the front cut 1445 mowers in the winter time to remove snow. The cab is due for replacement. A replacement cab is \$5,350.00 at the State bid price and AgPower is allowing \$1,500.00 for trade. The heating system on the old cab is connected with steel connection and after a number of years in the winter environment they are getting to the age they will start failing. The public works committee has had discussion on this item and has not made a recommendation one way or the other.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the cab replacement for the 1445 mower at the state bid price of \$5,350.00, with a \$1,500.00 for trade in value. ALL VOTED AYE. MOTION CARRIED.

8.5. Authorizing the Hiring of Seasonal Pool Employees.

Public Works Superintendent Fahey asked for consideration of hiring seasonal pool employees to assist with various pool maintenance duties until the public works seasonal employees are appointed. If the council agrees, a formal resolution will be brought forward at the next council meeting.

MOTION by Councilmember Trost, second by Councilmember Coop, to authorize staff to proceed with the hiring of four seasonal lifeguards to assist with pool maintenance duties until the seasonal public works employees are appointed. ALL VOTED AYE. MOTION CARRIED.

8.6. Closed Session.

City Attorney Vose explained the purpose of the closed session is to allow discussion on a property-related issue to consider the conveyance of a right-of-way release by the City.

Mayor Pingalore recessed the regular session at 7:06 p.m. and convened the closed session at 7:12 p.m. with Councilmembers Chard, Trost, Schneider and Coop present. Also present were City Administrator Murphy, Community Development Director Alger, Public Works Superintendent Fahey, City Engineer Duncan, and City Attorney Vose.

City Attorney Vose provided a brief background on the request by a developer for the city to release right-of-way requirements. Discussion followed.

MOTION by Councilmember Trost, second by Councilmember Coop, to adjourn the closed session at 7:30 p.m. ALL VOTED AYE. MOTION CARRIED.

Mayor Pingalore reconvened the regular session at 7:30 p.m.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Public Works, 10:00 a.m., Tuesday, May 7.**
- 2. EDA, 5:00 p.m., Monday, May 13.**
- 3. Planning Commission, 7:00 p.m., Monday, May 13.**
- 4. Design Committee, 5:00 p.m., Monday, May 20.**
- 5. City Council, 6:30 p.m., Monday, May 20.**
- 6. Offices Closed, Monday, May 27, Memorial Day.**
- 7. Park Board 5:00 p.m. Tuesday, May 28.**
- 8. Council Work Session, 6:30 p.m., Tuesday, May 28.**

The council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Pingalore, to adjourn at 7:31 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary