

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
MAY 15, 2017**

1. PLEDGE OF ALLEGIANCE.

Mayor Christopher Meyer 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 15, 2017 at 6:30 p.m. in the council chambers of City Hall, 218 North Meridian Street, Belle Plaine, MN. Mayor Christopher Meyer called the meeting to order with Councilmembers Paul Chard, Ben Stier, Cary Coop, and Theresa McDaniel present. Also present were City Administrator Mike Votca, Finance Director Dawn Meyer, Community Development Director Cynthia Smith Strack, Public Works Superintendent Al Fahey, City Engineer Joe Duncan, Police Chief Tom Stolee and City Attorney Bob Vose. Wanda Savage served as the video recording operator.

3. APPROVAL OF AGENDA.

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

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of May 1, 2017.

4.2. Work Session Minutes of May 1, 2017.

4.3. Ordinance 17-08 Amending the City Code by Amending Section 307.05 Hours of Operation Pertaining to Off Sale Intoxicating Liquor.

4.4. Approve Large Assembly Permit for Belle Plaine Fire Relief Association for Fundraising Event on August 19, 2017.

4.5. Resolution 17-051 Adopting Special Assessment for Delinquent Fire Bills.

4.6. Resolution 17-058 Authorizing the City Administrator to Enter into Master Partnership Agreement with MnDOT.

4.7 Resolution 17-060 Approving Joint Facilities Agreement Between the City and Belle Plaine School District

4.8 Resolution 17-061 Approving the exchange of property between the City and Belle Plaine School District

4.9. Resolution 17-062 Appointing Seasonal Lifeguards and Water Safety Instructors for Pool Season.

4.10. Authorizing Off-Site Charitable Gambling Permit for German Days Event on June 16, 2017.

4.11. Authorizing Advertisement to Seek Candidates for Vacancy on the Planning Commission.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve the consent agenda as follows: 4.1. Regular Session Minutes of May 1, 2017, 4.2. Work Session Minutes of May 1, 2017, 4.3. Ordinance 17-08 Amending the City Code by Amending Section 307.05 Hours of Operation Pertaining to Off Sale Intoxicating Liquor, 4.4. Approve Large Assembly Permit for Belle Plaine Fire Relief Association for Fundraising Event on August 19, 2017, 4.5. Resolution 17-051 Adopting Special Assessment for Delinquent Fire Bills, 4.6. Resolution 17-058 Authorizing the City Administrator to Enter into Master Partnership Agreement with MnDOT, 4.7 Resolution 17-060 Approving Joint Facilities Agreement Between the City and Belle Plaine School District, 4.8 Resolution 17-061 Approving the exchange of property between the City and Belle Plaine School District, 4.9. Resolution 17-062 Appointing Seasonal Lifeguards and Water Safety Instructors for Pool Season, 4.10. Authorizing Off-Site Charitable Gambling Permit for German Days Event on June 16, 2017, and 4.11. Authorizing Advertisement to Seek Candidates for Vacancy on the Planning Commission. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

Ridgeview Ambulance provided a written monthly report. Mayor Meyer inquired whether there were any noticeable changes with response with the addition of Ridgeview now serving LeSueur. Police Chief Stolee replied he was not aware of any issues. The Council acknowledged receipt of the Ambulance Department report.

5.2. Fire Department.

Fire Chief Matt Stier was unable to attend. The Council acknowledged receipt of the Fire Department report.

5.3. Police Department.

Police Chief Tom Stolee was present. The Council acknowledged receipt of the Police Department report.

5.4. Community Development Department.

Community Development Director Cynthia Smith Strack was present. The Council acknowledged receipt of the Community Development Department report.

5.5. Administration Report.

City Administrator Mike Votca was present. The Council acknowledged receipt of the Administration report.

6. PUBLIC HEARINGS.

6.1. Annual Liquor License Renewals. The City Council will receive and consider public comment on the annual liquor license renewals for the period July 1, 2017 through June 30, 2018.

City Administrator Votca explained the annual renewal date of the liquor licenses is July 1, 2017 and a public hearing has been scheduled as required for the renewals. Police Chief Stolee has performed the necessary background checks and recommends approval.

Mayor Meyer opened the public hearing at 6:37 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Coop, second by Councilmember Chard, to close the public hearing at 6:38 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 17-063 Approving Annual Renewal of Liquor License for 2017/18.

MOTION by Councilmember Coop, second by Mayor Meyer, to approve Resolution 17-063 Approving Annual Renewal of Liquor License for 2017/18. ALL VOTED AYE. MOTION CARRIED.

7. BUSINESS.

7.1. Presentation of Claims.

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

7.2. Minor Subdivision for Townsend PID 209120010.

Community Development Director Smith Strack explained that Jeff Townsend has applied for a minor subdivision to split PID 209120010 an approximate 18+ acre parcel into Tracts 1 and 2. The split will enable sale of the property south of Commerce Drive West to one party and the property north of Commerce Drive West to another party. Under code, if this split is approved, no further minor subdivision, either lot split or combination is possible for five years after approval. This includes combining lots south of West Commerce Drive. Any further change requires platting. The Planning Commission recommended approval.

7.2.1. Resolution 17-052 Approving Assessment Agreement for PID 209120010.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 17-052 Approving Assessment Agreement for Townsend PID 209120010. ALL VOTED AYE. MOTION CARRIED.

7.2.2. Resolution 17-053 Approving Minor Subdivision for Townsend PID 209120010.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 17-053, Approving a Minor Subdivision for Townsend PID 209120010. ALL VOTED AYE. MOTION CARRIED.

7.3. Minor Subdivision for Townsend PID 209120114.

Jeff Townsend was present.

Community Development Director Smith Strack explained that Jeff Townsend has applied for a minor subdivision to split PID 209120114 an approximate 27 acre parcel into Tracts 1 and 2. The split will enable sale of the property west of Elk Street. Under code, if this split is approved, no further minor subdivision, either lot split or combination is possible for five years after approval. This includes separating proposed Tract 2. Any further division requires platting. The Planning Commission recommended approval.

7.3.1. Resolution 17-054 Approving Assessment Agreement for PID 209120114.

MOTION by Councilmember Coop, second by Mayor Meyer, to approve Resolution 17-054 Approving Assessment Agreement for PID 209120114, Townsend Property. ALL VOTED AYE. MOTION CARRIED.

7.3.2. Resolution 17-055 Approving Minor Subdivision for Townsend PID 209120114.

MOTION by Councilmember Coop, second by Councilmember McDaniel, to approve Resolution 17-055 Approving Minor Subdivision for Townsend PID 209120114. ALL VOTED AYE. MOTION CARRIED.

7.4. Resolution 17-056 Approving Minor Subdivision for McCue PID 209170010.

Bill McCue was present.

Community Development Director Smith Strack explained that Bill McCue has applied for a minor subdivision to split PID 209170010 an approximate 78-acre parcel into Parcel A and Parcel B. The split will enable sale of the property southwest of Hickory Boulevard. Under code, if this split is approved, no further minor subdivision, either lot split or combination is possible for five years after approval. Any further division within that timeframe requires platting. The entire parcel was subject to previous concept plan and environmental assessment completion as part of the Farmers pre-plat. The Planning Commission recommended approval.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 17-056 Approving Minor Subdivision for McCue PID 209170010. ALL VOTED AYE. MOTION CARRIED.

7.5. Tatiana Fields.

Community Development Director Smith Strack explained the Council previously approved preliminary plat of Tatiana Fields. Final plat is pending and will be acted on after annexation becomes effective. Execution of the Developer's Agreement at this time will enable the City Engineer to design required public improvements including watermain extension and termination of Schoolhouse Road in a cul de sac. In addition, execution of the agreement will allow for filing of letters of credit and consideration of expedited grading permit issuance. The agreement will require filing of the final plat together with required easements, when approved by the Council. The agreement includes language providing for incremental waiving of a required park dedication fee pursuant to a joint powers agreement by/between the Developer and Belle Plaine Schools. The joint powers agreement will allow for school access to the youth field and the smaller regulation field. The incremental waiving period is five years, one fifth per year, final year 2022. If the commercial recreation use ceases or the property is sold the prorated portion of the fee is due. The agreement also alludes to financing of trunk area fees. In addition to language in the development agreement a fee deferral (assessed) agreement is also proposed.

Councilmember Coop asked as to how the Developers Agreement would be affected if Resolution 17-059 for the financing of trunk area fees was not approved. Community Development Director Smith Strack explained that language in the Developers Agreement would need to be revised accordingly. Councilmember Chard inquired as to the process in the event there was a change in use from recreational use to one of commercial or high-density residential. Community Development Director Smith Strack explained the trunk area charges would apply as outlined in the agreement. Councilmember Coop asked if the City can enforce the agreements onto the next property owner. City Attorney Vose responded the developers agreement and the fee deferral agreement places the obligation with the property and are enforceable with the caveat that no one can guarantee an outcome by the court system if a property owner contests it.

7.5.1. Resolution 17-057 Approving Developers Agreement and Authorizing Execution with Sabyasachi Sengupta, Founder and President of Tatiana Fields LLC.

MOTION by Councilmember Coop, second by Mayor Meyer, to approve Resolution 17-057 Approving Developers Agreement and Authorizing Execution with Sabyasachi Sengupta, Founder and President of Tatiana Fields LLC. ALL VOTED AYE. MOTION CARRIED.

7.5.2. Resolution 17-059 Approving Financing of Trunk Area Fees and Authorizing Execution of Fee Deferral Agreement with Sabyasachi Sengupta, Founder and President of Tatiana Fields LLC.

MOTION by Councilmember Coop, second by Mayor Meyer, to approve Resolution 17-059 Approving Financing of Trunk Area Fees and Authorizing Execution of Fee Deferral Agreement with Sabyasachi Sengupta, Founder and President of Tatiana Fields LLC. ALL VOTED AYE. MOTION CARRIED.

8. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Design Committee, 5:15 pm, Monday, June 5.**
- 2. City Council, 6:30 pm, Monday, June 5.**
- 3. Work Session, 6:45 pm, Monday, June 5.**
- 4. Joint Meeting- Destination 2040, Future Land Use, 6:00 pm, Wednesday, June 7.**
- 5. Public Works, 9:00 am, Thursday, June 8.**

The Council was reminded of the upcoming meetings as listed.

9. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Stier, to adjourn the Regular Session at 6:54 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary