

**BELLE PLAINE CITY COUNCIL
REGULAR AND WORK SESSION
JUNE 5, 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, June 5, 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 Ben Stier, Cary Coop, and Theresa McDaniel present. Councilmember Paul Chard arrived at 6:32 p.m.

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 15, 2017.

4.2. Work Session Minutes of May 15, 2017.

4.3. Approving Large Assembly Permit for Belle Plaine Festival and Events for Bar B Q Days on July 14, 15 and 16, 2017.

4.4. Approving Temporary On-Sale Intoxicating Liquor License for Belle Plaine Festival and Events for Bar B Q Days on July 14, 15 and 16, 2017.

4.5. Resolution 17-064 Appointing Seasonal Pool Employees.

4.6. Resolution 17-067 Approving State of Minnesota Joint Powers Agreements with the City of Belle Plaine on Behalf of its City Attorney and Police Department

4.7. Authorizing Extended Hours for Use of the Community Swimming Pool by the School District.

MOTION by Councilmember Coop, second by Councilmember McDaniel, to approve the consent agenda as follows: 4.1. Regular Session Minutes of May 15, 2017, 4.2. Work Session Minutes of May 15, 2017, 4.3. Approving Large Assembly Permit for Belle Plaine Festival and Events for Bar B Q Days on July 14, 15 and 16, 2017, 4.4. Approving Temporary On-Sale Intoxicating Liquor License for Belle Plaine Festival and Events for Bar B Q Days on July 14, 15 and 16, 2017, 4.5. Resolution 17-064 Appointing Seasonal Pool Employees, 4.6. Resolution 17-067 Approving State of Minnesota Joint Powers Agreements with the City of Belle Plaine on Behalf of its City Attorney and Police Department, and 4.7. Authorizing Extended Hours for Use of the Community Swimming Pool by the School District. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Community Services Department.

Community Services Director Mindy Chevalier 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. Administration Report.

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

PUBLIC FORUM – VISITOR’S REQUEST

Father Brian Lynch, Our Lady of the Prairie Church, for Veterans Park Issue.

Father Lynch, representing Our Lady of the Prairie Catholic Church, spoke in opposition to the proposed display by Reason Alliance, Ltd, the Satanic Temple, at Veterans Park. Father Lynch expressed concern for the potential negative impact to the community.

Mayor Meyer recommended Father Lynch voice his opinion with the Belle Plaine Veterans organization regarding this issue as well.

PROCLAMATION

German Day Event – June 16, 2017.

Mayor Meyer read the German Day proclamation for event on June 16, 2017.

ACKNOWLEDGMENT

EMS Week – May 21 – 28

Mayor Meyer acknowledged the dedicated service of the Belle Plaine Police, Fire and Ambulance Departments in honor of EMS week, May 21 to 28, 2017. Certificates were issued on behalf of Scott County Sheriff's Department.

6. PUBLIC HEARING.

6.1. Block 102 and Block 104 Alley Improvement Hearing. The City Council will accept public comment on the proposed 2017 Block 102 and Block 104 Alley Improvement Project.

City Administrator Votca explained that at the Council meeting on May 1, 2017, the City Council accepted the preliminary engineering report and called for the public hearing for the 2017 Block 102 and 104 Alley Improvement Project. The hearing will provide the property owners the opportunity to discuss the merits and necessity of the project with the Council. The project consists of pavement improvements in both alleys and storm sewer improvements to Block 104 Alley.

City Engineer Duncan provided a PowerPoint presentation on the proposed project. The improvements include storm water drainage and bituminous. There are no sanitary sewer improvements associated with the project. City Engineer Duncan explained the Block 104 storm sewer main extension to Chestnut Street, connecting with the 24" main in Main Street. The total estimated project cost is \$25,815 for Block 102 alley and \$121,495 for Block 104. The majority of improvements are assessed at 30%. The total cost will be approximately 72% of City and 28% property owners.

Mayor Meyer opened the public hearing at 7:02 p.m. and asked for public comment.

Jean Hayden, 136 South Chestnut Street, objected to the project because it would be of no benefit to her property and thus was opposed to the assessment.

MOTION by Councilmember Coop, second by Councilmember McDaniel, to close the public hearing at 7:04 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Chard commented there is an appeal process available to property owners who object to their assessments. City Attorney Vose explained that it is appropriate to proceed with the appeal process at the time the assessment hearing which will be held as the project nears completion. Councilmember Chard commented that he is a property owner within the project and asked if he should abstain. City Attorney Vose explained the City has a capital improvement plan in place for the street improvement projects, which will eventually effect each Council Member. Therefore, there is no justification to abstain from the vote.

6.1.1. Resolution 17-065 Ordering Improvements and Directing Preparation of Final Plans and Specifications for the 2017 Block 102 and Block 104 Alley Improvement Project.

MOTION by Councilmember Coop, second by Mayor Meyer, to approve Resolution 17-065 Ordering Improvements and Directing Preparation of Final Plans and Specifications for the 2017 Block 102 and Block 104 Alley Improvement Project. Furthermore, the project shall include the extension of storm water main for a portion of Chestnut Street South and connecting to the main located in Main Street East. ALL VOTED AYE. MOTION CARRIED.

7. BUSINESS.

7.1. Presentation of Claims.

- 1. Pay Request No. 1 by Mueller and Sons for \$421,312.45 for the 2017 Street Improvement Project.**
- 2. Pay Request No. 5 by Chard Tiling & Excavating for \$110,493.65 for the 2016 Street Improvement Project.**

MOTION by Councilmember Coop, second by Councilmember Chard, to approve the Presentation of Claims, Pay Request No. 1 by Mueller and Sons for \$421,312.45 for the 2017 Street Improvement Project and Pay Request No. 5 by Chard Tiling & Excavating for \$110,493.65 for the 2016 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

7.2. Authorizing Purchase of Utility Task Vehicle for Belle Plaine Police Department.

Police Chief Stolee explained that on May 9, 2017 the Public Safety committee met and discussed the purchase of a 2017 Wolverine R-Spec Utility Task Vehicle (UTV) for the police department from Belle Plaine Motor Sports. With the increasing patrolling of events, parade and run details, and the City's UTV ordinance and bow hunting ordinance for property owners north of the railroad tracks, discussions started several years ago to purchase a UTV to allow the police department a viable tool for these tasks, as well as emergency management situations and off road patrol options. This vehicle can be utilized both on and off city streets as a method for proactive methods of crime prevention and detection, enforcement in certain situations, community policing functions and other situations. The total government pricing rate for the UTV is \$10,950.00. Any additional equipment for set up of the UTV will be done utilizing forfeiture and charitable gambling funds. The purchase will be made from a combination of the police department forfeiture fund and the charitable gambling fund which 10% of the money collected within the City of Belle Plaine must be used for public safety. The purchase will not be made from tax payer funding.

MOTION by Councilmember Coop, second by Councilmember Stier, to authorizing the purchase of a Utility Task Vehicle for Belle Plaine Police Department at a cost not to exceed \$10,950.00. ALL VOTED AYE. MOTION CARRIED.

RECESS REGULAR SESSION.

Mayor Meyer recessed the Regular Session at 7:17 p.m.

8. CONDUCT WORK SESSION.

Mayor Meyer convened the Work Session at 7:22 p.m. with Councilmembers Cary Coop, Ben Stier, Paul Chard 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.

8.1. Request by Dale J. Otto Regarding Special Assessment for the 2006 West Commerce Drive Improvement Project.

Dale and Lori Otto were present.

Finance Director Meyer explained that Dale and Lori Otto have submitted a request to negotiate the special assessment on their parcel located on West Commerce Drive. In 2006 the City of Belle Plaine proceeded with the West Commerce Drive improvement project. The properties were assessed as per the City's assessment policy. Dale and Lori Otto appealed the assessment through the court system, which was tried in October/November of 2008. The court decision on March 20, 2009 upheld the assessment and terms in full and also awarded the City its costs associated with the appeal. Dale and Lori Otto continued to dispute the assessment. The Otto's and the City then entered into arbitration to settle the disputed assessment and avoid further litigation and appeals. On April 20, 2009 Dale and Lori Otto signed a settlement agreement that was approved by District Court. As part of the signed settlement the interest on the assessment was waved through April 30, 2009. The City of Belle Plaine follows the adopted assessment policy when assessing properties. The assessment policy uses fair and equitable standards in the calculations of assessments, as well as ensures that all subject properties are treated equally. The City of Belle Plaine does not negotiate special assessments. The Finance Ways and Means Committee recently met to review the request from Dale and Lori Otto, and recommended that the City continues to follow the settlement agreement and the assessment policy.

The Council upheld the Finance Ways and Means Committee recommendation to abide by the settlement agreement. No further action was taken.

8.2. Discussion on Proposed Ordinance 17-06, Sign Code.

Community Development Director Smith Strack explained the Planning Commission has initiated an update of code standards relating to signs. Purpose of the update is primarily to pursue content-neutral language. Impactful changes to standards related to the number, size, height, and area of signs allowed are not contemplated. Adjustments proposed for sign performance standards actually decrease the regulatory burden for dynamic and illuminated signs. Additional flexibility for review of commercial and/or industrial multiple tenant and PUD are proposed. A copy of the draft ordinance was included with Community Development Director Smith Strack's memo.

After their review, it was the consensus of the Council to proceed with a public hearing for the proposed Ordinance.

8.3. School Resource Officer.

School Board Member Joe Vandermark was present.

Police Chief Stolee provided a Power Point presentation regarding a School Resource Officer and review of the cost share options. The presentation provided background information and scenarios of other Scott County cities associated with a School Resource Officer. Police Chief Stolee suggested a task force committee be formed for further research and review.

It was consensus of the Council to direct the Public Safety Committee to meet with the School District regarding this situation.

8.4. Meridian Street Trail – Tree Trimming.

City Administrator Votca explained the construction will begin soon on the Meridian Street Trail as part of the 2017 Street Project. There are evergreens planted in the easement area with branches overhanging into the road right-of-way. It is appropriate to notify the homeowners along Meridian Street whose properties will be impacted by the construction and placement of the trail. The proposed tree trimming will be up to 10 feet above the trail per safety recommendations.

Public Works Superintendent Fahey explained that Council and Staff can expect phone calls from residents regarding this matter. Councilmember Chard recommended residents be given the option to have the evergreen trees trimmed at the full circumference rather than just the east side of the tree. City Engineer Duncan commented the additional trimming would be considered as an additional expense. Councilmember Coop inquired about damages to the trees. City Attorney Vose explained the trees are located within a drainage and utility easement and a portion of the road right-of-way, therefore the City is not liable if the trees do not survive.

It was the consensus of the Council to direct Staff to proceed with sending letters to affected property owners regarding the proposed tree trimming. The letter is to inform the residents of their options regarding the tree trimming method. The City will absorb costs associated with additional trimming.

8.5. Draft Uplighting Policy.

City Administrator Votca explained that in order to address requests for uplifting of downtown trees during events and set a standard for everyday tree lighting, the Staff has drafted a policy in regard to uplifting.

The Council reviewed the draft policy and recommended the policy be added to the next Council agenda for adoption.

8.6. July 3 Office Closure.

City Administrator Votca explained there is a challenge to adequately staff the city and allow equitable vacation for employees for the upcoming Independence Day holiday. Staff is requesting consideration of closing City offices on Monday, July 3, 2017 and allow employees to utilize their paid personal time on this day.

It was the consensus of the Council to proceed and formal adoption will occur at the next Council meeting.

ADJOURN WORK SESSION.

MOTION by Councilmember Coop, second by Councilmember McDaniel, to adjourn the work session at 8:10 p.m. ALL VOTED AYE. MOTION CARRIED.

9. CLOSED PERSONNEL COMMITTEE MEETING.

Mayor Meyer announced the Closed Personnel Committee meeting at 8:12 p.m. with Councilmembers Ben Stier, Cary Coop, Paul Chard and Theresa McDaniel present. Also present were City Administrator Mike Votca, Finance Director Dawn Meyer and City Attorney Bob Vose.

Mayor Meyer stated the purpose of the closed session was to conduct performance review of City Administrator. The Council and City Administrator discussed objectives.

PERSONNEL COMMITTEE MEETING CONTINUED.

MOTION by Councilmember Coop, second by Councilmember Chard, to continue the Closed Personnel Committee meeting until June 19, 2017. ALL VOTED AYE. MOTION CARRIED.

10. RECONVENE REGULAR SESSION.

Mayor Meyer reconvened the Regular Session at 8:42 p.m. with Councilmembers Ben Stier, Cary Coop, Paul Chard and Theresa McDaniel present. Also present were City Administrator Mike Votca, Finance Director Dawn Meyer and City Attorney Bob Vose.

11. ADMINISTRATION.

Upcoming Meetings.

1. Destination 2040, Joint Meeting, 6:00 p.m., Wednesday, June 7.
2. Public Works, 9:00 a.m., Thursday, June 8.
3. EDA, 5:00 p.m., Monday, June 12.
4. Planning Commission, 6:30 p.m., Monday, June 12.
5. Episcopalian Church Restoration, 9:00 a.m., Wednesday, June 14.
6. Park Board, 5:00 p.m., Monday, June 19.
7. City Council, 6:30 p.m., Monday, June 19.

The Council was reminded of the upcoming meetings as listed.

9. ADJOURN.

MOTION by Councilmember McDaniel, second by Councilmember Coop, to adjourn at 8:43 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary