

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
JUNE 16, 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, June 16, 2014 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, Paul Chard and Scott Schneider 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. Zachery Schoenecker served as the video recording operator.

3. APPROVAL OF AGENDA.

Councilmember Trost requested the addition of business item 8.5., Sidewalk/Tree Issue for the 2014 Street Improvement Project.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the agenda with the addition of item 8.5., Sidewalk/Tree Issue for the 2014 Street Improvement Project. ALL VOTED AYE.
MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of June 2, 2014.

4.2. Large Assembly Permit by Belle Plaine River Fishing Contest for Saturday, August 9, 2014.

4.3. Temporary 3.2% Intoxicating Liquor License for the Belle Plaine River Fishing Contest.

4.4. Resolution 14-067 Accepting the Community Grant Partnership Cash Donation from CenterPoint Energy.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the consent agenda as follows: 4.1. Regular Session Minutes of June 2, 2014, 4.2. Large Assembly Permit by Belle Plaine River Fishing Contest for Saturday, August 9, 2014, 4.3. Temporary 3.2% Intoxicating Liquor License for the Belle Plaine River Fishing Contest, and 4.4. Resolution 14-067 Accepting the Community Grant Partnership Cash Donation from CenterPoint Energy.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

Ridgeview Ambulance provided a written monthly report. 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. 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 reported that decals will be added to the overheads door at the ambulance garage identifying Ridgeview Medical. Decals identifying the Belle Plaine Police Department will also be added to the police garage doors. The Council acknowledged receipt of the Administration report.

Public Works Superintendent Fahey explained the Public Works Department will not be picking up branches, tree limbs or debris from the boulevards resulting from residents clearing their property of damages from the recent flash flood. The City compost site will be open for approximately the next ten days to allow residents to haul their branches and tree limbs to the site.

6.0. PUBLIC FORUM.

No one spoke at the public hearing.

6.1. RECOGNITION OF INVOLVED CITIZENS.

6.2. CERTIFICATE OF APPRECIATION.

1. Alicia Ellis, Center Point Energy, Presentation of Community Partnership Grant of \$2,500 for the Belle Plaine Fire Department.

Mayor Pingalore presented Alicia Ellis of Center Point Energy with a certificate of appreciation for the community partnership grant of \$2,500 for the Belle Plaine Fire Department.

6.3. VISITOR'S REQUEST.

1. Leo Albrecht, 500 Oak Village Court, Issues Related to Refuse Hauling.

Mr. Leo Albrecht addressed the City Council regarding what he believes is a discrepancy in the billings by refuse haulers. He reported that he took survey of the fees being charged to residents and learned there appeared to be no consistency in the amount charged. Mr. Albrecht requested the City Council consider contracting with only one hauler for better price control. He also said the dual tandem axle vehicles cause havoc on the City's streets, particularly the cul-de-sacs.

Mayor Pingalore advised this issue will be forwarded to the Public Works Committee for further review.

7. PUBLIC HEARINGS.

7.1. Variance Request. The City Council is requested to open and continue the public hearing to July 21, 2014, on a request by Shawn Larson, 1013 Provence Lane, Belle Plaine, MN for a variance from Section 1105.05, Subd.5 and 6 of the Zoning Ordinance to allow a detached garage to exceed height, square footage and maximum garage door height at 1009 Provence Lane in the R-1 District.

Mayor Pingalore referenced a memo dated June 16, 2014 from Community Development Director Alger regarding a variance request.

Community Development Director Alger explained Shawn Larson, 1013 Provence Lane, has submitted a Variance Application to the City for the adjacent property located at 1009 Provence Lane. The purpose for the request is to construct an accessory garage, which exceeds the maximum square footage, height and garage door height. If approved, Larson plans to purchase the subject lot where the new garage would be located, and combine it to his existing parcel. During review it was determined that an additional land use application would be required; a conditional use permit for construction of an accessory building over 900 square feet. Additionally, the City has requested the applicant address the differences brought forward by the neighborhood association prior to City action. The Planning Commission opened and continued the public hearing to their meeting on July 14, 2014. As such, Staff is recommending the City Council public hearing considering this matter also be opened, and continued until Monday, July 21, 2014 to allow time to receive a recommendation from the Planning Commission.

Mayor Pingalore opened the public hearing at 6:55 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Trost, second by Councilmember Coop, to table action and continue the public hearing on the variance request by Shawn Larson, 1013 Provence Lane, until July 21, 2014 to allow time to receive a recommendation from the Planning Commission. ALL VOTED AYE. MOTION CARRIED.

7.2. Ordinance 14-07. The City Council will consider public comment on proposed Ordinance 14-07, an ordinance amending Section 304 of the City Code by banning sampling of product in tobacco related shops and removing the moratorium on the establishment of tobacco related product shops.

Mayor Pingalore referenced a memo dated June 16, 2014 from Community Development Director Alger regarding Ordinance 14-07.

Community Development Director Alger explained the Council previously adopted Interim Ordinance 14-03, placing a moratorium on the establishment of new tobacco product shops in order to allow staff to do further review and research on the existing tobacco licensing requirements as they pertain to the sale and use of e-cigarettes. Previous to this Ordinance 14-07, the Council passed language that included e-cigarettes and related products as "tobacco related products" therefore regulating them in the same manner as other tobacco products (i.e. licensing and sales and display restrictions to minors). This language, however, did not address the other concern brought forward regarding the sampling of product in Tobacco Product Shops; as such sampling is exempt from the Clean Air Act regulations in State Statute, unless a City passes an ordinance otherwise banning it. Some communities have gone so far as to ban certain types of Tobacco Product Shops to address concerns, however in a review of the matter by the Public Safety Committee, it was suggested that simply banning the sampling activity should sufficiently address the concern. As such, Staff consulted with the League of MN Cities, who provided language examples for such a regulation, which was reviewed and utilized in developing the language for Ordinance 14-07. The Public Safety Committee has reviewed Ordinance 14-07 and finds it to appropriately address previous concerns discussed. Additionally, by passing the Ordinance, it lifts the temporary restriction (moratorium) on establishment of new Tobacco Related Product Shops.

Mayor Pingalore opened the public hearing at 6:57 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 6:58 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Adoption of Ordinance 14-07, Amending Section 304 of the City Code by Banning Sampling of Product in Tobacco Related Shops and Removing the Moratorium on the Establishment of Tobacco Related Product Shops.

MOTION by Councilmember Coop, second by Councilmember Chard, to adopt Ordinance 14-07, Amending Section 304 of the City Code by Banning Sampling of Product in Tobacco Related Shops and Removing the Moratorium on the Establishment of Tobacco Related Product Shops. ALL VOTED AYE. MOTION CARRIED.

BUSINESS.

8.1. Presentation of Claims.

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

8.2. Ehlers and Associates - Resolution 14-069 Approving Bond Sale for the 2014 Street Improvement Project.

Mayor Pingalore referenced a memo dated June 16, 2014 from Interim City Administrator Meyer regarding the bond sale for the 2014 street improvement project.

Interim City Administrator Meyer explained the City Council awarded the contract for the 2014 street reconstruction project for \$1,074,443.52. On June 2, 2014 the City Council authorized the calling for the sale of G.O. improvement bonds for the purpose of financing the 2014 street reconstruction project. The City proceeded with a bond rating call from Standard & Poors on June 6, 2014.

Todd Hagen, Ehlers and Associates, reported the bond bids were received today and recommended award of the bond sale to UMB Bank. Mr. Hagen announced the City's bond rating increased from AA- to AA and presented Mayor Pingalore with an award plaque, commemorating the City's financial stability and solid financial management. Mr. Hagen indicated the new upgraded bond rating has positively impacted the cost associated with the sale of bonds.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve Resolution 14-069 Awarding the Sale of the \$1,460,000 G.O. Improvement Bond. ALL VOTED AYE. MOTION CARRIED.

8.3. Resolution 14-061 Approving Change Order No. 2 for the 2012 Chestnut Ravine Project.

Mayor Pingalore referenced a memo dated June 16, 2014 from Interim City Administrator Meyer regarding the change order for the 2012 Chestnut Street ravine project.

Interim City Administrator Meyer explained a change order was prepared by the City Engineer resulting from discussions following the on-site visit at the Chestnut Street ravine area. The proposed work will help control groundwater seeps in the ravine and the additional inlet near the top of the ravine. The Scott Soil and Water District has been approached regarding a cost-share of the amount of \$9,780.00 quoted. An update on the cost share will be provided at the council meeting. The Public Works Committee discussed this issue at their meeting on June 3, 2014 and recommended it be put on the agenda for council action.

City Engineer Duncan explained the purpose of the change order and the City will be seeking joint funding from the Scott Soil and Water District.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Resolution 14-061 Approving Change Order No. 2 for the 2012 Chestnut Ravine Project. ALL VOTED AYE. MOTION CARRIED.

8.4. Approval to Install Flag Pole at Library Courtyard and Remove from Cupola.

Mayor Pingalore referenced a memo dated June 16, 2014 from Public Works Superintendent Fahey regarding the flag pole at the community library.

Public Works Superintendent Fahey explained the current location of the American flag is on top of the cupola on the roof of the library building. This location is not assessable to the public works department with the equipment available. The flag needs to be changed on a regular basis and a bucket truck is needed to complete this task. The cost to hire an outside service is between \$175.00 and \$250.00 per time depending on availability. It is staff's recommendation to add a flag pole similar to the one at City Hall in the front court yard near the building at a cost of about \$1,300.00. The lights on the roof can be utilized to shine on the flag in its new position. The Public Works Committee discussed this and made a recommendation to Council to move the flag and pole.

MOTION by Councilmember Trost, second by Councilmember Schneider, to recommend the removal of the flag pole from the cupola at the community library and to install a flag pole in the courtyard. ALL VOTED AYE. MOTION CARRIED.

8.5. Sidewalk/Tree Issue for the 2014 Street Improvement Project.

Councilmember Trost explained a homeowner at the corner of Raven Street and Cedar Street contacted him regarding possible damage to a tree during the street reconstruction project. The homeowner reported a portion of the roots of the tree were damaged as a result of the installation of a sidewalk. Councilmember Trost asked the opinion of Public Works Superintendent Fahey.

Public Works Superintendent Fahey responded the City strives to avoid any loss of trees during street reconstruction projects. Sidewalks can be constructed to avoid the removal of trees. In this case, the sidewalk location could not be altered due to the close proximity to the intersection.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Episcopalian Church Restoration Committee, 5:00 p.m., Wednesday, June 18.**
- 2. German Days Event, Friday and Saturday, June 20-21.**
- 3. Design Committee, 5:15 p.m., Monday, June 23.**
- 4. Joint Planning, Belle Plaine Township, 6:00 p.m., Monday, June 23.**
- 5. Independence Day, Friday, July 4, Offices Closed.**
- 6. City Council, 6:30 p.m., Monday, July 7.**
- 7. Work Session, 7:00 p.m., Monday, July 7.**
- 8. Public Works, 11:00 a.m., Tuesday, July 8.**
- 9. Dive-In Movie Night at Pool, Friday, July 11.**

The Council was reminded of the upcoming meetings as listed.

Police Chief Stolee advised to sign up with Nixle.com to keep informed of severe weather conditions.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Chard, to adjourn at 7:28 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary