BELLE PLAINE CITY COUNCIL
REGULAR SESSION
AUGUST 5, 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, August 5, 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, Scott Schneider and Paul Chard present.

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

3.APPROVAL OF AGENDA.

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

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of July 15, 2013.
4.2. Resolution 13-083 Approving Memorandum of Understanding with Scott County for Use of Land for Archery Range.
4.3. Approving Amendment for Joint Powers Agreement with Scott County for Assessment Services for Years 2012, 2013, and 2014.
4.4. Resolution 13-084 Adopting Guidelines for the City Youth Activity Grant Program.
4.5. Resolution 13-088 Approving Valley View Mobile Home Emergency and Evacuation Plan.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the consent agenda items as follows: 4.1. Regular Session Minutes of July 15, 2013; 4.2. Resolution 13-083 Approving Memorandum of Understanding with Scott County for Use of Land for Archery Range; 4.3. Approving Amendment for Joint Powers Agreement with Scott County for Assessment Services for Years 2012, 2013, and 2014; 4.4. Resolution 13-084 Adopting Guidelines for the City Youth Activity Grant Program; and 4.5. Resolution 13-088 Approving Valley View Mobile Home Emergency and Evacuation Plan. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Community Services Department.

Community Services Director Nelson Ladd was present and acknowledged the assistance of Councilmember Cary Coop with the recent Prairie Fire Children's Theater performance. The Council acknowledged receipt of the Community Services Department report.

5.2. Public Works Department and Pool Manager Reports.

Public Works Superintendent Al Fahey was present. The Council acknowledged receipt of the Public Works Department and Pool Manager reports.

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. The Council acknowledged receipt of the City Administration report.

6. PUBLIC FORUM.

No one spoke at the public forum.

7. PUBLIC HEARING.

7.1. Easement Vacation. The City Council will consider public comment on a request by Coborn's, Inc, 1445 East Highway 23, P.O. Box 6146, St. Cloud, MN to vacate a drainage and utility easement dedicated in Lot 1, Block 1, Diversified Business Park Second Addition.

Mayor Pingalore referenced a memo dated August 5, 2013 from Community Development Director Alger regarding an easement vacation.

Community Development Director Alger explained the applicant, Coborn's Inc, is requesting the City Council vacate the dedicated drainage and utility easement in the southwest corner of Lot 1, Block 1, Diversified Business Park 2nd Addition. The purpose of the request is to release easement that encumbers the fuel storage tanks on the Coborn's property. Coborn's has submitted the necessary paperwork to dedicate a replacement drainage and utility easement adjacent to this area, running along the west property line.Vacation of public rights-of-way and easements 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 easement is located within a legal parcel owned by Coborn's. They are, therefore, the only petitioners. Staff has reviewed the proposal and sees no issue with granting the vacation of the drainage and utility easement as the newly proposed easement is more appropriately positioned for the public's need. Utility companies have been contacted. Centerpoint Energy and Minnesota Valley Electric Cooperative have indicated no objections to the proposed vacation. No other public comment has been received either for or against the proposed vacation.

Mayor Pingalore opened the public hearing at 6:41 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Coop, second by Councilmember Schneider, to close the public hearing at 6:42 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 13-085 – Granting approval of the vacation of a drainage and utility easement in Lot 1, Block 1, Diversified Business Park 2nd Addition.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Resolution 13-085, Granting approval of the vacation of a drainage and utility easement in Lot 1, Block 1, Diversified Business Park 2nd Addition. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.
1. Pay Request No. 5 by Chard Tiling for $7,784.83 for the 2013 Street Improvement Project.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the Presentation of Claims and Pay Request No. 5 by Chard Tiling for $7,784.83 for the 2013 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

8.2. Resolution 13-087 Approving Schedule I-II Lump Sum Pension Plans for the Belle Plaine Relief Association.

Mayor Pingalore referenced a memo dated August 5, 2013 from Finance Director Meyer regarding the renewal of the Schedule I-II Lump Sum Pension Plans for the Belle Plaine Relief Association.

Finance Director Meyer and City Administrator Murphy explained the city council must approve Schedules I and II for the Fire Relief Association annually. The schedules set the annual benefit amount as well as the required municipal contribution. The Fire Relief Association requested that the annual benefit amount remain at $2,200. The requested annual benefit amount will set the required municipal contribution for 2014 at $34,341. The 2013 required municipal contribution was $31,125. The Belle Plaine Rural Fire Association has been given the fire schedules to review, and comment. Staff has requested a representative of their Board be present at the Council meeting to provide their input.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 13-087 Approving Schedule I-II Lump Sum Pension Plans for the Belle Plaine Relief Association. ALL VOTED AYE. MOTION CARRIED.

8.3. Resolution 13-086 Receiving Report and Calling for Public Hearing for the 2014 Street Improvement Project.

Mayor Pingalore referenced a memo dated August 5, 2013 from City Administrator Murphy regarding the 2014 street improvement project.

City Administrator Murphy explained City Engineer Joe Duncan has completed the preliminary engineering report for the 2014 street improvement project. The preliminary public hearing will be held on Tuesday, September 3, 2013 where affected individuals will have an opportunity to review the proposed project and to address any concerns they have regarding the project with the city council and staff. The assessment detail is included in the preliminary report. The hearing is about the validity and necessity of the project. The assessment hearing will occur after the project is awarded. After the conclusion of the public hearing and citizen testimony, the council will decide whether the project is warranted and necessary. If the council deems the project necessary, the council will then order staff to prepare the final plans and specifications for the 2014 street improvement project.

City Engineer Duncan provided a PowerPoint presentation about the proposed 2014 street improvement project, showing the current conditions of the project area. A concrete trial is proposed for the south side of Raven to Market Street for the purpose of connecting a significant pedestrian link. The proposed sidewalks in the project area were depicted in the report.

Councilmember Coop suggested the public works committee review the proposed thru-street for Raven at Walnut Street. He questioned the safety of constructing an intersection where a cul-de-sac currently exists.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 13-086 Receiving Report and Calling for Public Hearing for the 2014 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

Recess Regular Session.

The regular session was recessed at 7:06 p.m. and the work session was convened.

8.4. Convene Work Session.

1. Discussion on CSAH 3 Overpass.

Mayor Pingalore explained that he was advised by County Commissioner Joe Wagner of possible financial support for the CSAH 3 overpass project. Mayor Pingalore and Community Development Director Alger met with Commissioner Wagner and County Highway Engineer Mitch Rasmussen. Mayor Pingalore asked for council direction as to whether discussions with Scott County should be continued in an effort to move the CSAH 3 project forward. Councilmember Trost suggested the legislators be contacted also. It was the consensus of the council to have Mayor Pingalore and staff continue dialog with Scott County and MnDOT in pursuing an overpass.

Adjourn Work Session.

The work session was adjourned at 7:20 p.m. and the closed session was convened at 7:33 p.m.

8.5. Closed Session.

City Attorney Vose explained the purpose of the closed session was to discuss the settlement offer of a special assessment appeal of Hoversten and Hegna vs the City. Also discussed with the conveyance of real estate identified in a developer's agreement involving right-of-way property rights.

Mayor Pingalore announced the closed session at 7:33 p.m. with Councilmembers Trost, Schneider, Coop and Chard present. Also present were City Administrator Murphy, Finance Director Meyer, City Engineer Duncan, and City Attorneys Bob Vose and Peter Mikhail.

1. Attorney-Client Privilege for Discussion on Amendment to the Infrastructure Assignment Agreement.

City Attorney Vose facilitated discussion on the proposed amendment to the existing infrastructure agreement between the city and property owner.

2. Attorney-Client Privilege for Discussion on Assessment Appeal.

City Attorney Mikhail provided a status report of the assessment appeal of Hoversten and Hegna vs City.

Reconvene Regular Session.

Mayor Pingalore adjourned the closed session at 8:14 p.m. and convened the regular session.

MOTION by Councilmember Schneider, second by Councilmember Trost, to accept the settlement offer of the assessment appeal of Hoversten and Hegna vs the City as presented. Councilmembers Chard and Coop VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Public Works, 11:00 a.m., Tuesday, August 6.
2. National Night Out, 6:30 p.m., Tuesday, August 6.
3. Public Safety, 4:00 p.m., Wednesday, August 7.
4. EDA, 5:00 p.m., Monday, August 12.
5. Planning Commission, 7:00 p.m., Monday, August 12.
6. Design Committee, 5:00 p.m., Monday, August 19.

7. Episcopalian Church Restoration Committee, 5:45 p.m., Monday, August 19.
8. City Council, 6:30 p.m., Monday, August 19.

Mayor Pingalore reminded those present of the upcoming meetings. Councilmember Chard suggested the council meetings revert back to 6:00 p.m. as his work schedule has changed to allow an earlier attendance. It was the consensus to establish the start time of council meetings for 6:00 p.m. effective September 3, 2013.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Chard, to adjourn the regular session at 8:15 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary