

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
AUGUST 17, 2015**

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 17, 2015 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. Councilmember Paul Chard arrived at 6:42 p.m.

Also present were City Administrator Holly Kreft, Finance Director Dawn Meyer, Public Works Superintendent Al Fahey, Police Chief Tom Stolee, City Engineer Joe Duncan and City Attorney Mary Tietjen filling in for Bob Vose. Wanda Savage served as the video recording operator.

3. APPROVAL OF AGENDA.

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

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of August 3, 2015.

4.2. Work Session Minutes of August 3, 2015.

4.3. Resolution 15-093 Cooperative Agreement with Scott County for the Enterprise Drive Overpass.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve the consent agenda as follows: 4.1. Regular Session Minutes of August 3, 2015, 4.2. Work Session Minutes of August 3, 2015, and 4.3. Resolution 15-093 Cooperative Agreement with Scott County for the Enterprise Drive Overpass. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Community Services.

Activities and Recreation Director Chad Eischens was present. The Council acknowledged receipt of the Community Services report.

5.2. Ambulance Department.

Ridgeview Ambulance provided a written monthly report. The Council acknowledged receipt of the Ambulance Department report.

5.3. Fire Department.

Fire Chief Matt Stier was present and reported a successful training session with the house burn at 702 South Meridian Street. The Council acknowledged receipt of the Fire Department report.

5.4. Police Department.

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

5.5. Community Development Department.

The Council acknowledged receipt of the Community Development Department report.

5.6. Administration Report.

City Administrator Holly Kreft was present. The Council acknowledged receipt of the Administration report.

Councilmember Paul Chard arrived at 6:42 p.m.

6. PUBLIC FORUM.

6.1. RECOGNITION OF INVOLVED CITIZENS.

Mayor Pingalore led those present in a moment of silence in remembrance of City Employee Jerry Connolly.

7. PUBLIC HEARINGS.

7.1. Preliminary Assessment Hearing for 2016 Street Improvement Project. The City Council will consider public comment on the proposed 2016 street improvement project.

Mayor Pingalore referenced a memo dated August 17, 2015 from City Administrator Kreft regarding the preliminary assessment hearing.

City Administrator Kreft explained that at the July 20, 2015 meeting, the City Council accepted the preliminary engineering report and called for the public hearing for the 2016 street improvement project. The hearing tonight will provide the property owners the opportunity to discuss the merits and necessity of the project with the Council. The project consists of Forest Street East, one block of Oak Street North and two blocks of Court Street East. Notices were mailed to a total of 57 property owners.

City Engineer Duncan provided a PowerPoint presentation on the proposed 2016 street improvement project. He explained the total proposed cost of the project is estimated at \$1,448,694.00. The majority of improvements are assessed at 30%, except service lines which are 100% and oversizing which is not assessed. The total cost will be approximately 75% of City and 25% property owners. The Public Works Committee recommended that the final design consider sidewalks on Forest Street East from Walnut Street North to the eastern terminus. At their meeting earlier this evening, the Park Board was in agreement with the proposed sidewalks.

Mayor Pingalore opened the public hearing at 6:58 p.m. and asked for public comment.

Jim Lange, 721 East Forest Street, questioned the replacement of curb on Oak Street and commented on the responsibility of the property owner for clearing snow from sidewalks. Chris Fahey, 661 East Forest, expressed concern for storm water drainage issues, the lack of site distance due to the retaining wall at Walnut and Court, and was opposed to the installation of a sidewalk. Ron Stier, 716 East Forest, had concerns for storm water drainage and believes the proposed sidewalk will impede the use of his driveway. Councilmember Paul Chard departed from his council seat to become a member of the audience and inquired about service lines for his property at 411 North Walnut Street and then returned to his Council seat. Bob Behnke, property owner of 400 East Forest, was opposed to the installation of a sidewalk.

MOTION by Councilmember Coop, second by Councilmember Chard, to close the public hearing at 7:19 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Trost stated he was opposed to the installation of sidewalks. He acknowledged the storm water drainage issues near the Oak Street and Forest Street area.

1. Resolution 15-092 Ordering Improvement and Directing the Preparation of Final Plans and Specifications for the 2016 Street Improvement Project.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 15-092 Ordering Improvement and Directing the Preparation of Final Plans and Specifications for the 2016 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

7.2. Wellhead Protection Plan Phase II. The City Council will consider public comment on the development of the Wellhead Protection Plan required by Minnesota Statutes, Section 4720.5100 through 4720.5590.

Mayor Pingalore referenced a memo dated August 17, 2015 from City Administrator Kreft regarding the Wellhead Protection Plan Phase II.

City Engineer Duncan explained that in August of 2013, the City Council authorized completion of Phase I of the Wellhead Protection Plan, which revised and expanded the drinking water source management area using computerized groundwater modeling and updated soil data. In October of 2014, the City Council reviewed the Wellhead Protection Plan Phase I and held the required public meeting. The Minnesota Department of Health approved Phase I in September of 2014, and the Council authorized completion of the Phase II Plan. Phase II includes and updates information on city land uses, both current and forecast for ten years, and also reviews potential contaminated sources and recommendations for mitigation. The Plan also contains recommendations for protection of Belle Plaine's long term water system. The Phase II Plan was completed and distributed to the appropriate parties for review. The next step is to hold the required public hearing. Any comments received will be incorporated in the final draft to be submitted to the Minnesota Department of Health for approval.

Mayor Pingalore opened the public hearing at 7:24 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 7:25 p.m. ALL VOTED AYE. MOTION CARRIED.

The Plan will be submitted to the Minnesota Department of Health for review and approval.

8. BUSINESS.

8.1. Presentation of Claims.

1. Pay Request No. 5 by Wm. Mueller & Sons, Inc for \$32,805.91 for the 2014 Street Improvement Project.

Councilmember Chard inquired about the invoice for Municipal Development Group. City Administrator Kreft explained it was for planning and economic development consulting services during the interim period of the vacant Community Development Director position.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve the Presentation of Claims and Pay Request No. 5 by Wm. Mueller & Sons, Inc for \$32,805.91 for the 2014 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

8.2. Ordinance 15-06, Amending the City Code by Amending Chapter 4, Section 403.05, Pertaining to Bow Hunting.

Mayor Pingalore referenced a memo dated August 17, 2015 from City Administrator Kreft regarding an ordinance amendment pertaining to bow hunting.

City Administrator Kreft explained that Ryan Herrmann owns property located north of the railroad tracks adjacent to the Minnesota River. He contacted staff regarding hunting in this area. The current ordinance does not allow hunting within City limits and shooting of a bow and arrow is not allowed except in a physical education program or at an authorized bow and arrow range such as the recently opened Archery Park. The issue was discussed at the January and July Public Safety Committee meetings. Some of the concerns noted included hunting on public lands, limiting the area that hunting would be allowed, the type of hunting that would be allowed, and any liability for the City or property owner. The Committee was split on its recommendation to the City Council. Mr. Herrmann submitted the application and fee on July 20, 2015 for consideration of an ordinance amendment. The proposed ordinance includes the following provisions:

- Allowed on private property located north of the railroad (six property owners), all other property is publicly owned by the City or DNR
- Must follow DNR regulations and season for hunting with a bow and arrow
- If not the property owner, must have written permission
- Must obtain a \$25 permit from the Police Department
- No Trespassing Signs must be established
- Permission from landowner must be granted to recover wounded game
- Any tree stands must be at least 5 feet off the ground

City Code amendments do not require a public hearing; however, the Mayor may choose to accept testimony for or against this issue. Included with City Administrator Kreft's memo were letters submitted by the property owners in regards to this request.

Police Chief Stolee commented the ordinance amendment addresses bow hunting and does not allow the discharge of firearms.

Councilmember Coop inquired about State trespassing laws and how the laws relate juveniles. Chief Stolee replied that trespass laws tend to be confusing and difficult to enforce. Regulations vary based on the age of the juvenile. Councilmember Coop had further questions related to the property boundaries. Police Chief Stolee explained that "No Trespassing" signs are to be placed at the entrance of the property and at 500-foot increments. He further explained that it is difficult to determine the exact property boundaries. Councilmember Coop inquired as to the process for retrieving injured animals from adjacent lands. Police Chief Stolee advised that State Statute allows a hunter to retrieve a wounded animal. He further advised that it would be appropriate for the hunter to contact the property owner prior to retrieval. Councilmember Coop asked if there is a danger to residents as a result of this ordinance amendment. Police Chief Stolee replied that there is a danger in hunting and the hunter must be held to standards.

MOTION by Councilmember Schneider, second by Councilmember Coop, to approve Ordinance 15-06, Amending the City Code by Amending Chapter 4, Section 403.05, Pertaining to Bow Hunting. Councilmember Coop VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Fire Relief Association Fundraiser, Saturday, August 22, at 700 East Main Street.**
- 2. Public Safety Committee, TBD.**
- 3. Coffee with the Mayor, 7:00 am, Thursday, September 3.**
- 4. Labor Day, Monday, September 7, Offices Closed.**
- 5. Design Committee, 5:15 pm, Tuesday, September 8.**
- 6. City Council, 6:30 pm, Tuesday, September 8.**

7. Work Session, 6:45 pm, Tuesday, September 8.

8. Public Works, 11:00 am, Wednesday, September 9.

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Chard, to adjourn at 7:40 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary