BELLE PLAINE CITY COUNCIL
REGULAR SESSION
AUGUST 19, 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 19, 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, City Engineer Joe Duncan and City Attorney Bob Vose. Zachary Schoenecker served as the video recording operator.

3. APPROVAL OF AGENDA.

Mayor Pingalore requested the addition of a closed session to evaluate the job performance of City Administrator Murphy.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve the agenda with the addition of a closed session for the purpose of evaluating the job performance of City Administrator Murphy. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of August 5, 2013.
4.2. Resolution 13-090 Approving First Amendment to Infrastructure Assignment Agreement between the City and Phil Morris, Emma Krumbee's Orchard and Farm, LLC.
4.3. Resolution 13-089 Approving Façade Loan Grant for Brad's Barbershop, 106 South Meridian Street.
4.4. Resolution 13-094 Authorizing Tax Forfeiture Property ID 200017720 for Public Sale.
4.5. Resolution 13-095 Adopting Reduction in Special Assessment Amount for PID 200018600 for the 2012 Street Improvement Project as Per Settlement Offer.
4.6. Approving Temporary On Sale Intoxicating 3.2% Liquor License for Our Lady of the Prairie Catholic Church.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the consent agenda as follows: 4.1. Regular Session Minutes of August 5, 2013; 4.2. Resolution 13-090 Approving First Amendment to Infrastructure Assignment Agreement between the City and Phil Morris, Emma Krumbee's Orchard and Farm, LLC; 4.3. Resolution 13-089 Approving Façade Loan Grant for Brad's Barbershop, 106 South Meridian Street; 4.4. Resolution 13-094 Authorizing Tax Forfeiture Property ID 200017720 for Public Sale; 4.5. Resolution 13-095 Adopting Reduction in Special Assessment Amount for PID 200018600 for the 2012 Street Improvement Project as Per Settlement Offer; and 4.6. Approving Temporary On Sale Intoxicating 3.2% Liquor License for Our Lady of the Prairie Catholic Church. ALL VOTED AYE. MOTION CARRIED.

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 was present. The Council acknowledged receipt of the Fire Department report.

5.3. Police Department.

Police Chief Tom Stolee was unable to attend. 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. 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 HEARINGS.

7.1. Conditional Use Permit- Residential as an Accessory Use in the B-3 District- 125 Main Street East. The City Council will consider public comment on a request by applicant Newell Hill, 125 East Main Street, MN, for a conditional use permit to allow a residential use on the upper level at 125 East Main Street, in the B-3, Central Business District.

Mayor Pingalore referenced a memo dated August 19, 2013 from Community Development Director Alger regarding a conditional use permit.

Community Development Director Alger explained that Newell Hill, Keys 4/4 Kids, has submitted an application for a conditional use permit to allow for an accessory residential use on the upper level at 125 East Main Street, in the B-3, Central Business District. The main level is occupied by Keys 4/4 Kids, a non-profit organization that repairs and sells used pianos to benefit local music programs. The upstairs is currently vacant space. The Applicant has identified the ability to accommodate up to three vehicles into the indoor parking area on the backside of the building. Public comment was received at the Planning Commission meeting in support of the application from neighboring property owner. The Planning Commission recommended approval.

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 13-092 Granting Approval of a Conditional Use Permit to Allow Residential as an Accessory Use at 125 East Main Street.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Resolution 13-092 Granting Approval of a Conditional Use Permit to Allow Residential as an Accessory Use at 125 East Main Street. ALL VOTED AYE. MOTION CARRIED.

7.2. Final Assessment Hearing – 2013 Street Improvement Project. The City Council will accept public comment on the final assessment for the 2013 street improvement project.

Mayor Pingalore referenced a memo dated August 19, 2013 from City Administrator Murphy regarding the final assessment hearing.

City Administrator Murphy explained the 2013 street improvement project is nearing completion and the City Engineer feels confident the costs can be accurately assessed. The final costs came in under the bid amount and the final assessments are known. The Council will accept public comment on the final assessments for the project. After the close of the public hearing, the Council will adopt the final assessment. The payment period is for seven (7) years at an interest rate of 3.9% per anum. The property owners have the option of submitting payment by December 20, 2013 to the City in order to avoid interest charges.

City Engineer Duncan explained there are still some punch list items to be completed. The final wear course will be applied next year and the project has a two-year warranty.

Mayor Pingalore opened the public hearing at 6:43 p.m. and asked for public comment.

Bret Krick, 511 West Main Street, inquired about the sidewalk in front on his property. He explained that he had recently replaced the sidewalk and was informed at the preliminary hearing that sidewalks would be not be replaced unless necessary. He questioned why the sidewalk was removed and then replaced as part of the street project, incurring expense for himself and the general tax base. He also quoted Section 601.06 of the City Code regarding the repair of sidewalks.

City Engineer Duncan explained the need to replace the sidewalk due to the utility company excavation, removing a portion of that sidewalk. As the City Engineer, he made the decision for the sidewalk replacement.

Ken Edaburn, 307 West Main, expressed concern for the quality of sod that was installed near his residence.

Kathy Joerg, 120 South Eagle Street, expressed concern for the quality of sod that was installed and advised that tree branches were broken off during the project and asked that they be trimmed properly. She also stated she has been watering the new sod and asked if there was any reimbursement for her expense for the extra watering.

Susan Perkins, 608 West Main Street, stated the special assessment against her property will cause a financial hardship. She asked if there are city programs to assist with the financial burden. Finance Director Meyer explained the city offers no programs other than the deferment process based on age and income limits.

Odalis Perez, 200 South Eagle, inquired about his driveway access. Mayor Pingalore explained there are some punch list items left and this issue will be addressed.

MOTION by Councilmember Coop, second by Councilmember Schneider, to close the public hearing at 6:55 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 13-091 Adopting Final Assessments for the 2013 Street Improvement Project.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 13-091 Adopting Final Assessments for the 2013 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

1. Pay Request No. 3 and Final by Selly Excavating for $960.75 for the Cherry Street Stormwater Intake and Oak Ravine RCP Repair Project.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the Presentation of Claims and Pay Request No. 3 and Final by Selly Excavating for $960.75 for the Cherry Street Stormwater Intake and Oak Ravine RCP Repair Project. ALL VOTED AYE. MOTION CARRIED.

8.2. Authorizing Groundwater Modeling by Leggette, Brashears & Graham, Inc, for the City's Well Head Protection Plan Update.

Mayor Pingalore referenced a memo dated August 19, 2013 from Public Works Superintendent Fahey regarding the well head protection plan.

Public Works Superintendent Fahey explained the City of Belle Plaine currently has an approved well head protection plan. This plan provides processes and procedures to help protect the city drinking water and is due to be amended by June 2015. Public Works Superintendent Fahey has been in contact with the Department of Health, Rural Water and Bolton and Menk to complete the well head protection plan amendment. Part of the process includes revising the existing groundwater model that approximates where the city water is coming from underground. The Public Works Committee reviewed this item and has recommended the city council approve the modeling for the well head projection plan by Leggette, Brashears & Graham, Inc at a cost not to exceed $8,700.00.

MOTION by Councilmember Schneider, second by Councilmember Coop, to authorize the groundwater modeling by Leggette, Brashears & Graham, Inc, for the city's well head protection plan update at a cost not to exceed $8,700.00. ALL VOTED AYE. MOTION CARRIED.

Mayor Pingalore recessed the regular session at 7:01 p.m.

8.3. Closed Session.

Mayor Pingalore announced the closed session at 7:02 p.m. for the purpose of the performance evaluation of City Administrator Murphy with Councilmembers Trost, Chard, Coop and Schneider present. Also present were City Administrator David Murphy and City Attorney Bob Vose.

MOTION by Councilmember Coop, second by Councilmember Schneider, to adjourn the closed session at 7:30 p.m. ALL VOTED AYE. MOTION CARRIED.

Mayor Pingalore reconvened the regular session.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Park Board, 5:00 p.m., Monday, August 26.
2. Budget Workshop, 6:30 p.m., Monday, August 26.
3. Labor Day, City Offices Closed, Monday, September 2.
4. City Council, 6:00 p.m., Tuesday, September 3.
5. Public Works, 11:00 a.m., Wednesday, September 4.

6. Public Safety, 4:00 p.m., Wednesday, September 4.

The council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Schneider, to adjourn the regular session at 7:30 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary