BELLE PLAINE CITY COUNCIL
REGULAR SESSION
OCTOBER 17, 2016

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, October 17, 2016 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 Henry Pressley, Jr. present.

Also present were City Administrator Mike Votca, Finance Director Dawn Meyer, Public Works Superintendent Al Fahey, Community Development Director Cynthia Smith Strack, Police Chief Tom Stolee, City Engineer Joe Duncan and City Attorney 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 October 3, 2016.
4.2. Resolution 16-120 Adopting Special Assessments for the 2016 Beaver Street Cul-de-Sac (Haefner Subdivision) Project.
4.3. Resolution 16-129 Transfer of Deed for Community Library Property from EDA to the City.
4.4. Authorize Improvements to Vacant Land Adjacent to Library.
4.5. Authorize Upgrade of Water Service for Fire Department Building.
4.6. Resolution 16-128 Appointing Nathan Bigaouette as a Full Time Public Works I Employee.

MOTION by Councilmember Coop, second by Councilmember Pressley, to approve the consent agenda as follows: 4.1. Regular Session Minutes of October 3, 2016., 4.2. Resolution 16-120 Adopting Special Assessments for the 2016 Beaver Street Cul-de-Sac (Haefner Subdivision) Project, 4.3. Resolution 16-129 Transfer of Deed for Community Library Property from EDA to the City, 4.4. Authorize Improvements to Vacant Land Adjacent to Library, 4.5. Authorize Upgrade of Water Service for Fire Department Building, and 4.6. Resolution 16-128 Appointing Nathan Bigaouette as a Full Time Public Works I Employee. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

Ridgeview Ambulance Supervisor Doug Sweeney was present. The Council acknowledged receipt of the Ambulance Department report.

5.2. Fire Department.

Fire Chief 2 Steve 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 Cynthia Smith Strack was present. The Council acknowledged receipt of the Community Development Department report.

6. PUBLIC FORUM - RECOGNITION OF INVOLVED CITIZENS.

6.1. Citizen Award– Girl Scout Silver Award.
a. Emily Saba – Community Involvement.
b. Kylee Santovi – Community Involvement.

Mayor Pingalore presented Emily Saba and Kylee Santovi with the Public Safety Citizen's Award for their efforts in obtaining the Girl Scout Silver Award by providing a large quantity of donated items to local organizations that assist with families in need.

6.2. Appreciation Plaque – Jacqueline Hillstrom, Pool Manager.

Mayor Pingalore provided Jacqueline Hillstrom with an appreciation plaque for her years of service as a lifeguard and pool manager.

7. PUBLIC HEARINGS.

7.1. Final Assessment Hearing – 2016 Street Improvement Project. The City Council will accept public comment on the proposed assessments for the 2016 street improvement project.

Finance Director Meyer 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 public hearing on the improvements was held on August 17, 2015. After receiving testimony by the affected property owners, the Council ordered the plans specifications for the project. The final plans were approved at the February 1st meeting and Council authorized advertising for bids. The project was let and the bid was awarded to Chard Tiling and Excavating on March 3rd. The 2016 Street Improvement Project is substantially complete and the City Engineer feels confident that the costs can be accurately assessed. The final costs came in under the bid amount and the final assessments are shown on the attachment. 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 3.5% per annum. The property owners have the option of submitting payment by November 23rd to the City in order to avoid interest charges.

Mayor Pingalore opened the public hearing at 646 p.m. and asked for public comment.

Scott Jerabeck, 409 North Linden Street, said he does not have footage along Forest Street as there is a 20 foot strip of property between the right-of-way and his property line. He questioned how the City can assess him if his property is not directly adjacent to the right-of-way. Mr. Jerabeck has spoken with City Staff about this issue. City Engineer Duncan said that title searches are not done for the special assessment process and then displayed an overhead aerial photo showing the property line and the 20-foot buffer of the subject property. City Attorney Vose said apparently the property line dispute is an historic survey error. An assessment can be placed against a property due to benefit, not necessarily because the property is directly adjacent. The Jerabeck property borders the boulevard and practically speaking, it is considered the right-of-way.

Chris Fahey, 661 East Forest Street, expressed concern for the settling of the soil in the boulevard. City Engineer Duncan said this issue will be added to the punch list and will be reviewed in the spring. The City is aware of seeding issues. Chris Fahey asked about unused pipe for the project. City Engineer Duncan explained that the contractor is paid only for the amount used in the project. Mr. Fahey then inquired about the increase from the preliminary assessment. City Engineer Duncan explained that sidewalks were added to the project, driveways were a factor, and also the water service line connection fee was higher.

Greg Wersal, 828 East Forest Street, said his assessment was unfair and inequitable as the amount was twice as much as many of the other homeowners. He further explained that his property is located on a cul-de-sac and is a dead end at Forest Street. All other properties are assessed according to their footage, but his property was assessed under a different calculation. He owns two parcels and were assessed at an adjusted front footage. He feels the calculation is not equitable. Mr. Wersal requested review of the assessment policy. City Engineer Duncan referenced the feasibility report for this project and explained that Wersal's two parcels contain a large amount of land.

Jim Lange, 721 East Forest Street, supported the project and said that he had the highest amount listed on the assessment roll.

MOTION by Councilmember Coop, second by Councilmember Pressley, to close the public hearing at 7:13 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Trost inquired as to why the water service lines were increased. City Engineer Duncan explained the additional expenses with replacement of larger-size piping and new curb stop.

7.1.1. Resolution 16-121 Adopting Special Assessment for the 2016 Street Improvement Project.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 16-121 Adopting Special Assessment for the 2016 Street Improvement. ALL VOTED AYE. MOTION CARRIED.

7.2. Variance Request. The City Council will consider public comment on a request by Ryan Schmidt, 148 South Meridian Street, Belle Plaine, MN for a variance from Section 1105.07, Subd. 5(3) relating to side and rear yard setback and Section 1105.07, Subd. 5(5) relating to maximum structural coverage in the R-3 Single and Two Family Residential District. If approved the variances will allow construction of a 22' X 26' (572 sf) attached garage.

Community Development Director Smith Strack explained that Ryan Schmidt, 148 Meridian Street South, has applied for a variance to: side yard (north) setback, rear yard (west) setback, and maximum structural coverage required under Section 1105.07, Subd. 5(3) & (5) in the R-3, Single and Two Family Residential District. If approved the variance requests would allow construction of a 572 square foot attached garage on the subject property.

Mayor Pingalore opened the public hearing at 7:18 p.m. and asked for public comment.

Pat Hanson, 144 South Meridian Street, stated that he supports the variance requests, provided a 6-foot privacy fence is installed by the applicant along the north property line.

Ryan Schmidt, applicant, requested approval of the variance as the garage will allow him to store all items in it, rather than having outdoor storage.

MOTION by Councilmember Coop, second by Councilmember Chard, to close the public hearing at 7:21 p.m. ALL VOTED AYE. MOTION CARRIED.

7.2.1. Resolution 16-122 Variance Relating to Side and Rear Yard Setback and Maximum Structural Coverage at 148 South Meridian Street.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Resolution 16-122 Variance Relating to Side and Rear Yard Setback and Maximum Structural Coverage at 148 South Meridian Street. ALL VOTED AYE. MOTION CARRIED.

7.3. Interim Use Permit – Solar Energy System. The City Council will consider public comment on a request for an interim use permit as requested by DG Minnesota CSG 4, LLC and property owners: Kim Devine-Johnson, Tammy L. Devine, Christopher Johnson, and Michael C. Carlson to establish a ground mounted utility scale solar energy system at a portion of the property addressed 1300 South Street West. Also considered will be a variance request to a requirement all off-site power lines be underground. If approved, the requests will allow a 5MW solar garden on approximately 40 acres of property.

Community Development Director Smith Strack provided a brief overview of the proposed five megawatt utility scale solar energy system including a ground-mounted solar energy array and associated cabling, inverters, transformers, and other equipment. The project is proposed for a portion of a 43.29-acre parcel owned by the Devine – Johnson Family to be accessed by private drive from South Street West. The applicant is DG Minnesota CSG 4, LLC's its parent company is NextEra Energy. Mr. Toby Butterfield is the project representative.

The proposed use is allowed in the A-2 Rural Residential District provided an interim use permit is issued and specific standards are achieved. The Applicant/Owners have filed a concurrent variance request to allow above ground pole mounted transmission lines and poles. The Applicant/Owners represent the presence of steep slopes necessitate a variance in favor of overhead lines as opposed to negatively impacting steep slopes. The Applicants propose overhead connection from the SES to the utility transmission line adjacent to Scott CSAH 6. The proposed location of the connection lies within the Scott County WMO bluff overlay area and has a contour change of over 30 feet in elevation over an approximate 80-foot linear length.

The solar field is proposed to be encompassed by a six-foot chain link fence topped with one foot of barbed wire. The SES site has been approved for annexation to the City by both the Blakeley Town Board and the City Council. An administrative lot split has been completed, deeds filed, and recording is pending. Upon recording of the lot split the subject property annexation will be submitted to the Minnesota Office of Administrative Hearings for approval.

Lot setback, structure height, and lot size/width requirements are met. The property is not located within shoreland or flood plain. The subject parcel doesn't contain wetlands or easements. Steep slopes are located adjacent to the subject site including where proposed transmission lines would be located. Interim use permits differ from conditional use permits in that an expiration date may be assigned. The Applicant is proposing an IUP term of 35 years. The signed lease with the Devine's carries a 25-year term with an option to extend an additional ten years for a total of 35 years.

Mayor Pingalore opened the public hearing at 7:25 p.m. and asked for public comment.

Kim Devine Johnson, co-owner, explained that this land has been in her family for over 100 years and that conservation has always been at the forefront. She believes this is an excellent project that will provide many environmental benefits.

Rob Davis, Fresh Energy Organization, asked that the City require the developer to provide pollinators at the site to help revive the lost population of bees and butterflies.

Pat Wier, Tru North Solar, stated he has been working with the Devine Johnson families to provide a solar energy garden. He provided a PowerPoint presentation about the project. The presentation displayed an aerial photo and the site plan. Access to the site was explained, along with the drainage, utility poles, topography and screening. The site will be enclosed by a fence. A minimal amount of trees will be removed.

Toby Butterfield, Next ERA, continued with the Power Point presentation and provided information about the proposed project. Construction will begin in the spring of 2017 after road restrictions are removed. Next ERA will upgrade approximately 330 feet of South Street West in an effort to provide adequate roadway system for access to the site. He estimated 300 truck trips during construction. Mr. Butterfield responded to Mr. Davis' inquiry about pollinators and said Next ERA will provide an acre of pollinators around the perimeter of the site, meeting zoning requirements. The project will be well-screened and provide local tax and environmental benefits.

Dave Edberg, 28 Woodridge Drive, stated he is a part owner of adjacent land. He explained the east tree line is on the Edberg-Mueller property. He asked for a natural landscape barrier to be installed by the applicant. Mr. Edberg inquired about stormwater drainage. Mr. Butterfield replied the stormwater will continue to run to the north.

MOTION by Councilmember Coop, second by Councilmember Pressley, to close the public hearing at 8:07 p.m. ALL VOTED AYE. MOTION CARRIED.

7.3.1. Resolution 16-123 Variance to Allow Above Ground Power Line at 1300 South Street West.

MOTION by Councilmember Coop, second by Councilmember Pressley, to approve Resolution 16-123 Variance to Allow Above Ground Power Line at 1300 South Street West. ALL VOTED AYE. MOTION CARRIED.

7.3.2. Resolution 16-124 Interim Use Permit for Devine Property, 1300 South Street West.

Councilmember Chard referenced the upgrade to South Street West and noted that it is not to the City's specifications. Therefore, when South Street West is reconstructed, it should be considered new construction and the adjacent property owners assessed for 100% of the cost. Community Development Director Smith Strack said the road improvement can be addressed in the developer's agreement. Councilmember Coop supported the request by Dave Edberg to add screening along the perimeter of the site. Mr. Butterfield explained that shading is a concern for the solar site. The trees need to be set back 125 feet to prevent shadows from being cast. Councilmember Pressley concurred with Councilmember Coop, noted that it is not prudent that screening is provided by an adjacent property owner, rather than the applicant. Councilmember Coop noted that small trees and shrubs now would not be cost prohibitive.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 16-124 Interim Use Permit for Devine Property, 1300 South Street West, requiring the Developer establish a vegetative buffer on the eastern property line adjacent to the solar array, and may install bare root seedlings provided they are coniferous varieties suitable for Minnesota's climate and soil type at the site. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

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

8.2. Resolution 16-125 Approving 2016/2017 Fire Relief Schedules I and II for the Fire Relief Association.

Finance Director Meyer explained that annually the City Council must approve Schedules I and II for the Fire Relief Association. The schedules set the annual benefit amount as well as the required municipal contribution. The Fire Relief Association has requested an increase to the annual benefit amount. The benefit will increase from $2,400.00 to $2,500.00, it has not increased since 2014. The $2,500 annual benefit amount will set the required Municipal Contribution for 2017 at $16,679. The Fire Relief and Finance Ways and Means discussed the potential for a possible increase for 2017 annual benefit amount, based on investment performance and keeping the required municipal contribution under a $20,000 threshold.

MOTION by Councilmember Coop, second by Councilmember Pressley, to approve Resolution 16-125 Approving 2016/2017 Fire Relief Schedules I and II for the Fire Relief Association. ALL VOTED AYE. MOTION CARRIED.

8.3. Annual Renewal Liability Insurance – Jeff McDonald, Canopy Group.

Mr. McDonald was unable to attend tonight's meeting. This issue will be placed on a future Council agenda.

8.4. Resolution 16-127 Accepting North Sanitary Sewer Interceptor Extension Report.

Community Development Director Smith Strack explained the City applied for and received grant funding to assist with preparation of a feasibility report for the extension of the northern sanitary interceptor sewer from its current terminus at 1st Avenue NE to the east. The potential sewer extension could spur development by providing municipal sanitary sewer access to undeveloped land located east of TH 169, north of South Street and primarily east of the existing corporate limits. Attached with Community Development Director Smith Strack's memo was the feasibility report for the North Sanitary Sewer Interceptor Extension project. Staff invited affected property owners to meet and discuss the proposed project.

City Engineer Duncan explained that after Staff meets with the property owners, a wetlands environmental impact study will be requested. An environmental specialist with then negotiate for easements.

MOTION by Mayor Pingalore, second by Councilmember Coop, to approve Resolution 16-127 Accepting North Sanitary Sewer Interceptor Extension Report. ALL VOTED AYE. MOTION CARRIED.

8.5. Resolution 16-130 Authorizing Submittal of 2017 Grant Application to the Scott County Community Development Agency for Economic Development Related Projects.

Community Development Director Smith Strack explained the Scott County CDA has $340,000 available for the grant 2017 cycle. Completed applications are due by November 4, 2016 and require submittal authorization by Council resolution. The City earlier this year approved a similar request. The CDA is moving the program to coincide with the calendar year. Therefore, the application deadline has been moved forward to this fall. The EDA/staff recommend development of construction documents for the extension of Enterprise Drive east of Hickory Boulevard as platted as Buesgens Commercial Center. The grant project would move the portion of Buesgens Commercial Center east of Hickory Boulevard another step closer to shovel ready status. Total anticipated grant submittal request: $35,000. The program is a $2 grant for every $1 local match. Local match requirement is $11,900. Staff has reached out to the property owner and recommends splitting the local match 50/50. The property owner is interested in pursuing the grant. The preliminary 2017 EDA budget includes an adequate consulting budget to cover the anticipated $6,000 share. The EDA approved a motion recommending the Council authorize grant submittal.

In addition, Strack stated the Council, if supportive, could include next steps in the northern sanitary sewer interceptor extension as part of the grant application. Strack identified next steps as wetland delineation, finalizing alignment and design, securing assistance from entitlement specialists to negotiate easement agreements, amending an environmental assessment worksheet, and obtaining permits.

The Council discussed including next steps for the northern interceptor in the grant application.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 16-130 Authorizing Submittal of 2017 Grant Application to the Scott County Community Development Agency for Economic Development Related Projects. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.
9.1. Upcoming Meetings.
1. Public Safety,TBD.
2. Design Committee, 5:15 pm, Monday, November 7.
3. City Council, 6:30 pm, Monday, November 7.
4. Work Session, 6:45 pm, Monday, November 7 (tentative).
5. General Election, 7:00 am to 8:00 pm, Tuesday, November 8.
6. Public Works, 11:00 am, Tuesday, November 8.
7. Veterans Day, Friday, November 11, City Offices Closed.

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Chard, to adjourn at 8:58 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary