BELLE PLAINE CITY COUNCIL
REGULAR SESSION AND CLOSED SESSION
OCTOBER 20, 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, October 20, 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, Scott Schneider and Paul Chard present.

Also present were City Administrator Holly Kreft, Public Works Superintendent Al Fahey, Community Development Director Chelsea Alger, 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 Schneider, to approve the agenda with the addition of a Closed Session for the purpose of land acquisition negotiations. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of October 6, 2014.
4.2. Work Session and Closed Session Minutes of October 6, 2014.
4.3. Resolution 14-114 Approving Façade Improvement Loan for Behavioral Health Services, LLC at 200 North Meridian Street.
4.4. Resolution 14-115 Approving Façade Improvement Loan for Chestnut Realty at 351 East Raven Street.
4.5. Resolution 14-113 Terminating the Escrow Agreement Between the City and Belle Plaine Friends of the Library and Accepting All Donations Made Through the Escrow Account.
4.6. Resolution 14-116 Transferring Valuation Appeal Process to Scott County Assessor's Office for Open Book Review.
4.7. Resolution 14-117 Adopting Special Assessment for Delinquent Fire Bill.
4.8. Authorize Design Services by Bolton & Menk for Storm Water Drainage at 829 and 831 West Court Street.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve the consent agenda as follows: 4.1. Regular Session Minutes of October 6, 2014, 4.2. Work Session and Closed Session Minutes of October 6, 2014, 4.3. Resolution 14-114 Approving Façade Improvement Loan for Behavioral Health Services, LLC at 200 North Meridian Street, 4.4. Resolution 14-115 Approving Façade Improvement Loan for Chestnut Realty at 351 East Raven Street, 4.5. Resolution 14-113 Terminating the Escrow Agreement Between the City and Belle Plaine Friends of the Library and Accepting All Donations Made Through the Escrow Account, 4.6. Resolution 14-116 Transferring Valuation Appeal Process to Scott County Assessor's Office for Open Book Review., and 4.7. Resolution 14-117 Adopting Special Assessment for Delinquent Fire Bill, and 4.8. Authorize Design Services by Bolton & Menk for Storm Water Drainage at 829 and 831 West Court Street. 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.

First Assistant Fire Chief Matt Stier 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. Administration Report.

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

6. RECOGNITION OF INVOLVED CITIZENS.

No one spoke during the public forum.

7. PUBLIC HEARINGS.

7.1. Non-Conforming Expansion Permit. The City Council will consider public comment on a request by Dusty Hemaver and Katie Olson, 130 West Main Street, Belle Plaine, MN, for a non-conforming expansion permit to allow the expansion of an existing detached garage in the B-3, Central Business District. The property is legally described as Lots 16-18, Block 92, City of Belle Plaine original plat.

Mayor Pingalore referenced a memo dated October 20, 2014 from Community Development Director Alger regarding a request for a non-conforming expansion permit.

Community Development Director Alger explained that applicants and home owners Dusty Hemaver and Katie Olson, 130 West Main Street, have submitted a Nonconforming Expansion Permit application in order to permit the reconstruction and enlargement of a detached garage on the subject property, which would expand the current encroachment on the rear yard setback requirement. The property is zoned B-3, Central Business District, in which principal residential is a conditional use. However, the property is considered legal non-conforming being that the current residence operates without a conditional use permit. The current garage is 12’ x 18’ and in poor condition. The applicants would like to tear down this garage and build a new 30’ x 30’ garage, 18’ in height, utilizing the existing rear yard setback of one-foot. The applicants’ proposed garage would not meet the rear yard setback for accessory structures in the B-3 District, outlined in Section 1105.05, Subd. 6 of the Zoning Ordinance, which requires a twenty-foot (20’) setback. The existing garage is setback one foot (1’) from the rear property line, adjacent to the alley. The applicant would like to maintain that existing setback for the expanded garage.

Nonconforming Expansions are regulated by Section 1102.03 of the Zoning Ordinance, and required if the proposal expands the nonconforming use, or the structure will occupy any space within a non-conforming area that was previously not occupied either vertically or horizontally. The applicants propose to extend the 1-foot rear yard setback an additional 12-feet along the alley. Notice was sent to all property owners within 350 feet of the proposed project. One letter has been received from the adjacent neighbor in support of the request. The Planning Commission has recommended approval at their meeting on October 13, 2014.

Mayor Pingalore opened the public hearing at 6:40 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Coop, second by Councilmember Trost, to close the public hearing at 6:41 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Chard noted the close proximity of the proposed garage to the alley and expressed concern for snow removal by the Public Works Department. He questioned whether the snow thrown from the City's snow plow would cause damage to the garage. Councilmember Trost noted the proposed garage will be at the same setback as the existing garage. The applicants, Dusty Hemaver and Katie Olson, were in attendance and acknowledged that they are aware of the City's snow plowing process and that they still want to proceed as planned.

1. Resolution 14-108 Approving Non-Conforming Expansion Permit for Detached Garage at 130 West Main Street.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve Resolution 14-108 Approving Non-Conforming Expansion Permit for Detached Garage at 130 West Main Street. ALL VOTED AYE. MOTION CARRIED.

7.2. Ordinance 14-06. The City Council will consider public comment on proposed Ordinance 14-06, amending Sections 1103-1106 (Conditional Uses), 1107.03 (Screening and Landscaping), 1107.16 (Home Occupations), and 1107.22 (Preservation of Belle Plaine Character Design Standards); and Section 206 (Board of Appeals) of the City Code.

Mayor Pingalore referenced a memo dated October 20, 2014 from Community Development Director Alger regarding proposed Ordinance 14-06.

Community Development Director Alger explained the Planning Commission has been reviewing proposed amendments for several months; and the City Council reviewed the draft ordinance at a workshop on October 6, 2014. The public hearing for this Ordinance 14-06 is scheduled for this evening. After conducting the public hearing, and considering the language, the Council will be asked to consider approval of Ordinance 14-06. The following sections are included in the proposed ordinance: 103.04/206.00- Board of Appeals/Appeals Process, 1103.08/1106- Conditional Use Permits, 1107.03- Screening and Landscaping, 1107.16- Home Occupation Permits, 1107.22 Preservation of Belle Plaine Character Design Standards.

Mayor Pingalore opened the public hearing at 6:47 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 6:48 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Coop inquired about details of the conditional use permits as it relates to Kwik Trip. Community Development Director Alger explained the specific conditions have not changed, they have been moved to Section 1103 from Section 1106. Councilmember Coop also inquired about the ramifications of a non-conforming expansion permit. Community Development Director Alger explained that a non-conforming expansion permit allows operation into perpetuity, with the understanding the use must conform with other zoning regulations and may be revoked if in violation.

1. Adoption of Ordinance 14-06, amending Sections 1103-1106 (Conditional Uses), 1107.03 (Screening and Landscaping), 1107.16 (Home Occupations), and 1107.22 (Preservation of Belle Plaine Character Design Standards); and Section 206 (Board of Appeals) of the City Code.

MOTION by Councilmember Coop, second by Councilmember Schneider, to adopt Ordinance 14-06, amending Sections 1103-1106 (Conditional Uses), 1107.03 (Screening and Landscaping), 1107.16 (Home Occupations), and 1107.22 (Preservation of Belle Plaine Character Design Standards); and Section 206 (Board of Appeals) of the City Code. ALL VOTED AYE. MOTION CARRIED.

2. Resolution 14-109 Authorizing Summary Publication of Ordinance 14-06.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 14-109 Authorizing Summary Publication of Ordinance 14-06. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

1. Pay Request No. 2 and Final by Pearson Brothers, Inc. for $10,749.02 for the 2014 Pavement Maintenance.
2. Pay Request No. 10 and Final by Chard Tiling & Excavating for $66,796.09 for the 2013 Street Improvement Project.

Councilmember Chard noted there are residents who have complaints with unfavorable soil settling resulting from the 2011 Street Improvement Project. City Engineer Duncan is in the process of addressing warranty issues and will include Councilmember Chard's concerns.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the Presentation of Claims, Pay Request No. 2 and Final by Pearson Brothers, Inc. for $10,749.02 for the 2014 Pavement Maintenance and Pay Request No. 10 and Final by Chard Tiling & Excavating for $66,796.09 for the 2013 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

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

Mayor Pingalore referenced a memo dated October 20, 2014 from Finance Director Meyer regarding the annual renewal of liability insurance.

Finance Director Meyer explained the City's insurance coverage from the League of Minnesota Cities Insurance Trust must be renewed annually. The City Council must annually adopt a resolution establishing the per occurrence liability limit as well as elect open meeting law coverage for the entire Council. Staff recommends that the per incident deductible remain set at $2,500. This year the City is receiving a slight to moderate increase based on several factors; experience rating, changes in the liability rating system that factors in loss exposures such as police liability and land use as well as sewer connections. Overall, there was an approximately 9% increase in the annual premium.

Jeff McDonald, Canopy Group, was present and provided a brief summary of the insurance coverage and premium increase.

1. Resolution 14-110 Establishing a $1,500,000 Per Occurrence Limit on Liability Insurance Coverage and Electing Group and Individual Open Meeting Law Insurance Coverage for the Mayor and City Council Members.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Resolution 14-110 Establishing a $1,500,000 Per Occurrence Limit on Liability Insurance Coverage and Electing Group and Individual Open Meeting Law Insurance Coverage for the Mayor and City Council Members. ALL VOTED AYE. MOTION CARRIED.

8.3. Public Meeting Regarding Wellhead Protection Plan.

Mayor Pingalore referenced a memo dated October 20, 2014 from City Engineer Joe Duncan.

City Engineer Duncan explained the City began the process of amending the wellhead protection plan for its drinking water supply wells in May, 2013. The last update of the plan was approved in 2005 and is in effect until November 2, 2015. As required by the Minnesota Wellhead Protection Rule (part 4720.5330, subpart 6), the Minnesota Department of Health approved Part 1 of the plan amendment for our system on September 11, 2014. This portion of the plan includes information pertaining to the delineation of the wellhead protection area, the drinking water supply management area boundary, and the well and drinking water supply management area vulnerability assessment. A complete copy of the amended Part 1 Plan containing the technical information used to delineate the wellhead protection area, drinking water supply management area, and vulnerability of the wells and aquifer is available for anyone wishing to review that document.

Consistent with the Wellhead Protection Rule (part 4720.5330, subpart 7), a Public Information Meeting has been scheduled for tonight to discuss issues and concerns with this portion of the plan amendment. The following LGUs have been noticed for this meeting: Minnesota Department of Health, Minnesota Department of Agriculture, Minnesota Rural Water Association, Metropolitan Council Water Supply Planning, Belle Plaine Township, Scott County Board, Scott County Environmental Services, Scott County WMO and Scott County SWCD.

There were no comments and no further action was necessary at this time.

Councilmember Trost commented that he is aware of a township resident whose private well is of a different depth than the City wells.

8.4. Resolution 14-074 Authorizing the Purchase of Wireless Microphone System for the Council Chambers.

Mayor Pingalore referenced a memo dated October 20, 2014 from City Administrator Kreft regarding the purchase of wireless microphone system.

City Administrator Kreft explained the Council reviewed potential purchase of a wireless microphone system at the July 7, 2014 Council meeting. The request was tabled for further review by the Cablevision Committee. The Cablevision Committee reviewed the information at their September 10, 2014 meeting. The Committee discussed the proposed system. Staff noted that since the primary election in August, there have been issues with the system and including feedback and crackling. Staff discussed that as long as the room continues to be multi-purpose, there will be potential damages to the existing system. The Committee requested that staff obtain information on the costs to replace the existing system versus upgrading to the wireless system. Staff noted that the wireless system won't require moving of equipment for elections and other events and will also include rechargeable batteries versus the batteries that are currently replaced prior to every meeting. Staff met with the vendor for the sound system, Terry Dahl of video services inc. Mr. Dahl viewed the system and provided a quote of $18,995 to replace the existing system with wireless technology including the microphone for the podium. Attached is the quote. Since Mr. Dahl is familiar with the equipment and has installed both the sound and video for the City, an additional quote was not obtained. Mr. Dahl provided an estimate of $6,000 -$7,000 to replace the existing system with the same technology – stand microphones

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 14-074 Authorizing the Purchase of Wireless Microphone System for the Council Chambers. ALL VOTED AYE. MOTION CARRIED.

8.5. Excess TIF Funds – Vacant Parcel at 100 South Meridian Street.

Mayor Pingalore referenced a memo dated October 20, 2014 from City Administrator Kreft regarding the vacant parcel at 100 South Meridian Street.

City Administrator Kreft explained that at the October 6, 2014 work session, the Council discussed the use of the excess TIF funds. Staff recommended that the City mud jack the downtown sidewalks, which has been completed; update the pedestrian ramps at Main and Meridian Streets; and purchase the property at 100 Meridian Street South. The property owner is willing to sell it for $45,000 plus commission and closing costs. Staff confirmed that this the asking price, and the property owner is not interested in selling it for less. There is approximately $66,000 available in excess funds. The mud jacking quote was $15,480. The estimate to replace the pedestrian ramps was $13,000 but quotes haven't been received yet since the scope is unknown. This would leave approximately $37,520 available for the property purchase. Staff recommended the purchase of the property since it is a key corner in the downtown district and the City would be able to incent development and better control the type of use. Until a development is in place, the City could also use the property for other civic uses such a farmers market.

Councilmember Trost was opposed to the purchase as he believes it is a poor investment and the City should not be in the real estate business. Mayor Pingalore recommends the City purchase the land to avoid giving the State the excess TIF funds. Councilmember Coop supports the purchase and believes it is a great opportunity to enhance the downtown business district. Councilmember Schneider explained that he was not in favor of the purchase a few years ago when the EDA and City contemplated the purchase. However, he does support the current purchase because of the available funds, which if not utilized for the land purchase, will be returned to the State. Councilmember Chard was opposed to the purchase and believed it would only cause more work for the City to clean and maintain the property. Councilmember Trost asked if there were any other projects that can be considered for the use of the excess TIF funds and requested documentation related to these funds.

MOTION by Councilmember Coop, second by Mayor Pingalore, to authorize the use of excess TIF funds for the purchase of vacant land located at 100 South Meridian Street at the cost of $45,000 plus commission and closing costs. Mayor Pingalore and Councilmembers Coop and Schneider VOTED AYE. Councilmembers Trost and Chard VOTED NAY. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Business Retention & Expansion, 5:30 p.m., October 21.
2. Design Committee, 5:15 p.m., Monday, November 3.
3. City Council, 6:00 p.m., Monday, November 3. (Note new start time).
4. Work Session, 6:30 p.m., Monday, November 3.
5. General Election, 7:00 a.m. to 8:00 p.m., November 4.
6. Public Works, 11:00 a.m., Wednesday, November 5.
7. EDA, 5:00 p.m., Monday, November 10.
8. Planning Commission, 7:00 p.m., Monday, November 10.

Mayor Pingalore reminded those present of the upcoming meetings as listed.

10. CLOSED SESSION – Negotiations for Land Acquisition.

Mayor Pingalore recessed the Regular Session at 7:24 p.m. and announced the Closed Session.

Present were Mayor Pingalore and Councilmembers Trost, Chard, Schneider and Coop. Also present were City Administrator Holly Kreft, Public Works Superintendent Al Fahey, Community Development Director Chelsea Alger, City Engineer Joe Duncan and City Attorney Bob Vose.

The Council and Staff continued negotiations pertaining to the acquisition of property located at 702 South Meridian Street.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Schneider, to adjourn the Closed Session and the Regular Session at 7:31 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary