**BELLE PLAINE CITY COUNCIL**
**REGULAR SESSION**
**JANUARY 18, 2011**

**1. PLEDGE OF ALLEGIANCE.**

Mayor Tim Lies 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 Tuesday, January 18, 2011 at 6:00 p.m. at the Government Center, 218 North Meridian Street, Belle Plaine, MN. Mayor Tim Lies called the meeting to order with Councilmembers Gary Trost, Cary Coop, Paul Chard, Michael Pingalore and Scott Schneider present.

Also present were City Administrator David Murphy, Community Development Director Trisha Rosenfeld, Public Works Superintendent Al Fahey, Finance Director Dawn Meyer, Police Chief Tom Stolee, City Engineer Joe Duncan, Attorney Peter Mikhail filling in for City Attorney Bob Vose and Video Recording Operator Beth Dempsey.

**3. APPROVAL OF AGENDA.**

MOTION by Councilmember Chard, 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 January 3, 2011.**
**4.2. Resolution 11-008 Appointing Nathanial Hvidsten and Ashton Pankonin as Members of the Planning and Zoning Commission.**
**4.3. Resolution 11-009 Re-Appointing Chris Kehr as a Member of the Park Board and Upgrading Alternate Launa Olson as a Member.**
**4.4. Resolution 11-010 Appointing Jim Lange as a Member of the Economic Development Authority.**
**4.5. Resolution 11-011 Appointing Laurie Behnke as a Member of the Design Committee and Re-Appointing Mike Dominy and Patricia Krings as Members.**
**4.6. Resolution 11-012 Adopting Special Assessment for Delinquent Code Enforcement Account.**

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the consent agenda as follows: 4.1. Regular Session Minutes of January 3, 2011, 4.2. Resolution 11-008 Appointing Nathanial Hvidsten and Ashton Pankonin as Members of the Planning and Zoning Commission, 4.3. Resolution 11-009 Re-Appointing Chris Kehr as a Member of the Park Board and Upgrading Alternate Launa Olson as a Member, 4.4. Resolution 11-010 Appointing Jim Lange as a Member of the Economic Development Authority, 4.5. Resolution 11-011 Appointing Laurie Behnke as a Member of the Design Committee and Re-Appointing Mike Dominy and Patricia Krings as Members and 4.6. Resolution 11-012 Adopting Special Assessment for Delinquent Code Enforcement Account. ALL VOTED AYE. MOTION CARRIED.

**5. DEPARTMENT REPORTS.**

**5.1. Ambulance Department.**

Ridgeview Ambulance Manager Doug Sweeney was present. Councilmember Trost requested the Ambulance Committee discuss dispatching/response time for ambulance calls. The Council acknowledged receipt of the Ambulance Department report.

**5.2. Fire Department.**

Fire Chief Randy Koepp was present and stated he will arrange a meeting soon with Councilmember Chard as requested. The Council acknowledged receipt of the Fire Department report.

**5.3. Police Department.**

Police Chief Tom Stolee was present and stated he will report back on his findings regarding parking signs near the Lutheran Home as requested by Councilmember Trost. The Council acknowledged receipt of the Police Department report.

**5.4. Community Development Department.**

Community Development Director Trisha Rosenfeld was present and stated she will make arrangements for d.Trio marketing group to attend the March 21, 2011 council meeting as requested by Councilmember Pingalore. Councilmember Pingalore also commented on the delinquent RLF account of Valley Business Park. The Council acknowledged receipt of the Community Development Department report.

**5.5. City Administration Report.**

City Administrator David Murphy was present and inquired about scheduling April 18, 2011 at 5:30 p.m. as the date and time for the annual Board of Appeal and Equalization. It was the consensus of the Council to proceed with the date and time. The Council acknowledged receipt of the City Administration report.

**6. PUBLIC FORUM.**

Mayor Lies asked for public comment. There was no response.

**6.1. CERTIFICATE OF APPRECIATION.**

Mayor Lies presented Dan Herrmann a certificate of appreciation for his 20 years of service as a volunteer firefighter with the Belle Plaine Fire Department.

**7. PUBLIC HEARINGS- NONE SCHEDULED.**

**8. BUSINESS.**

**8.1. Presentation of Claims.**

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

**8.2. Update from December 21, 2010 Meeting with Area Townships on Ambulance Contract.**

Mayor Lies referenced a memo dated January 18, 2011 from City Administrator Murphy regarding an update from the December 21, 2010 meeting with area townships on ambulance contract.

City Administrator Murphy explained that City Attorney Vose has included a memo regarding his review of the contract. Attorney Peter Mikhail was present to answer Council's questions.

Mayor Lies read the memorandum from City Attorney Vose, Kennedy and Graven, dated January 12, 2011 regarding the ambulance fund. It is City Attorney Vose's view the City can reallocate and use the remaining funds as the City Council directs. He also believes the 1985 agreement between the City and area townships has been cancelled by the parties as the townships have ceased making those payments when Ridgeview Medical replaced the former municipal volunteer ambulance service.

Mayor Lies stated that he and Councilmember Coop, members of the Ambulance Committee, will be scheduling a meeting in the future. There was no further discussion or comments.

**8.3. Discussion on Council Laptop Computers.**

Mayor Lies referenced a memo dated January 18, 2011 from Finance Director Meyer regarding the council use of laptop computers.

Finance Director Meyer explained that in May of 2007, the City Council approved the purchase of six laptops to be issued to the City council members. These City issued laptops and internet access (Sprint aircards) allowed council members to utilize a City e-mail address, receive documents and packets electronically and more access to City information. There have been several changes to the technology that the City uses that would require the City Council laptops to be upgraded. After reviewing the specifications of the laptops, it has been determined that a software only upgrade is not feasible. In order for efficient operation new laptops would need to be purchased and programmed. The estimated cost for new laptops with programming is $800 to $850. The changes to the technology that the City currently uses could also change the need for the laptops. City information and email is now accessible through the internet. Last year one of the council members turned in their laptop because they did not utilize it. That laptop was issued to the Public Works department and is currently used daily in the field. Finance Director Meyer suggested on the following options: 1) replace all six council laptops and issue one to each council member, 2) replace only council laptops for council members that request one, 3) discontinue council laptop program and have council members access information through the internet, or 4) variation of the above listed options.

Mayor Lies commented that it was the intent to go “paperless” but that idea has not materialized. Finance Director Meyer explained the recent availability of having secure access via the internet. A brief discussion followed on public data. City Attorney Mikhail commented that if council members use their personal computer for city-related email, the computer may be subject to seize in the event of a necessary search due to litigation.

Councilmember Trost stated that he does not use the city-issued laptop and suggested the City reimburse council members for the use of their personal computers for city related business. He believes it is not necessary to have the city provide laptops. Councilmember Coop suggested that council laptops be replaced for only those council members that request one. City Administrator Murphy explained that most neighboring cities do not provide laptops for council members and for those cities that offer a reimbursement for use of a personal computer, it is only a nominal reimbursement.

It was the consensus of the council to discontinue the city-issued laptop program. Mayor Lies asked that those who have a city-issued laptop to return it to Finance Director Meyer as soon as possible.

The Council recessed at 6:57 p.m. and reconvened at 7:04 p.m.

**8.4. Discussion on Professional Appointments – Resolution 11-001, 2011 Official and Professional Appointments.**

Mayor Lies referenced a memo dated January 18, 2011 from City Administrator Murphy regarding the professional appointments.

City Administrator Murphy explained on January 3, 2011, the council approved the appointments for 90 days in order for individual council members to become more familiar with the companies.

Councilmember Pingalore inquired about sending out request for proposals for services. Councilmember Trost and Schneider stated they are in agreement for the annual professional appointments as indicated. Councilmember Chard explained that although he has spoken with representatives of Bolton and Menk as well as Kennedy and Graven, he questioned whether the City was getting the best value for its money. Mayor Lies explained that a less-expensive rate doesn't necessarily mean cheaper in the long run. He noted the experience of the current list of professional appointments and preferred to stay with the list as indicated. Councilmember Coop commented that he is an agreement with the appointments, however, if there is drastic budgetary decisions to be made in the future, he would support re-visiting the issue. Councilmember Pingalore commented that he did not have anything personally against the appointments, he was just seeking assurance for the best value by the consultants. Councilmember Chard concurred.

MOTION by Councilmember Trost, second by Councilmember Coop, to rescind the "90-day" approval stipulation on Resolution 11-001, Professional Appointments, thus making them annual appointments. Mayor Lies and Councilmembers Trost, Coop and Schneider VOTED AYE. Councilmembers Chard and Pingalore VOTED NAY. MOTION CARRIED.

**8.5. Discussion on City Fees - Water and Sewer Connection and Building Permit Fees.**

Mayor Lies referenced a memo dated January 18, 2011 from City Administrator Murphy regarding city fees.

City Administrator Murphy explained that Council Member Chard requested this item be on the agenda for discussion.

Councilmember Chard explained that he is searching ideas to help stimulate economic growth in the city. He suggested reducing the water and sewer connection fees or the building permit fees to entice development. Councilmember Chard stated that he does not support tax abatement as an economic tool. He noted the $64,000 fees paid by Kwik Trip and questioned whether fees of this type should be reduced. Councilmember Trost was opposed to the reduction in fees. He commented that the City fees are insignificant when comparing the purchase price of the land paid by Kwik Trip. Councilmember Trost further explained that companies do their market research before constructing a facility and that the reduction in fees would not affect their decision. Finance Director Meyer explained that Kwik Trip did not approach the city for a reduction in fees or financial incentive. She further explained that the City does have guidelines in place for incentive requests. Councilmember Coop explained that if connection or building permit fees are reduced, it will cause an increase in property taxes; whereas tax abatement does not increase taxes directly.

Councilmember Chard commented that the City needs to increase the number of residential rooftops and fill the many vacant commercial buildings. He said there are over 200 vacant residential lots in the City. Councilmember Chard also commented on the importance of extending the sanitary sewer main to County Road 64 and Hickory Boulevard. Mayor Lies supported the use of tax abatement in the case of Coborns Superstore due to its positive impact to the community, including job creation. Councilmember Coop commented that it may be more important to offer incentives for the downtown district. Councilmember Chard commented that he would like the city to stay pro-active on this matter and would like to discuss it further at a future meeting.

**8.6. Preliminary Engineering Report for the 2011 Street and Utility Improvement Project.**

Mayor Lies referenced a memo dated January 18, 2011 from City Administrator Murphy regarding the 2011 street and utility improvement project.

City Administrator Murphy explained that City Engineer Duncan has completed the preliminary engineering report for the 2011 street and utility project.

City Engineer Duncan provided a PowerPoint presentation on the proposed 2011 street improvement project. The area includes portions of North Ash Street, North Linden Street, East Church Street, East State Street and East Court Street. Also included is the west bound land of East Main Street from Walnut Street to Ash Street, in which MnDOT will contribute the entire eligible construction costs. A small trail segment is also proposed from the Beaver Street cul-de-sac to the new trail along Walnut Street. City Engineer Duncan provided further details on the sanitary sewer mains, water mains, surfacing and other utility improvements for this project.

Councilmember Chard inquired about a retention pond. He also noted the difficulty in replacing utilities in the alleys of the project area. Councilmember Pingalore inquired about bonding payments. Finance Director Meyer explained that the City includes the street improvement projects in the capital improvement plan, typically on a rotation in which an older bond is completed and a new bond is added. City Engineer Duncan explained that if the council chooses to move forward, the next step is to call for an improvement hearing at the February 7, 2011 council meeting. It was the consensus of the council to proceed accordingly.

**8.7. Government Center Façade Improvement.**

Mayor Lies referenced a memo dated January 18, 2011 from Community Development Director Rosenfeld regarding the Government Center Façade Improvement.

Community Development Director Rosenfeld explained that City Council directed the Design Committee in 2010 to review the Government Center façade and provide a recommendation to the City Council at a future meeting in 2011. Public Works was directed to address the mechanical and maintenance issues. The Design Committee has reviewed the previous architectural drawings submitted in 2006/07 from Paulsen Architects (Paulsen's), estimates provided by a local contractor for exterior siding and roofing options, and awning estimates provided by two separate awning companies. The Design Committee is recommending the City Council proceed with Paulsen Architects to formulate options for the Government Center façade, such as a phased project. A revised proposal from Paulsen's was received and reviewed by staff, indicating an estimated cost of $1,500 for updated drawings. This issue was brought forward to the Council workshop on December 27, 2010. Mayor Lies directed staff to bring the proposal to the City Council meeting on January 18, 2011 for further direction. Attached with Community Development Director Rosenfeld's memo were a copy of revised proposal to update the drawings and the previous architectural renderings completed in 2006/07. Staff suggests the drawings are updated at this time, which would include a phased plan to improve the Government Center. After the revisions have been completed, staff proposes Council discuss how the phased plan could potentially be included in the City's capital improvement plan over a 3-5 year period.

Mayor Lies explained the City has been reviewing a renovation for quite some time. Public Works Superintendent Fahey explained the cost of the Government Center façade improvement was to be incorporated into the bonding package of the new public works facility. Councilmember Trost suggested the Finance Ways and Means Committee review the expense of the façade improvement first to determine funding options. He was opposed to spending money on architectural drawings if no money is available for the improvement. Councilmember Coop commented that a façade improvement is too expensive and does not support it.

MOTION by Councilmember Chard, second by Councilmember Coop, to deny the authorization of funds to update the architectural drawings for the Government Center façade improvement. Furthermore, this issue will be forwarded to the Public Works Committee for their review and recommendation. ALL VOTED AYE. MOTION CARRIED.

**Recess Regular Session.**

Mayor Lies recessed the Regular Session at 8:39 p.m.

**8.8. CLOSED SESSION.**

Attorney-Client Privilege. Dscussion regarding the litigation among the City, Heselton Construction, LLC and Ellingson Drainage, Inc.

Mayor Lies announced the Closed Session at 8:44 p.m. with Councilmembers Cary Coop, Gary Trost, Michael Pingalore, Paul Chard and Scott Schneider present. Also present were City Administrator David Murphy, Public Works Superintendent Al Fahey, City Engineer Joe Duncan and City Attorney Peter Mikhail.

Attorney Mikhail provided a summary of the Heselton Construction, LLC vs. Elllingson Draining, Inc. litigation.

**Reconvene Regular Session.**

Mayor Lies adjourned the Closed Session at 9:04 p.m. and convened the Regular Session.

**9. ADMINISTRATION.**

**9.1. Upcoming Meetings.**
**1. Public Works, 8:30 a.m., Thursday, Jan. 20.**
**2. Public Safety, 4:00 p.m., Wednesday, Feb. 2.**
**3. City Council, 6:00 p.m., Monday, Feb. 7.**
**4. EDA and Park Board, Joint Meeting, 5:00 p.m., Monday, Feb. 14.**
**5. Planning Commission, 7:00 p.m., Monday, Feb. 14.**

The Council was reminded of the upcoming meetings as listed.

**10. ADJOURN.**

MOTION by Councilmember Trost, second by Councilmember Coop, to adjourn at 9:05 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary