BELLE PLAINE CITY COUNCIL
REGULAR SESSION
FEBRUARY 21, 2012

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, February 21, 2012 at 6:00 p.m. in the council chambers of City Hall, 218 North Meridian Street, Belle Plaine, MN. Mayor Tim Lies called the meeting to order with Councilmembers Gary Trost, Cary Coop, Scott Schneider, Paul Chard and Michael Pingalore present.

Also present were City Administrator David Murphy, Community Development Director Trisha Rosenfeld, Finance Director Dawn Meyer, Police Chief Tom Stolee and City Engineer Joe Duncan. Finance Director Meyer also served as the video recording operator.

3. APPROVAL OF AGENDA.

MOTION by Councilmember Coop, 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 February 6, 2012.
4.2. Resolution 12-023 Approving Certificate of Correction to Plat for Diversified Business Park Second Addition.
4.3. Approving Right of Entry Agreement with Great River Energy for the CAPX2020 Power Transmission Line and Authorizing the Mayor and City Administrator to Execute the Agreement.

City Administrator Murphy advised of an amendment to the Right of Entry Agreement with Great River Energy for the CAPX2020 Power Transmission Line. The dates in the Agreement have been extended from February 24, 2012 to March 2, 2012.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve the consent agenda as follows: 4.1. Regular Session Minutes of February 6, 2012, 4.2. Resolution 12-023 Approving Certificate of Correction to Plat for Diversified Business Park Second Addition, and 4.3. Approving Right of Entry Agreement with Great River Energy for the CAPX2020 Power Transmission Line and Authorizing the Mayor and City Administrator to Execute the Agreement, including the amendment to allow an extension in the date from February 24, 2012 to March 2, 2012. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

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

5.2. Fire Department.

Fire Chief Randy Koepp 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 and 2011 Annual Report.

Community Development Director Trisha Rosenfeld was present. The Council acknowledged receipt of the Community Development Department report and annual report.

5.5. City Administration Report.

City Administrator David Murphy was present. The Minnesota Water Management Organization is combining Prior Lake and Spring Lake water districts the Scott County southwest region. He asked if any council member would like to participate in the meeting. The audit for Mediacom Cablevision is expected to be completed next month. The Council acknowledged receipt of the City Administration report.

6. PUBLIC FORUM.

Certificates of Appreciation.

1. Kevin Crooks, Park Board Commissioner.

Mayor Lies acknowledged Kevin Crooks for his 3-year term on the Park Board.

Yellow Ribbon City.

Dawn Buhain, Chair, Beyond the Yellow Ribbon South of the River.

Mayor Lies welcomed Dawn Buhain and Denise Kaderlik of the Beyond the Yellow Ribbon South of the River program.

Ms. Buhain and Ms. Kaderlik provided a Power Point presentation on the Beyond the Yellow Ribbon South of the River program. The non-profit organization honors and provides support to military personnel and their families. Community organizations are encouraged to participate in the program.

Mayor Lies thanked Ms. Buhain and Ms. Kaderlik for their presentation. Mayor Lies will be in contact with the local organization ECHO to seek involvement.

7. PUBLIC HEARINGS.

7.1.Preliminary Hearing - 2012 Resurfacing Project. A public hearing has been scheduled for the proposed 2012 Street Resurfacing Project for Woodridge Drive and Woodridge Circle.. The City Council will consider public comment.

Mayor Lies referenced a memo dated February 21, 2012 from City Administrator Murphy regarding the 2012 Resurfacing Project.

City Administrator Murphy explained the preliminary engineering report for the 2012 resurfacing project has been completed and notices for the public hearing have been sent. The hearing will provide the residents the opportunity to discuss the merits and necessity of the project with the Council. Once the public hearing has been completed, the next step in the process is to order the improvements and direct the City Engineer to prepare the final plans and specifications for the Council.

City Engineer Duncan provided a PowerPoint presentation on the proposed project. The area will include Woodridge Drive and Woodridge Circle. He explained the process for calculating the assessments, which are proposed by which the frontage is adjusted by taking the dimension between the side lot lines at a 20-foot offset from the front lot line. This equitably normalizes the frontage of the relatively large odd shaped lots in this project area. Corner lot considerations remain according to the City's assessment policy.

Mayor Lies opened the public hearing at 6:41 p.m. and asked for public comment.

Mayor Lies acknowledged receipt of a letter from property owners David and Polli Edberg, 28 Woodridge Drive, who also represented Pat and Lee Sexe, 30 Woodridge Circle, and Paul and Laurie Fogarty, 36 Woodridge Circle. The letter requested consideration of alternate methods of calculating the assessments.

Bruce Gruetzmacher, 325 East Court Street, commented on the resurfacing project. He suggested the City regulate refuse hauling trucks as he believes these trucks are damaging city roads. He inquired about the life expectancy of sanitary sewer lines. Mr. Gruetzmacher expressed concern for the additional burden of special assessments to homeowners for the improvement project. He recommended the City change its policy and incorporate a "fix on failure" plan. City Engineer Duncan explained the status of the sanitary sewer mains, clay vs PVC plastic.

David Edberg, 28 Woodridge Drive, suggested the City look into regulating refuse haulers. He recommended the City continue with the annual sealcoat programs as he believes it is worthwhile expense to maintain the streets. He expressed concern for the weeds that are growing between the bituminous and curb, causing damage. Mr. Edberg asked for consideration of an alternate method to calculate the assessment as he believes the foot frontage basis is not appropriate in this project. He said his property value will not increase by $3,000, the estimated amount of the proposed assessment.

Mayor Lies thanked Mr. Edberg for his research.

MOTION by Councilmember Coop, second by Councilmember Chard, to close the public hearing at 7:01 p.m. ALL VOTED AYE. MOTION CARRIED.

Mayor Lies commented that it may be appropriate to further discuss area versus foot frontage as it relates to the City's assessment policy at a future work session. Councilmember Trost believed it should be discussed immediately due to the timing of the improvement project. Mayor Lies questioned whether the assessment method is set upon accepting the report. City Engineer Duncan commented that assessments are not set until the final assessment hearing. Councilmember Trost questioned whether the assessment process has been set for the project. Councilmember Chard referenced the Park Knolll improvement project and said each lot was assessed the same amount upon the agreement of all property owners. He questioned whether each property owner would agree to an approximate $1,300 assessment. Mayor Lies commented that the assessment method was determined to be the most equitable as possible. Councilmember Coop proposed that council review the assessment policy at a future work session. Councilmember Chard suggested that public works spray the weeds growing between the bituminous and curb to help preserve the streets.

1. Resolution 12-020 Accepting Report and Directing the City Engineer to Prepare Final Plans and Specifications for the 2012 Resurfacing Project.

MOTION by Councilmember Chard, second by Councilmember Coop, to adopt Resolution 12-020 Accepting Report and Directing the City Engineer to Prepare Final Plans and Specifications for the 2012 Resurfacing Project. Councilmember Trost ABSTAINED. ALL OTHERS VOTED AYE. MOTION CARRIED.

7.2. Easement Vacation. The City Council will consider public comment on a request by Matt Soller to vacate a drainage and utility easement located on Lot 8, Block 6, Wildflower Ridge No. 2, at 1005 Century Court, Belle Plaine, MN. The vacation of the easement was inadvertently omitted from the platting process of Wildflower Ridge No 2.

Mayor Lies referenced a memo dated February 21, 2012 from Community Development Director Rosenfeld regarding the vacation of a utility easement.

Community Development Director Rosenfeld explained that as part of the platting process for Wildflower Ridge Subd No. 2, drainage and utility easements from Prairiehills Second Subdivision should have been vacated, however they were inadvertently missed. It is appropriate to vacate the utility and drainage easements on Lot 8, Block 6 of Wildflower Ridge Subd No 2, as requested by the applicant. All utility companies have been properly notified, as well as the township and county representatives. The County is in agreement with the vacation, and correspondence has been received from Frontier Communication, CenterPoint Energy and Belle Plaine Township. All are in agreement with the vacation and have no issues.

Mayor Lies opened the public hearing at 7:21 p.m. and asked for public comment.

Allen Schmitz,23636 Delaware Avenue, Jordan, MN, realtor, explained that the existing easement was discovered during title work. He asked that the easement be vacated so the sale of the property can proceed.

MOTION by Councilmember Chard, second by Councilmember Schneider, to close the public hearing at 7:22 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 12-021 Approving Vacation of Easement for Lot 8, Block 6, Wildflower Ridge No. 2, 1005 Century Court.

MOTION by Councilmember Chard, second by Councilmember Coop, to approve Resolution 12-021 Approving Vacation of Easement for Lot 8, Block 6, Wildflower Ridge No. 2, 1005 Century Court. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

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

8.2. Resolution 12-022 Granting Approval of Site Plan for Ag Power.

Keith Siemon and Terry Siemon, Ag Power, were present.

Mayor Lies referenced a memo dated February 21, 2012 from Community Development Director Rosenfeld regarding site plan approval for Ag Power.

Community Development Director Rosenfeld provided a Power Point presentation and explained Ag Power has submitted a site plan application for review of 20,000 square foot proposed addition. The structure will be constructed over the existing building, with a portion of the existing building to be removed. This is phase 1 of a two-phased project. Phase 2 is expected to take place within 3-5 years. The lot is approximately 7.5 acres and is zoned B-2, Highway Commercial. A variance was approved for two-foot setback to rear property line for addition on this parcel in July, 2000. In October 2005, a variance approved for zero setback on parking lot on adjacent parcel on Ag-Power site. The site has an excessive amount of gravel surface that exceeds the maximum lot coverage, however the new addition will not add additional impervious surface to the site. All parking spaces will need to be the size as indicated in the zoning ordinance for standard and handicap spaces. All parking areas will need to be striped with a perimeter curb. All parking spaces will need to be identified prior to issuing the building permit. There are 87 standard and two handicap parking spaces required. The consideration of the request for a conditional use permit to reduce the required number of parking spaces and a non-conforming permit will be considered at the Planning Commission and City Council meetings in March. The Planning Commission recommended approval of the site plan.

Councilmember Chard commented that he was surprised to learn about the expansion of the lower building. He noted the second phase will be an expansion of the retail component. Councilmember Schneider commented that no increase in personnel is anticipated with the first phase. The phase one project is for the housing of the large-size farm equipment. Councilmember Schneider questioned whether an expansion permit is necessary and commented the conditional use permit allows for parking reduction. Community Development Director Rosenfeld explained the expansion permit allows for the increase in non-conformity related to the striping and curbing. Legal counsel has recommended the non-conforming expansion permit for this issue. Councilmember Chard expressed concern for an increase in storm water resulting from the building expansion. He lives in close proximity to the site and noted that re-grading or screening may be necessary to help contain the storm water and the building expansion will change the direction of the water. City Engineer Duncan responded that there is no increase in impervious surface and he will be obtaining flow rates from the applicant for further study.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve Resolution 12-022 Granting Approval of Site Plan for Ag Power. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Park Board, 5:00 p.m., Monday, Feb. 27.
2. Work Session, 6:30 p.m., Monday, Feb. 27.
3. HRA, 5:00 p.m., Monday, March 5.
4. City Council, 6:00 p.m., Monday, March 5.
5. Public Safety, 4:00 p.m., Wed. March 7.

The council was reminded of the upcoming meetings as listed. Councilmember Coop noted that a work session will need to be scheduled for further discussion on the assessment policy.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Chard, to adjourn at 7:46 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary