BELLE PLAINE CITY COUNCIL
REGULAR SESSION
MARCH 7, 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 Monday, March 7, 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, City Attorney Bob Vose and Video Recording Operator Beth Dempsey.

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 22, 2011.
4.2. Resolution 11-024 Authorizing the Transfer of Remaining Funds from 2001A Bond Fund 521 to 2004E TIF Refunding Bond Fund 529 and Close Fund 521.
4.3. Resolution 11-025 Authorizing the Write-Off of Chamber of Commerce Account for Holiday Lighting at Townsend Park.
4.4. Accepting Resignation of Assistant Planner Andy Villella.

Councilmember Pingalore requested that consent agenda item, Resolution 11-025 Authorizing the Write-Off of Chamber of Commerce Account for Holiday Lighting at Townsend Park, be moved to the business portion of the agenda.

MOTION by Councilmember Coop, second by Councilmember Schneider, to move consent agenda item, Resolution 11-025 Authorizing the Write-Off of Chamber of Commerce Account for Holiday Lighting at Townsend Park, to the business portion of the agenda and to approve the consent agenda as follows: 4.1. Regular Session Minutes of February 22, 2011, 4.2. Resolution 11-024 Authorizing the Transfer of Remaining Funds from 2001A Bond Fund 521 to 2004E TIF Refunding Bond Fund 529 and Close Fund 521, and 4.3. Accepting Resignation of Assistant Planner Andy Villella. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Community Services Department.

Community Services Director Nelson Ladd was present. The Council acknowledged receipt of the Community Services Department report.

5.2. Public Works and Parks Department.

Public Works Superintendent Al Fahey was present. Councilmember Trost commented he did not recall that the Finance Ways and Means Committee had recommended the allocation of $30,000 for the

Government Façade Improvement. Councilmember Schneider concurred with Public Works Superintendent Fahey's report on the subject. The Council acknowledged receipt of the Public Works Department report.

5.3. Engineer Report.

City Engineer Joe Duncan was present. The Council acknowledged receipt of the Engineer Report.

5.4. City Administration Report.

City Administrator David Murphy was present. The Council acknowledged receipt of the City Administration report.

6. PUBLIC FORUM.

Mayor Lies read the St. Patrick's Day Celebration Proclamation.

No one else spoke at the public forum.

7. PUBLIC HEARINGS.

7.1. Improvement Hearing for Proposed 2011 Street Improvement Project. A public hearing has been scheduled for the proposed 2011 street improvement project. The Council will accept public comment.

Mayor Lies referenced a memo dated March 7, 2011 from City Administrator Murphy regarding the proposed 2011 street improvement project.

City Administrator Murphy explained the preliminary engineering report for the 2011 street improvement 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. The City Budget for 2011 includes money for the 2011 street improvement project. The project is anticipated to be funded with a combination of assessments municipal state aid money and city funds. The project would be paid for by issuing a bond to be paid with assessments. Currently there is a bill in the Minnesota House of Representatives that proposes a freeze of property tax levels for 2012 at the 2011 rate. If passed, this would not allow new debt service levy for projects. City Administrator Murphy referenced copies of responses that were included in the council packets of other cities on their plans in light of the proposal. There was also a response from the Minnesota Taxpayers Association. The League of Minnesota Cities is taking a hard stance in opposition to this bill and it is unknown at this time what the likelihood of the bill becoming law.

City Engineer Duncan provided a Power Point presentation on the details of the project. He explained the City standards for street construction projects, including road width and maximum axle weight. He also explained the MSAS street standards, noting that the City is responsible for the over-sizing costs associated with these streets. He referenced the City's assessment policy for uniform and equitable assessment process.

Councilmember Chard commented that assessments will be amortized over a seven-year period and that homeowners do not have to pay the assessments in full this year. Finance Director Meyer explained that the interest rate will be two percent above the bond interest rate, estimating it to be between five and six percent interest for the property owner.

Mayor Lies opened the public hearing at 6:39 p.m. and asked for public comment.

Keith Heitkamp, 215 North Linden Street, inquired about the cost responsibility for intersections. Staff advised that property owners are responsible for the cost of improvements based on their lot dimensions. Mr. Heitkamp commented that many dual-wheeled trucks are using Church Street to connect to Highway 25/Walnut Street instead of using Main Street. Police Chief Stolee made note of this comment.

Jim Schmitt, 315 North Linden Street, expressed concern for the quality of reconstruction project, commenting of the poor quality of work on West Main Street. Public Works Superintendent Fahey will investigate.

Jeffrey Jones, 325 North Elm Street, expressed concern for the location of his home, which is in close proximity to the road right-of-way. City Engineer Duncan explained that special cases such as this will be addressed with the contractor prior to construction.

Sally Jerabek, 409 North Linden Street, inquired about access during the construction period. City Engineer Duncan explained that each property will have access, although it may be limited, during the construction phase. Ms. Jerabek also inquired about the proposed width of Linden Street. City Engineer Duncan explained Linden Street will have a 44-foot width, adding two feet of roadway from each side.

Bill Shields, 640 East Court Street, 640 East Court Street, expressed concern for the amount of storm water that runs through his property. He also inquired about the replacement of the service line from the water main to his home. City Engineer Duncan explained that additional catch basins are being planned to help address storm water drainage. Also, residents may contact the contractor regarding the installation of private service lines.

Joe Curit, 404 East Court Street, asked if citizens get to vote on whether the project proceeds. Staff replied no. Mr. Curit inquired about how sidewalk locations are determined. City Engineer Duncan explained that existing sidewalks are replaced, if needed. The Park Board and Public Works Committee also review the location of sidewalks to determine whether new sidewalks are to be installed. The City Council makes the final determination. Sidewalks are assessed at 30%, and assessed to properties on both sides of the street, regardless of which side the walk is constructed.

MOTION by Councilmember Coop, second by Councilmember Schneider, to close the public hearing at 6:56 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Trost commented that it is important to allow property owners access to their property during the construction period. He asked if it is the City policy to ensure access. City Engineer Duncan explained that this stipulation is included in the bid specifications. Councilmember Trost commented on the expense of sidewalks to the property owner.

Councilmember Trost asked if the Police Department has issued tickets to truck drivers in violation of weight restrictions on Church Street. Police Chief Stolee explained that he could not locate any complaints received or tickets issued for the past year regarding this matter. Councilmember Trost commented this matter will be alleviated when East Main Street is reconstructed by MnDOT due to the increased turning radius to accommodate large trucks.

7.1.1. Resolution 11-027 Ordering Improvement and Directing the Preparation of the Final Plans and Specifications for the 2011 Street Improvement Project.

MOTION by Councilmember Chard, second by Councilmember Schneider, to approve Resolution 11-027 Ordering Improvement and Directing the Preparation of the Final Plans and Specifications for the 2011 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

The Council recessed at 7:05 p.m. and reconvened at 7:15 p.m.

8. BUSINESS.

8.1. Presentation of Claims.

MOTION by Councilmember Trost, second by Councilmember Schneider, to approve the presentation of claims as presented. ALL VOTED AYE. MOTION CARRIED.

8.2. Resolution 11-026 Authorizing the Lease of an All Terrain Vehicle from Ag Power for Fire Department.

Mayor Lies referenced a memo dated March 7, 2011 from Fire Chief Koepp regarding the lease of an all terrain vehicle.

Fire Chief Koepp explained the Belle Plaine Fire Department had utilized an all terrain vehicle, Yamaha Rhino, through a federal grant program with Yamaha that the Fire Department used for things like rehabilitation for fire fighters, grass fires, search rescues and many miscellaneous things. The Yamaha Company program was discontinued and no longer had use of the ATV. An ATV is an integral piece of equipment and the Fire Department is proposing a lease of a John Deere Gator ATV from Ag Power in Belle Plaine. The Gator would be a lease of $750.00 per year. Fire Chief Koepp further explained that he recently was informed that Belle Plaine Motor Sports has announced an ATV program. Fire Chief Koepp offered to do more research on this matter.

MOTION by Councilmember Trost, second by Councilmember Schneider, to table Resolution 11-026 Authorizing the Lease of an All Terrain Vehicle from Ag Power for Fire Department to allow time for further research on this matter. ALL VOTED AYE. MOTION CARRIED.

8.3. Request by School District for Payment of Service by Video Operators.

Mayor Lies referenced a memo dated March 7, 2011 from City Administrator Murphy regarding a request for payment for services by video operators.

City Administrator Murphy explained the Belle Plaine School District hires a video operator to record their board meetings in a very similar manner as the city council meetings. The District pays the operator $30 per meeting for 12 meetings per year. The District submitted an invoice to the City for reimbursement for the cost of the operator for the year 2010. The Cable Committee met to discuss the request. School Superintendent Smith stated that he believes the operator expenses are part of what the franchise fees are for. Mr. Smith stated that his understanding of the fees were to provide local access to the public, which he believes includes school board meetings. The Cable Committee made a recommendation to the Council that the City reimburse the School District for video operators from the Cable Fund.

Councilmember Chard asked if funds are available in the Cable Fund. City Administrator Murphy replied yes. Councilmember Pingalore questioned by the City is paying for the School District's video operators. Mayor Lies commented that he believes it is appropriate to pay the all video operators from the Cable Fund and that the funds are obtained by franchise fees, not through taxes. Councilmember Trost questioned why reimbursement for 2009 is not being addressed at this time.

MOTION by Councilmember Chard, second by Councilmember Coop, to authorize the payment of $360 to the Belle Plaine School District to cover the expense of video operators for 2010. Furthermore, the City shall continue to pay for the School District video operators for 2011 and beyond until further notice. Councilmember Pingalore VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.4. Resolution 11-028 Amending 2011 Fee Schedule Pertaining to Peddlers Permit Fee.

Mayor Lies referenced a memo dated March 7, 2011 from City Administrator Murphy regarding modifications to the City's annual fee schedule.

City Administrator Murphy explained that historically, the City has not charged local non-profit organizations such as the boy scouts, girls scouts, school dance groups, church organizations, and Chamber of Commerce for a peddlers/vendor permit. The City's Fee Schedule indicates a fee of $25 but does not address the non-profit organizations. In 2010, the City issued a total of 14 peddlers permits. There were ten permits issued at an annual fee of $25 to food vendors for public events and door-to-door sales of products and services. There were four permits issued to non-profit organizations: Presbyterian Church, Vets Club, Farmers Market, and Chamber of Commerce. Staff recommends language be added to the fee schedule indicating no fee for community-based non-profit organizations.

Councilmember Trost requested a copy of the 2010 peddler permits issued.

MOTION by Councilmember Trost, second by Councilmember Schneider, to approve Resolution 11-028 Amending 2011 Fee Schedule Pertaining to Peddlers Permit Fee. ALL VOTED AYE. MOTION CARRIED.

8.5. Resolution 11-029 Authorizing the Purchase of Flood Insurance for the Wastewater Treatment Facility.

Mayor Lies referenced a memo dated March 7, 2011 from City Administrator Murphy regarding flood insurance for the wastewater treatment facility.

City Administrator Murphy explained the wastewater treatment facility is located next to the Minnesota River. The flood forecast issued by National Weather Service currently estimates a 32% chance of major flooding at Jordan and 39% chance of major flooding at Shakopee and 18% chance of in Henderson. Belle Plaine does not have a monitoring station, therefore a flood forecast is not available for Belle Plaine. Included with City Administrator Murphy's memo were estimated premiums from the City's insurance agent. There is a 30 day waiting period for all Flood Insurance policies before they are in effect.

Public Works Superintendent Fahey explained there many variables with the flood predictions. The precipitation, soils and snow coverage, frost levels and temperatures all have an impact to the predictions. The elevation of the wastewater treatment plant is needed by the insurance agent prior to the issuance of insurance coverage. Bolton and Menk will provide the elevation figures. Public Works Superintendent Fahey explained that the personal equipment will be removed from the buildings in the event of a flood. He also explained that clean water will be poured into the facilities to mitigate further damage by the flood water. The electrical equipment and pumps are unable to be removed from the plant.

Mayor Lies suggested a $15,000 maximum premium for the flood insurance. Councilmember Schneider concurred, explaining that an emergency meeting can be scheduled if the premium is higher than $15,000. Councilmember Coop suggested $20,000 limit to allow staff to proceed without delay. He asked when the insurance will take effect. Finance Director Meyer explained that it is anticipated that insurance will go into effect on April 7, 2011. Councilmember Coop asked why the insurance issue is being addressed at this late stage. City Administrator Murphy explained the severe flood reports have just recently been received. Councilmember Coop questioned whether insurance would cover damages if the City floods the building with clean water prior to flood stage waters. Public Works Superintendent Fahey and City Administrator Murphy explained they will obtain clarification from the City's insurance agent. Councilmember Trost commented that flood information has been in the news media. Public Works Superintendent Fahey reported he will be meeting with the Corp of Engineers. Councilmember

Chard requested to be notified of the meeting. He also recommended the emergency flood measures be placed on the next Public Works Committee agenda.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-029 Authorizing the Purchase of Flood Insurance for the Wastewater Treatment Facility, with an annual premium not to exceed $20,000. Councilmember Trost VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.6.Resolution 11-025 Authorizing the Write-Off of Chamber of Commerce Account for Holiday Lighting at Townsend Park.

Mayor Lies referenced a memo dated March 7, 2011 from Finance Director Meyer regarding the write-off of a Chamber of Commerce account for downtown holiday lighting.

Finance Director Meyer explained that at the February 22, 2011, City Council meeting the City Council recommended, by motion, that the City cover the cost of the lighting and not bill the Belle Plaine Chamber of Commerce. An invoice had already been issued, so it is necessary for the City Council to authorize the write- off of the invoice of $1,432.27.

Public Works Superintendent Fahey explained that the electricity at Townsend Park is metered. The invoice reflects the actual usage.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-025 Authorizing Write-off of Invoice #2550 to the Belle Plaine Chamber of Commerce in the amount of $1,432.27. ALL VOTED AYE. MOTION CARRIED.

Recess Regular Session.

Mayor Lies recessed the regular session at 8:10 p.m.

8.6. CLOSED SESSION.

1. Update on Mediation between City and Area Townships regarding Ambulance Service Funds.

Mayor Lies announced the Closed Session at 8:15 p.m. with Councilmembers Trost, Coop, Schneider, Pingalore and Chard present. Also present were City Administrator Murphy and City Attorney Vose.

City Attorney provided a status report of the negotiations with the area townships relating for the former City ambulance service. The report was an update only.

Mayor Lies adjourned the closed session at 8:37 p.m.

Reconvene Regular Session.

Mayor Lies convened the regular session at 8:38 p.m.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Public Safety, 4:00 p.m., Wednesday, March 9.
2. EDA, 5:00 p.m., Monday, March 14.
3. SCALE Joint Planning Commission/EDA/City Council, 6:00 p.m., Monday, March 14.
4. Design Committee, Directional Signage Tour, 5:00 p.m., Tuesday, March 15.
5. Public Works, 8:30 a.m., Thursday, March 17.

6. Design Committee, 5:00 p.m., Monday, March 21.
7. City Council, 6:00 p.m., Monday, March 21.
8. Park Board, 5:00 p.m., Monday, March 28.
9. Council Workshop, 7:00 p.m., Monday, March 28.

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Schneider, to adjourn at 8:41 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary