BELLE PLAINE CITY COUNCIL
REGULAR SESSION
MAY 3, 2010

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, May 3, 2010 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 Dawn Underferth, Jim Lange, Gary Trost and Cary Coop present. Councilmember Tim O'Laughlin was not 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 Lange, to approve the agenda as presented. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of April 19, 2010.
4.2. Board of Review Minutes of April 19, 2010.
4.3. Large Assembly Permit for German Days.
4.4. Approving Joint Powers Agreement with the School District for Community Services and Authorizing the Mayor and City Administrator to Execute Agreement.
4.5. Approving Joint Facilities Agreement with the School District for Community Recreation and Authorizing the Mayor and City Administrator to Execute Agreement.
4.6. Denying Request for Extension of Terms for Special Assessment for the 2009 Street Improvement Project.
4.7. Resolution 10-057 Approving Identity "Red Flag" Policy.
4.8. Resolution 10-058 Adopting Grant Policy and Procedure.
4.9. Resolution 10-059 Adopting Conflict of Interest Policy.
4.10. Resolution 10-060 Amending the Assessment Policy Pertaining to Sidewalk Assessment and Corner Lot Assessment.
4.11. Resolution 10-061 Appointing Chris Herrmann, Matt Schultz, Mike Dunham and Bob Stier as Public Works Seasonal Employees.
4.12. Resolution 10-065 Appointing Election Judges for the 2010 Primary Election and General Election.

MOTION by Councilmember Underferth, second by Councilmember Lange, to approve the consent agenda as follows: 4.1. Regular Session Minutes of April 19, 2010, 4.2. Board of Review Minutes of April 19, 2010, 4.3. Large Assembly Permit for German Days, 4.4. Approving Joint Powers Agreement with the School District for Community Services and Authorizing the Mayor and City Administrator to Execute Agreement, 4.5. Approving Joint Facilities Agreement with the School District for Community Recreation and Authorizing the Mayor and City Administrator to Execute Agreement, 4.6. Denying Request for Extension of Terms for Special Assessment for the 2009 Street Improvement Project, 4.7. Resolution 10-057 Approving Identity "Red Flag" Policy, 4.8. Resolution 10-058 Adopting Grant Policy and Procedure, 4.9. Resolution 10-059 Adopting Conflict of Interest Policy, 4.10. Resolution 10-060 Amending the Assessment Policy Pertaining to Sidewalk Assessment and Corner Lot Assessment, 4.11. Resolution 10-

061 Appointing Chris Herrmann, Matt Schultz, Mike Dunham and Bob Stier as Public Works Seasonal Employees and 4.12. Resolution 10-065 Appointing Election Judges for the 2010 Primary Election and General Election. 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 Department.

Public Works Superintendent Al Fahey was present. Mayor Lies and Public Works Superintendent Fahey will be in contact with a property owner who had questions about sod and settlement issues resulting from the 2009 street improvement project. The Council acknowledged receipt of the Public Works Department report.

5.3. Engineer Report.

City Engineer Joe Duncan was present. Councilmember Trost requested the City Engineer to view the alley in Block 103 for proper drainage, which was part of the 2009 Street Project. 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.

7. PUBLIC HEARINGS – NONE SCHEDULED.

8. BUSINESS.

8.1. Presentation of Claims.

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

8.2. Coborn's Development Agreement.

Community Development Director Rosenfeld presented the final draft of the Coborn's Development Agreement. An approved development agreement was a contingency of the final plat for Diversified Business Park Second Addition. Community Development Director Rosenfeld explained that the proposed right-turn lane and access easement with the adjacent property owner are addressed in the agreement.

MOTION by Councilmember Lange, second by Councilmember Coop, to approve the Coborn's Development Agreement as presented. ALL VOTED AYE. MOTION CARRIED.

8.3. Public Works Department.

1. Resolution 10-062 Order Plans and Specifications for Storm Water Conveyance at Lacy Court and Meadow Place.

Mayor Lies referenced a memo dated May 3, 2010 from City Administrator Murphy regarding the storm water drainage issue at Lacy Court and Meadow Place.

City Administrator Murphy explained that the Public Works Committee reviewed the storm water issue at Lacy Court and Meadow Place and the subsequent erosion that is occurring. The City Engineer presented two options for correcting the erosion and preventing further damage. The first option is to apply a rip-rap type bedding in an open trench. The other option is to pipe the water in an underground pipe. After some discussion, it was the recommendation of the Public Works Committee to recommend to the Council that the piping option be used.

Public Works Superintendent Fahey explained that a property owner brought this issue forward. Councilmember Lange and Trost inquired about the size on piping on either side of the drainage ditch. City Engineer Duncan explained that the plans on file indicate 48-inch size pipes, but actual measurements have not been taken. Councilmember Trost commented that he recalls discussion on the drainage issue when this development was reviewed by the City Council in 2000. The Public Works Superintendent at that time recommended piping, but the developer and DNR proposed the current design. Councilmember Trost commented that he would like the City to further discuss special assessments to property owners for the project. City Attorney Vose explained that the waterway conveyance project could be assessed. Mayor Lies requested the City Engineer include the feasibility of special assessment in his report of the plans and specifications.

MOTION by Councilmember Underferth, second by Councilmember Lange, to approve Resolution 10-062 Order Plans and Specifications for Storm Water Conveyance at Lacy Court and Meadow Place. ALL VOTED AYE. MOTION CARRIED.

2. Resolution 10-063 Approving Waiver of Liability for Cleaning Service Lines.

Mayor Lies referenced a memo dated May 3, 2010 from Public Works Superintendent Fahey regarding waiver of liability form.

Public Works Superintendent Fahey explained that at the Public Works Committee meeting on April 27, 2010, the Committee discussed the potential hazards of cleaning service lines. The water hammer procedure that may result in damages to the property owner’s service line. Public Works Superintendent Fahey explained that the City has been performing the service and the Public Works Committee recommended the City Council adopt the attached waiver of liability. Legal counsel has reviewed and approved its adoption as to form.

MOTION by Councilmember Lange, second by Councilmember Coop, to approve Resolution 10-063, Adopting Waiver of Liability for Cleaning Service Lines. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Board of Appeal and Equalization – continuation hearing, 6:00 p.m., Tuesday, May 4.
2. Public Safety, 3:30 p.m., Wednesday, May 5.
3. EDA, 5:00 p.m., Monday, May 10.
4. Planning Commission, 7:00 p.m., Monday, May 10.
5. Park Board, 5:00 p.m., Tuesday, May 11.

The Council was reminded of the upcoming meetings as listed.

Councilmember Trost commented on the pollution caused by seal coat applications on driveways. City Administrator Murphy will inquire at the upcoming SCALE meeting about this issue.

10. ADJOURN.

MOTION by Councilmember Trost, second by Councilmember Underferth, to adjourn at 6:47 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary