

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
MAY 7, 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 Monday, May 7, 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 and Scott Schneider present. Councilmember Paul Chard arrived at 6:07 p.m. Councilmember Michael Pingalore 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 and City Attorney Bob Vose. 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 April 16, 2012.

4.2. Board of Appeal and Equalization Minutes of April 16, 2012 and April 30, 2012.

4.3. Authorizing Staff to Proceed with Advertising to Seek Candidates for Design Committee.

4.4. Resolution 12-045 Appointing Matthew Krant and Zachery Schoenecker as the City Video Recorder Operators.

4.5. Resolution 12-047 Adopting Special Assessment for Delinquent Utility Bill at 230 South Linden Street.

4.6. Resolution 12-046 Approving Issuance of Pay-As-You-Go Note Pursuant to Contract for Private Development With Coborn's, Incorporated

MOTION by Councilmember Trost, second by Councilmember Coop, to approve the consent agenda as follows: 4.1. Regular Session Minutes of April 16, 2012, 4.2. Board of Appeal and Equalization Minutes of April 16, 2012 and April 30, 2012, 4.3. Authorizing Staff to Proceed with Advertising to Seek Candidates for Design Committee, 4.4. Resolution 12-045 Appointing Matthew Krant and Zachery Schoenecker as the City Video Recorder Operators, 4.5. Resolution 12-047 Adopting Special Assessment for Delinquent Utility Bill at 230 South Linden Street, and 4.6. Resolution 12-046 Approving Issuance of Pay-As-You-Go Note Pursuant to Contract for Private Development With Coborn's, Incorporated. 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 asked about citizens maintaining storm water ponds. Public Works Superintendent Fahey stated he would add this issue to the next Public Works Committee meeting. The Council acknowledged receipt of the Public Works Department report.

5.3. City Engineer Report.

City Engineer Joe Duncan was present and reported the recent storm water drainage projects appear to be working properly in response to the heavy rains. The Council acknowledged receipt of the Engineer Report.

5.4. City Administration Report.

City Administrator David Murphy was present and reported he will be meeting with the Belle Plaine Chamber of Commerce next week to discuss the charitable gambling process. The Council acknowledged receipt of the City Administration report.

Councilmember Chard arrived at 6:07 p.m.

6. PUBLIC FORUM.

1. Ewald Gruetzmacher and Jon Schuette, Belle Plaine Trail Improvement.

Jon Schuette, 12575 Belle Plaine Trail, Ewald Gruetzmacher, 12775 Belle Plaine Trail, Josh Koepp, 925 Ashford Road, and Kevin Koepp, 817 Farmers Way, addressed the council regarding the poor condition of Belle Plaine Trail and asked that the road be improved. This issue was discussed later in the business portion of the meeting.

7. PUBLIC HEARING.

7.1 Continuation - Liquor License – 3.2% Intoxicating Liquor On-Sale and Off-Sale. The City Council will consider a request by Julie Savage, 126 South Chestnut Street, dba Sparetime Tavern, 117 West Main Street, for a 3.2% Intoxicating Liquor On-Sale and Off-Sale.

Mayor Lies referenced a memo dated May 7, 2012 from City Administrator Murphy regarding a request by Julie Savage, 126 South Chestnut Street, dba Sparetime Tavern, 117 West Main Street, for a 3.2% Intoxicating Liquor On-Sale and Off-Sale.

City Administrator Murphy explained this item was tabled from the April 16, 2012 Council meeting due to the 10 day advertisement requirements not being met. The public hearing was continued to May 7, 2012 and will need to be closed after any and all interested parties are allowed to speak. After the close of the meeting, action must be taken on the resolution.

Mayor Lies announced the continuation of the public hearing at 6:19 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Trost, second by Councilmember Coop, to close the public hearing at 6:20 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 12-048 Approving 3.2% Intoxicating Liquor On-Sale and Off-Sale for Sparetime Tavern, 117 West Main Street.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Resolution 12-048 Approving 3.2% Intoxicating Liquor On-Sale and Off-Sale for Sparetime Tavern, 117 West Main Street. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

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

8.2. Belle Plaine Trail Improvement.

Gary Schmitz, Bob Koenig and Doug Kasper of the Belle Plaine Township Board were in attendance.

Mayor Lies referenced a memo dated May 7, 2012 from City Administrator Murphy regarding Belle Plaine Trail.

City Administrator Murphy explained that City Engineer Joe Duncan, Public Works Superintendent Fahey and he had met with representatives from Belle Plaine Township and retired County Staff Engineer Greg Felt. Two options for an approximately 15 to 20 year fix were discussed. It was decided to recommend to the Council that both options be bid. There was considerable discussion on the cost share percentages for the road. The issue is the section of Belle Plaine Trail located directly to the south of the 20 acre parcel purchased by River Rock Church. That 20-acre parcel was annexed into the City in 2006 and the legal description of the property runs along the center line of Belle Plaine Trail. Belle Plaine Township contends that Section 9 Paragraphs A & B of our Orderly Annexation Agreement requires that the City maintain that portion of the road and that the City is solely responsible financially for the maintenance and upkeep. The City's reading of the agreement differs from the township. City Administrator Murphy explained that he has not received word back from Belle Plaine Township Clerk Jean McDermand regarding the required cost share agreement to be signed prior to the bidding process.

City Engineer Duncan recommended bidding both options for the road improvement. He explained that as development occurs, West Evergreen Street and West Century Street will be extended and that Belle Plaine Trail will be eliminated. The council then discussed cost share and the proposed percentages for each entity. City Attorney Vose commented that each entity is responsible for the adjacent roadway improvement costs and the Orderly Annexation Agreement addresses the maintenance issues. He recommended a pro forma agreement that identifies specific costs for each entity.

MOTION by Councilmember Trost, second by Councilmember Coop, to proceed with advertising for bids for Option 1 and 2 for the Belle Plaine Trail road improvement as outlined in a memo dated May 1, 2012 from the City Engineer.

Councilmembers Trost and Coop withdrew their motion and second.

MOTION by Councilmember Trost, second by Councilmember Coop, to authorize the City Engineer to proceed with final plans and specifications for the Belle Plaine Trail improvement project. ALL VOTED AYE. MOTION CARRIED.

MOTION by Councilmember Trost, second by Councilmember Chard, to proceed with scheduling a joint workshop with the City Council and Belle Plaine Township Board at City Hall for 6:00 p.m., Thursday, May 24, 2012. ALL VOTED AYE. MOTION CARRIED.

8.3. German Days Large Assembly Permit.

Mayor Lies referenced a memo dated May 7, 2012 from City Administrator Murphy regarding German Days large assembly permit.

City Administrator Murphy explained the German Days Committee has requested a large assembly permit and road closure permit for Friday and Saturday, June 15 and 16. The downtown cookout is planned to begin at 4:00 p.m. Friday, June 15. Live stage bands are planned for Friday and Saturday, along with food vendors. The German Days Committee is requesting road closure for the 100 and 200 blocks of North Meridian Street, the 100 blocks of East Main and West Main Street, a portion of the 100 block of South Meridian Street, and the City municipal parking lot. The large assembly permit application was received on Wednesday, May 2. The Police Chief, Public Works Superintendent and City Administrator have begun review of the application. City Administrator Murphy explained that staff will need to meet with the German Days Committee to obtain more detailed information. A detour route and barricade placement is required prior to the Scott County road closure application.

Greg Zurn, 709 Shannon Lane, explained a classic car roll-in is being planned, and also the re-instatement of the downtown cookout. The German Days Committee is asking for the closing of CSAH 3. He explained that there will be mini-rod event planned for the 100 block of West Main Street.

MOTION by Councilmember Trost, second by Councilmember Chard, to table action on the German Days Committee large assembly permit to allow time for staff to work with the Committee on the submittal of the county road closure request and other details. ALL VOTED AYE. MOTION CARRIED.

This issue will be placed on the May 21, 2012 council agenda for further action.

ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Public Works, 11:00 a.m., Tuesday, May 8.**
- 2. EDA, 5:00 p.m., Monday, May 14.**
- 3. Planning Commission, 7:00 p.m., Monday, May 14.**
- 4. Design Committee, 5:00 p.m., Monday, May 21.**
- 5. City Council, 6:00 p.m., Monday, May 21, and a Closed Personnel Committee Meeting immediately following.**

The council scheduled a joint workshop with the Belle Plaine Township Board for 6:00 p.m. on Thursday, May 24, 2012. They also set a visioning session for 6:00 p.m. on Tuesday, June 12, 2012.

10. ADJOURN.

MOTION by Councilmember Trost, second by Councilmember Coop, to adjourn at 7:24 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary