BELLE PLAINE CITY COUNCIL
REGULAR SESSION
MAY 17, 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 17, 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, Tim O'Laughlin and Cary Coop 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.

Councilmember Lange requested the addition of business item 8.6., Scheduling of Ambulance Committee meeting.

MOTION by Councilmember Underferth, second by Councilmember Lange, to approve the agenda with the addition of business item 8.6., Scheduling of Ambulance Committee Meeting. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of May 3, 2010.
4.2. Board of Review Continuation Hearing Minutes of May 4, 2010.
4.3. Endorsement of Participation in Statewide Health Improvement Program.
4.4. Resolution 10-066 Authorizing Off-Site Charitable Gambling Sites for the Belle Plaine Chamber of Commerce.
4.5. Resolution 10-074 Authorizing Assessment of Delinquent Utility Account.
4.6. Resolution 10-056 Appointing Members to the Beautification Committee.
4.7. Calling for Public Hearing on State Surcharge Changes for Building Permits.
4.8. Resolution 10-077 Adopting Policies and Procedures for Belle Plaine Police Department.

Community Development Director Rosenfeld reported the Design Committee has recommended the appointment of Kelly Norton as a member of the Beautification Committee.

MOTION by Councilmember Underferth, second by Councilmember Lange, to approve the consent agenda as follows: 4.1. Regular Session Minutes of May 3, 2010, 4.2. Board of Review Continuation Hearing Minutes of May 4, 2010, 4.3. Endorsement of Participation in Statewide Health Improvement Program, 4.4. Resolution 10-066 Authorizing Off-Site Charitable Gambling Sites for the Belle Plaine Chamber of Commerce, 4.5. Resolution 10-074 Authorizing Assessment of Delinquent Utility Account, 4.6. Resolution 10-056 Appointing Members to the Beautification Committee, including Design Committee member Kelly Norton, 4.7. Calling for Public Hearing on State Surcharge Changes for Building Permits and 4.8. Resolution 10-077 Adopting Policies and Procedures for Belle Plaine Police Department. 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 unable to attend. 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.

Community Development Director Trisha Rosenfeld was present. She explained that a member of the Planning Commission and Design Committee has submitted his resignation, creating a vacancy on the commissions. Councilmember O'Laughlin commented that he would like to meet with Community Development Director Rosenfeld regarding the code enforcement listing that was included with the Community Development Department report. The Council acknowledged receipt of the Community Development Department report.

5.5. City Administration Report.

City Administrator David Murphy was present. Councilmember Trost inquired about the findings of environmental hazards associated with the seal coating of driveways. City Administrator Murphy stated he would research this issue and report back at a future meeting. The Council acknowledged receipt of the City Administration report.

CERTIFICATES OF APPRECIATION – EMS Week – May 16 – 22, 2010.
1. Belle Plaine Police Department.
2. Belle Plaine Fire Department.
3. Belle Plaine Ambulance Department.

Mayor Lies presented certificates of appreciation to the Belle Plaine Police Chief Tom Stolee, Fire Chief Randy Koepp and Ambulance Manager Doug Sweeney in recognition of Emergency Management Services week.

6. PUBLIC FORUM.

Michael Pingalore, 704 Green Acre Court, addressed the City Council in regards to the community recreation programs. Mr. Pingalore stated he was a volunteer little league coach and expressed concern for the lack of organization, communication and direction of the community recreation department.

Mayor Lies invited Mr. Pingalore to contact him and other council members to further discuss this issue. It was the consensus of the Council to have this issue discussed at the next Community Services Advisory Board meeting.

Leo Albrecht, local resident, President of the Belle Plaine Historical Society, addressed the City Council regarding the repairs that are needed at the Hillstrom Historical House. He said that the City was informed of the mold issue at the historical house one year ago and he believes nothing has been done to alleviate the mold problem. He previously asked that the City hire an electrician to have the historical house wired for a large utility fan and noted that nothing has been done yet. Mr. Albrecht stated that he had informed City staff that Kathleen Klehr at the Scott County Historical Society has offered help in obtaining grant funds for the repairs. He asked whether City staff members contacted Ms. Klehr regarding grant funds. City Administrator Murphy replied that he has not contacted Ms. Klehr at this point.

Mayor Lies directed that the Hillstrom Historical House repair issues be placed on the upcoming council work session agenda for further discussion.

Jenny Brandt, 101 Sunset Drive, expressed concern for the local ash trees that were losing their leaves. Ms. Brandt was directed to contact Public Works Superintendent Al Fahey regarding this issue.

7. PUBLIC HEARINGS.

7.1. Off-Sale Intoxicating Liquor License. The City Council will consider public comment on a request for an off-sale intoxicating liquor license by Coborns, Inc., dba Coborns Liquor, at 1014 East Enterprise Drive.

Mayor Lies referenced a memo dated May 17, 2010 from City Administrator Murphy regarding a request for an off-sale liquor license.

City Administrator Murphy explained that Coborns, Inc., of St. Cloud, MN has applied for an intoxicating off-sale liquor license for the proposed Coborn's Liquor store at 1014 East Enterprise Drive. The Belle Plaine Police Department has performed the required background investigation and recommends approval. If approved by the Council, the liquor license will be effective July 1, 2010 through June 30, 2011.

Mayor Lies opened the public hearing at 6:26 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to close the public hearing at 6:27 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 10-067 Granting Approval of a Liquor License for Coborns Liquor at 1014 East Enterprise Drive.

MOTION by Councilmember Trost, second by Councilmember Underferth, to approve Resolution 10-067 Granting Approval of a Liquor License for Coborns Liquor at 1014 East Enterprise Drive. ALL VOTED AYE. MOTION CARRIED.

7.2. Conditional Use Permit. The City Council will receive and consider public comment on a request for a conditional use permit as required in the Industrial/Commercial District, by Oppidan, Inc. and CLC Development, LLC, to allow the construction of a retail development and restaurant on Lot 1, Block 1, of proposed Diversified Business Park Third Addition, in the Industrial/Commercial District.

Mayor Lies referenced a memo dated May 17, 2010 from Community Development Director Rosenfeld regarding a request by Oppidan for approval of a conditional use permit, final plat and site plan.

Community Development Director Rosenfeld explained that Oppidan Inc. is requesting the review of a conditional use permit, final plat and site plan for the retail center of Outlot A of Diversified Business Park Second Addition. The applicant is proposing a 6,500 square foot multi-tenant retail building, with

McDonald's in 3,000 square feet, and the balance for individual tenant(s). The zoning classification for this site is I-C, Industrial Commercial. The proposed Coborn's Superstore is to the west and south of this development, with vacant land to the east, guided as Highway-Commercial. Oppidan has indicated the shared access aisle with the property owner to the east will remain private and have no public participation or maintenance. As a condition of the approvals for the Diversified Business Park Second Addition (Coborn's), a temporary construction easement will be necessary for construction grading. A permanent access easement will be necessary for access to the adjacent properties.

The traffic impact study was completed for the Coborn's development. The traffic study completed for that development assumed the second phase of this development, the retail center, was only retail/office. The traffic study was revised to include the fast-food restaurant. The City did receive a copy of the revised study prior to the City Council meeting on April 19, 2010. The traffic study does not indicate additional public improvements may be warranted for traffic congestion on public roadways. MnDOT has indicated that comments from the Diversified Business Park Second Addition plat are applicable to this application as well. They have nothing new to add to their comments. Scott County has verbally indicated to staff they do not have additional comments regarding this application, with the exception they would like to review and comment on the revised traffic study. Staff has passed along the revised traffic study for their review.

The applicant has reconfigured the site and is proposing the current layout. Engineering has reviewed the revised layout and offers his comments in the memorandum provided to the City on May 3, 2010. Off-street parking requirements and proposed parking spaces for this development were summarized. The site currently represents a total of 49 standard spaces plus 2 handicapped spaces for this entire development. Based on what is currently represented, and what is required according to the indicated square footage of the structure, the applicant has requested a reduction to the required amount of off-street parking for this development in the conditional use permit application. The reduction is to allow for 20 less standard parking spaces from the requirements. Eight of the49 parking spaces are located on the adjacent Coborn's development.

It appears the building elevations meet the requirements of the zoning ordinance. Sign permits have not yet been applied for, but are separate from the site plan review. It appears the landscaping plan meets the requirements of the zoning ordinance. The proposed acreage is approximately one acre, therefore the park dedication fees for this development is $2,395/acre. The City Engineer comments dated May 3, 2010 need to be adhered to as part of all approvals. The developer's agreement will be a condition of final plat approval and will be presented to the City Council for final approval at a future meeting.

The Planning Commission recommended approval of the conditional use permit, final plat and site plan as presented by Oppidan, Inc. Community Development Director Rosenfeld recommended action be tabled on the final plat for Diversified Park Third Addition until the final plat for Diversified Business Park Second Addition is recorded at Scott County.

Mayor Lies opened the public hearing at 6:33 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Lange, second by Councilmember Underferth, to close the public hearing at 6:34 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 10-068 Granting Approval of the Final Plat for Diversified Business Park Third Addition.

Councilmember Lange inquired about the future trail. City Attorney Vose explained that details about the future trail can be included in the development agreement.

MOTION by Councilmember Trost, second by Councilmember Underferth, to table action on Resolution 10-068 Granting Approval of the Final Plat for Diversified Business Park Third Addition. ALL VOTED AYE. MOTION CARRIED.

2. Resolution 10-069 Granting Approval of a Conditional Use Permit for Retail Development for Diversified Business Park Third Addition.

MOTION by Councilmember Lange, second by Councilmember Underferth, to approve Resolution 10-069 Granting Approval of a Conditional Use Permit for Retail Development for Diversified Business Park Third Addition. ALL VOTED AYE. MOTION CARRIED.

3. Resolution 10-070 Granting Approval of a Site Plan for Oppidan Retail Development for Diversified Business Park Third Addition.

MOTION by Councilmember Trost, second by Councilmember Underferth, to approve Resolution 10-070 Granting Approval of a Site Plan for Oppidan Retail Development for Diversified Business Park Third Addition. ALL VOTED AYE. MOTION CARRIED.

7.3. Variance. Request. The City Council will receive public comment on a request by Jason Ladd, 314 North Linden Street, Belle Plaine, MN, for a five (5) foot variance from Section 1105.07 Subd. 6 (1) (b) to allow the construction of a twenty (20) foot high accessory structure in the R-3, Single and Two Family District.

Mayor Lies referenced a memo dated May 17, 2010 from Community Development Director Rosenfeld regarding a variance request from Jason Ladd.

Community Development Director Rosenfeld explained that the property owner at 314 North Linden Street, Jason Ladd, has submitted an application for a variance to construct an accessory structure with a 20 foot height, measured from the finished floor elevation to the peak of the roof, regardless of the roof type (City Code definition of Building Height). The zoning ordinance states under maximum height for building standards: *Accessory Building: Fifteen (15) feet.* The zoning classification indicated for this site is R-3 Single and Two-Family Residential District. There are currently no accessory structures on this property. There is a dog kennel and patio with a pergola adjacent to the proposed garage location. The City granted a variance in 2003 to allow the property owner to extend the width of the driveway, providing only a one-foot setback (five-foot minimum required) from the south property line. The proposed detached garage will not allow for vehicular access due to the alley vacation on the west side of the property, the location of house on the east side of the property, and the property being adjacent to Chatfield Park to the south. The findings of fact for the granting the variance in 2003 were found due to the lack of vehicular access to the rear side of the property. The Planning Commission recommended approval of the variance request.

Mayor Lies opened the public hearing at 6:44 p.m. and asked for public comment. There was no response.

Mayor Lies acknowledged receipt of a letter from Donald and Marilyn Zabel, 501 East State Street, who were opposed to the variance request due to lack of public access to the Ladd property.

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to close the public hearing at 6:45 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember O'Laughlin, referencing the photos that were included with Community Development Director Rosenfeld's memo, commented that it appears the concrete work for the accessory shed has been started.

1. Resolution 10-071 Granting Approval of a Five-Foot Variance to Allow the Construction of a 20 foot high Accessory Structure.

MOTION by Councilmember Underferth, second by Councilmember Coop, to approve Resolution 10-071 Granting Approval of a Five-Foot Variance to Allow the Construction of a 20 foot high Accessory Structure. ALL VOTED AYE. MOTION CARRIED.

7.4. Variance Request. The City Council will consider public comment on a request by John Walsh, 226 South Cedar Street, Belle Plaine, MN, for a variance from Section 1107.05 Subd. 2, to allow the construction of a swimming pool above the underground utility line in the R-3, Single and Two Family District.

Mayor Lies referenced a memo dated May 17, 2010 from Community Development Director Rosenfeld regarding a variance request by John Walsh.

Community Development Director Rosenfeld explained that the property owner at 226 South Cedar Street, John Walsh, has submitted an application for a variance to construct an above ground swimming pool over underground power lines. The zoning ordinance states the following: *SECTION 1107.05 SWIMMING POOLS. 2. No swimming pool may be constructed beneath overhead utility lines of any type or above underground utility lines of any type. T*he location of the proposed pool has been excavated and a sand base has been installed for preparation of the pool. Prior to this, the yard was covered with grass turf. The existing underground power cable runs from the rear alley right-of-way to the house and services only the applicant's property. There is a detached garage and two utility sheds (under 120 square feet) in the rear yard. The rear and side boundaries of the property are currently fenced in. The applicant is also proposing an attached deck with the pool. Both City staff and the property owner have had contact with Xcel Energy regarding this situation. Xcel Energy has provided the property owner with correspondence indicating they are comfortable with the service line lying directly underneath the proposed location of the swimming pool, with the understanding the property owner is responsible in the event Xcel Energy needs to access the services lines. City staff has also communicated with Xcel Energy regarding this situation. Xcel has indicated to City staff they are comfortable with the electrical lines being placed directly underneath the pool and have indicated they do not believe there is a direct safety concern with constructing the pool in this location. The Planning Commission recommended approval.

Mayor Lies opened the public hearing at 6:56 p.m. and asked for public comment.

John Walsh, 226 South Cedar Street, applicant and property owner, requested approval of the variance to allow him to construct an above-ground swimming pool.

Mayor Lies acknowledged receipt of a letter from Barbara Nasby, 238 South Cedar Street, in support of the variance request.

MOTION by Councilmember Lange, second by Councilmember Underferth, to close the public hearing at 6:59 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Underferth commented on the depth of the pool. Councilmember Trost commented that many cities do not have ordinances regarding utility lines and building structures.

1. Resolution 10-072 Granting Approval of a Variance to Allow the Construction of a Swimming Pool Above the Underground Utility Line.

MOTION by Councilmember Lange, second by Councilmember Trost, to approve Resolution 10-072 Granting Approval of a Variance to Allow the Construction of a Swimming Pool Above the Underground Utility Line. ALL VOTED AYE. MOTION CARRIED.

7.5. Variance Request. The City Council will receive public comment on a request by Aaron Leonard, 1016 South Chestnut Street, Belle Plaine, MN, for a five (5) foot variance from Section 1105.07 Subd. 5 (7) (a) to allow the construction of an accessory structure to be located five (5) foot from the principal structure in the R-3, Single and Two Family District.

Mayor Lies referenced a memo dated May 17, 2010 from Community Development Director Rosenfeld regarding a variance request by Aaron Leonard.

Community Development Director Rosenfeld explained that the property owner at 1016 South Chestnut Street, Aaron Leonard, has submitted an application for an after-the-fact variance to construct an accessory structure (under 120 square feet) less than 10 feet from a primary structure. The utility shed has already been partially constructed. The property owner was unaware that a zoning permit was needed for the project. The house and partially constructed utility shed both meet the required setbacks from the property lines. However, the utility shed is located less than the required 10 feet from the house. The proposed utility shed will not require vehicular access. The Planning Commission recommended approval of the variance.

Mayor Lies opened the public hearing at 7:04 p.m. and asked for public comment.

Aaron Leonard, 1016 South Chestnut Street, applicant and property owner, explained that there is a slope in the backyard of his property. A water swale also cuts through his back yard and he indicated that he did not want to place the utility shed in the flood area.

Mayor Lies acknowledged receipt of a letter of support from Melissa Brueske, 1012 South Chestnut Street.

MOTION by Councilmember Trost, second by Councilmember Lange, to close the public hearing at 7:06 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember O'Laughlin recommended review of the City's zoning ordinance in regards to recent variance requests to determine whether it is appropriate to modify the language. Community Development Director Rosenfeld replied that the Planning and Zoning Commission will be reviewing the past five-year history of variances at their next meeting.

1. Resolution 10-073 Granting Approval of a Variance to Allow the Construction of an Accessory Structure to be located Five Feet from Principal Structure at 1016 South Chestnut Street.

MOTION by Councilmember Trost, second by Councilmember Underferth, to approve Resolution 10-073 Granting Approval of a Variance to Allow the Construction of an Accessory Structure to be located Five Feet from Principal Structure at 1016 South Chestnut Street. ALL VOTED AYE. MOTION CARRIED.

7.6. Ordinance 10-02, Election Signs. The City Council will accept public comment on proposed Ordinance 10-02, amending Chapter 11, Section 1107.20, Subd. 5, Temporary Signage, of the Zoning Ordinance by changing the starting posting date of election signs.

Mayor Lies referenced a memo dated May 17, 2010 from Community Development Director Rosenfeld regarding proposed Ordinance 10-02 pertaining to election signs.

Community Development Director Rosenfeld explained that currently the City's zoning ordinance, Chapter 11, Section 1107.20 Subd. 5, Temporary Signage Provisions. All Districts, states: A*ll non-commercial signs of any size may be posted from August 1 in a state general election year until ten (10) days following the state general election.* With the primary election taking place on August 10 this year, State Statute allows for campaign signs to be put up as early as June 25, 45 days before the state primary election . Ordinance 10-02 has been prepared to allow new language, allowing signage to be erected 45 days before the state primary election. The Planning Commission recommended approval.

Mayor Lies opened the public hearing at 7:15 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Trost, second by Councilmember Underferth, to close the public hearing at 7:16 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Reading of Ordinance 10-02, Amending Chapter 11, Section 1107.20, Subd. 5, Pertaining to Election Signs.

MOTION by Councilmember Trost, second by Councilmember Lange, to approve the Reading of Ordinance 10-02, Amending Chapter 11, Section 1107.20, Subd. 5, Pertaining to Election Signs. ALL VOTED AYE. MOTION CARRIED.

The Mayor recessed the meeting at 7:18 p.m. and reconvened at 7:24 p.m.

8. BUSINESS.

8.1. Presentation of Claims.

1. Pay Request No. 2 by Chard Tiling for $884,388.15 for the TH169 South Frontage Road (ARRA Project).
2. Pay Request No. 5 by Chard Tiling for $107,001.12 for the 2009 Street Improvement Project.

MOTION by Councilmember O'Laughlin, second by Councilmember Coop, to approve the 8.1. Presentation of Claims, Pay Request No. 2 by Chard Tiling for $884,388.15 for the TH169 South Frontage Road (ARRA Project) and Pay Request No. 5 by Chard Tiling for $107,001.12 for the 2009 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

8.2. Resolution 10-076 Granting Approval of a Minor Subdivision for PID 209080030.

Mayor Lies referenced a memo dated May 17, 2010 from Community Development Director Rosenfeld regarding a request for a minor subdivision.

Community Development Director Rosenfeld explained that Randy Kubes, TDR, LLC, has submitted an application for a minor subdivision to allow for the splitting of one parcel into two separate parcels. The property is currently zoned R-1, Single Family (Low Density) Residential District. The property was changed in January 2010 from A-2 Rural Residential. The Comprehensive Plan indicates this property is to remain zoned as is. The Plan also references the future connection of Century Street to come through this property and connect into CSAH 7. The applicant was informed by City staff that future roadway connection will be necessary upon future development. Parcel A currently has a homestead with outside agricultural buildings on site. Parcel B is currently vacant land used for agricultural purposes. All properties adjacent to this property are vacant, agricultural land, located within the Township, with the exception of the property to the south. This property is also vacant, but is located within the Belle Plaine city limits. The applicant is proposing to split the current parcel into two separate parcels, creating separate PINs. Both proposed parcels will be greater than ten (10) acres in size and will meet the lot area and lot width requirements. Building setbacks are yet to be determined. The property with the homestead (Parcel A) is currently accessible via CSAH 7. The vacant parcel (Parcel B) has frontage on CSAH 7 as well. The City's Subdivision ordinance indicates every lot must have the minimum frontage on a City approved street. The Planning Commission recommended approval.

Councilmember Lange inquired whether the City will be placing a "sunset date" for the removal of the barn on the parcel. Community Development Director Rosenfeld replied that it is not the intent at this time and that the subject parcel will be considered legal non-conforming. If the parcel is sub-divided in the future, then it is appropriate to put a time limit on the agricultural buildings. Councilmember Underferth inquired about driveway access for each of the parcels. Community Development Director Rosenfeld explained that one parcel has a driveway and one has a field road access. Councilmember Trost stated that the driveway access is not of the City Council's concern and recommended the property owners contact Scott County regarding this issue.

MOTION by Councilmember Trost, second by Councilmember Underferth, to approve Resolution 10-076 Granting Approval of a Minor Subdivision for PID 209080030. ALL VOTED AYE. MOTION CARRIED.

8.3. Resolution 10-064 Implementation of Temporary Modification to No Parking Signs Along West Commerce Drive and Schoolhouse Drive.

Mayor Lies referenced a memo dated May 17, 2010 from Police Chief Tom Stolee regarding the implementation of temporary modification to NO PARKING signs along West Commerce Drive and Schoolhouse Drive.

Police Chief Stolee explained the Public Safety Committee met on May 5, 2010 and discussed allowing parking along West Commerce Drive and Schoolhouse Drive during school events. Currently, there are NO PARKING signs posted along these routes. The Committee recommended that the Community Services Director, under the direction of the Police Chief, be allowed to cover the NO PARKING signs during certain school related events to allowing temporary parking along these routes.

Councilmember Lange asked how many "sign hoods" are needed. Police Chief Stolee replied that 24 are needed.

MOTION by Councilmember O'Laughlin, second by Councilmember Underferth, to approve Resolution 10-064, Implementation of Temporary Modification to NO PARKING Signs Along West Commerce Drive and Schoolhouse Drive. ALL VOTED AYE. MOTION CARRIED.

8.4. Authorizing the Repair of Sanitary Sewer Line at 231 South Walnut Street.

Mayor Lies referenced a memo dated May 17, 2010 from Public Works Superintendent Fahey regarding the repair of a sanitary sewer line.

Public Works Superintendent Fahey explained the property owner at 231 South Walnut Street has had several sewer back-ups within the last couple of years. After the last back-up, the property owner had the sewer service line televised to see what was causing the problem. The problem is caused by a shift or offset in the service line connection to the City sewer main. The Public Works Committee discussed this issue and made a recommendation to have the line repaired splitting the cost between the property owner, the contractor and the City. After more research it was discovered that the City sewer main line was not replaced in 2000 when the City reconstructed this street. The project is ten years old so there will be no warranty by the contractor and the property owner paid to have the service line replaced to the City main. Due to the circumstances, Public Works Superintendent Fahey recommended the Council consider repairing this issue at City cost. The estimated cost of this repair will be between $1,500.00 and $2,000.00.

MOTION by Councilmember Lange, second by Councilmember Trost, to authorize staff to proceed with the repair of the sanitary sewer service line at 231 South Walnut Street. ALL VOTED AYE. MOTION CARRIED.

8.5. Resolution 10-075 Approving Modifications to the City's Personnel Policy.

Mayor Lies referenced a memo dated May 17, 2010 from City Administrator Murphy regarding modifications to the City's Personnel Policy.

City Administrator Murphy explained that staff is recommending modifications to the Personnel Policy. The four main areas are: 1) Drug Testing Policy - This portion now provides that an employee who refuses to undergo testing is subject to "discipline, including discharge". The policy also now allows for random testing for "an employee in which impairment caused by drug or alcohol usage would threaten the health or safety of any person may be required to undergo random drug and alcohol testing"; 2) CDL Drug Testing Policy - This portion of the policy is now referenced in the general drug testing policy and is also specified in the Union Contract.; 3) Conflict of Interest Policy - This policy addresses both real and apparent conflicts of interest with all City Employees, and states "No employee shall enter into a personal or business relationship with a vendor where the employee's actions are, or may reasonably be viewed as conflicting with the employee's obligations and responsibilities to the City. If an employee becomes involved in a possible conflict situation, the employee shall disclose the nature of the possible conflict to the employee's supervisor and department head. The department head will promptly notify the individual of an approval or disapproval of the activity. If disapproved, the employee shall remove himself or herself from the conflict situation."; and 4) Paid Personal Time and Bereavement Leave - Paid Personal Time corrected the error of omission regarding administration of. Bereavement Leave language was clarified for definitions and allowed use.

Councilmember Trost commented that the City has been liable for costs associated with personnel issues beyond the scope of the private sector. City Attorney Vose explained that generally, the union contract with the City regulates many of these issues. City Administrator Murphy commented that in the event an issue is not addressed in the union contract, then the City's Personnel Policy prevails. Councilmember Trost supported the random drug testing for all employees.

MOTION by Councilmember Trost, second by Councilmember O'Laughlin, to approve Resolution 10-075 Approving Modifications to the City's Personnel Policy. ALL VOTED AYE. MOTION CARRIED.

8.6. Scheduling of Ambulance Committee Meeting.

Councilmember Lange requested an ambulance committee meeting be scheduled in the near future. He suggested that the area townships be invited to attend as well as the City's legal counsel. Councilmember Lange noted that the area township board members have questions about the ambulance fund. City Attorney Vose requested that the City be advised of the concerns prior to the meeting.

It was the consensus of the Council to direct staff to proceed with scheduling an ambulance committee meeting.

In other business, Councilmember Trost reiterated that the Community Services Advisory Board address the concerns of Michael Pingalore and that the mold issue at the Hillstrom Historical House be added to the upcoming council work session agenda.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Filing for Candidacy opens at 8:00 a.m., Tuesday, May 18.
2. Public Works Committee, 10:00 a.m., Tuesday, May 18.
3. Work Session, 6:00 p.m., Monday, May 24.
4. Memorial Day, Offices Closed, Monday, May 31.
5. Filing for Candidacy closes at 5:00 p.m., Tuesday, June 1.
6. Public Safety, 3:30 p.m., Wednesday, June 2.

The council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Underferth, second by Councilmember O'Laughlin, to adjourn at 7:55 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary