BELLE PLAINE CITY COUNCIL
REGULAR SESSION
JUNE 6, 2011

1. PLEDGE OF ALLEGIANCE.

Vice Mayor Cary Coop 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, June 6, 2011 at 6:00 p.m. at the Government Center, 218 North Meridian Street, Belle Plaine, MN. Vice Mayor Cary Coop called the meeting to order with Councilmembers Gary Trost, Paul Chard, Scott Schneider and Michael Pingalore present. Mayor Tim Lies was not present.

Also present were City Administrator David Murphy, Community Development Director Trisha Rosenfeld, Public Works Superintendent Al Fahey, Finance Director Dawn Meyer, City Engineer Joe Duncan and City Attorney Bob Vose. Patrol Officer Terry Stier filled in for Police Chief Tom Stolee. Beth Dempsey served as the Video Recording Operator.

3. APPROVAL OF AGENDA.

MOTION by Councilmember Schneider, second by Councilmember Pingalore, to approve the agenda as presented. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of May 16, 2011.
4.2. Resolution 11-057 Authorizing Application for Safe Routes to School.
4.3. Approving the Request by the Belle Plaine Baseball Association for the Extension of Bleacher Risers at Tiger Park.
4.4. Resolution 11-062 Authorizing Off-Site Charitable Gambling Site for the Belle Plaine Chamber of Commerce for July 15 – 17, 2011.
4.5. Resolution 11-064 Appointing Tyler Koonst and Corey Adamek as Volunteer Firefighters with the Belle Plaine Fire Department.
4.6. Resolution 11-065 Terminating Employment of Public Works Seasonal Employee Johnny Egan.
4.7. Resolution 11-066 Appointing Travis Latzke as Public Works Seasonal Employee.
4.8. Resolution 11-067 Modifying Pay Scale for Public Works Seasonal Employee Robert Stier.

MOTION by Councilmember Pingalore, second by Councilmember Schneider, to approve the consent agenda as follows: 4.1. Regular Session Minutes of May 16, 2011, 4.2. Resolution 11-057 Authorizing Application for Safe Routes to School, 4.3. Approving the Request by the Belle Plaine Baseball Association for the Extension of Bleacher Risers at Tiger Park, 4.4. Resolution 11-062 Authorizing Off-Site Charitable Gambling Site for the Belle Plaine Chamber of Commerce for July 15 – 17, 2011, 4.5. Resolution 11-064 Appointing Tyler Koonst and Corey Adamek as Volunteer Firefighters with the Belle Plaine Fire Department, 4.6. Resolution 11-065 Terminating Employment of Public Works Seasonal Employee Johnny Egan, 4.7. Resolution 11-066 Appointing Travis Latzke as Public Works Seasonal Employee and 4.8. Resolution 11-067 Modifying Pay Scale for Public Works Seasonal Employee Robert Stier. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Community Services Department.

Community Services Director Nelson Ladd was present. Councilmember Pingalore inquired about the conditions of the ball fields, including fences, home plates, pitching mound and equipment. The conditions were acknowledged by Community Services Director Ladd. Councilmember Trost commented on the availability of the bleachers at Tiger Park upon completion of the riser extension by the Belle Plaine Baseball Association. The Council acknowledged receipt of the Community Services Department report.

5.2. Public Works Department.

Public Works Superintendent Al Fahey was present. The community swimming pool is expected to open on June 9th. Mold mitigation at the City-owned building at 123 West Main will begin on June 10th. Councilmember Trost complained of tall weeds on many residential lots and recommended the Police Department report non-compliant lawns to the Community Development Department for further code enforcement. The Council acknowledged receipt of the Public Works Department report.

5.3. City 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. Councilmember Trost commented on the poor condition of the City's entrance signs. The Council acknowledged receipt of the City Administration report.

6. PUBLIC FORUM.

No one spoke at the public forum.

7. PUBLIC HEARINGS.

7.1. Liquor Licenses. New and Annual Renewal of On and Off Sale Intoxicating and 3.2% Liquor Licenses. The City Council will consider public comment on the applications for renewal of the annual on and off sale intoxicating and 3.2% liquor licenses for 2011/2012 and new applications for 3.2% intoxicating (beer) for on and off-sale by Cory Tieva, Sparetime Tavern, and wine license for Perfect Duets, LLC, Duets.

City Administrator Murphy explained that a public hearing has been scheduled for the annual renewal of liquor licenses and the new 3.2 intoxicating (beer) license application from Cory Tieva, dba as Sparetime Tavern and a new wine license from Perfect Duets, LLC, Duets. Included with City Administrator Murphy's memo was a listing of new and renewal liquor licenses that are being considered. The Police Chief and City Administrator have reviewed the background information on all applicants and recommend approval.

Vice Mayor Coop opened the public hearing at 6:21 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Trost, second by Councilmember Chard, to close the public hearing at 6:21 p.m. ALL VOTED AYE. MOTION CARRIED.

7.1. Resolution 11-058 Approving New and Renewal of the Annual On and Off Sale Intoxicating and 3.2% Liquor Licenses for 2011/2012.

MOTION by Councilmember Trost, second by Councilmember Chard, to approve Resolution 11-058 Approving New and Renewal of the Annual On and Off Sale Intoxicating and 3.2% Liquor Licenses for 2011/2012. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.
1. Pay Request by KUE Contractors, Inc. for $11,884.00 for the Episcopalian Church Restoration Project.

MOTION by Councilmember Trost, second by Councilmember Pingalore, to approve the presentation of claims and pay request by KUE Contractors, Inc. for $11,884.00 for the Episcopalian Church Restoration Project. ALL VOTED AYE. MOTION CARRIED.

8.2. Large Assembly Permit by Chamber of Commerce for Bar B Q Days.

Vice Mayor Coop referenced a memo dated June 6, 2011 from City Administrator Murphy regarding a request for a large assembly permit.

City Administrator Murphy explained that the Belle Plaine Chamber of Commerce has requested a large assembly permit and road closure permit for the annual Bar B Q Days celebration on July 15, 16 and 17. The Chamber is requesting the road closure for the parade on Saturday, July 16. The permit request is similar to past years. City Administrator David Murphy, Public Works Superintendent Al Fahey and Police Chief Steve Stolee have discussed the application and recommend approval with the conditions as listed on the application. The road closure permit application has been submitted to Scott County for review and approval.

Councilmember Trost inquired as to how traffic is re-routed from Highway 25. Patrol Officer Stier responded by explaining the detour route.

MOTION by Councilmember Trost, second by Councilmember Chard, to approve the large assembly permit by the Chamber of Commerce for Bar B Q Days on July 15, 16, and 17, 2011, with contingencies as listed. ALL VOTED AYE. MOTION CARRIED.

8.3. Large Assembly Permit by Chamber of Commerce for Circus Event.

Vice Mayor Coop referenced a memo dated June 6, 2011 from City Administrator Murphy regarding a large assembly permit request by the Chamber of Commerce.

City Administrator Murphy explained the Belle Plaine Chamber of Commerce has submitted a request for a large assembly permit for a circus to be held on July 26, 2011 at the city property located on Diversified Drive. The circus has a maximum capacity of 700 persons per show. Police Chief Stolee, Public Works Superintendent Fahey and City Administrator Murphy have met and discussed the application and recommend approval with conditions as listed on the application.

MOTION by Councilmember Chard, second by Councilmember Trost, to approve the large assembly permit as requested by the Chamber of Commerce for a circus event on July 26, 2011. ALL VOTED AYE. MOTION CARRIED.

8.4. Proposed Ordinance Amendment for Dog Regulations.

Vice Mayor Coop referenced a memo dated June 6, 2011 from City Administrator Murphy regarding a request to change regulations pertaining to dogs.

City Administrator Murphy explained that on May 16, 2011 Ms. Rebecca White 601 South Maple Street, addressed the City Council to request that she be allowed more than two dogs at her residence. Ms. White presented the Council with a letter regarding her request. It was the consensus of the Council that this issue be placed on the June 6, 2011 Council meeting for consideration of an ordinance change. Ms. White is asking that the Council waive the $500.00 ordinance amendment application fee. If the Council wishes to move forward with amending the ordinance, direction should be given to staff to prepare the amendment for the June 20th meeting.

Vice Mayor Coop asked if a granting a variance to allow Ms. White to have three dogs at her residence was an option. City Attorney Vose explained there is no variance mechanism in this case. Vice Mayor Coop asked about the significance of the $500 ordinance amendment application fee. Finance Director Meyer explained it covers City costs related to the ordinance amendment, such as attorney fees, publication fees, public hearing notices and staff time. Councilmember Trost commented that there are many dog-related problems in our City and believes two dogs per residence is enough.

MOTION by Councilmember Trost, second by Councilmember Pingalore, to uphold the City Code related to animals with no further consideration to allow an increase in the number of dogs allowed per residence. Furthermore, there will be no waiver of the ordinance amendment fee at this time. Councilmembers Trost, Pingalore and Schneider VOTED AYE. Councilmembers Coop and Chard VOTED NAY. MOTION CARRIED.

8.5. Approving the Joint Facilities Agreement between the City and Belle Plaine School District and Authorizing the Mayor and City Administrator to Execute Agreement.

Vice Mayor Coop referenced a memo dated June 6, 2011 from City Administrator Murphy regarding the Joint Facilities Agreement between the City and Belle Plaine School District.

City Administrator Murphy explained that year the School and City review and approve the Joint Facilities Agreement referencing School and City property. Public Works Superintendent Fahey and City Administrator Murphy have reviewed the proposed agreement and recommend approval. The School and City will need to meet this summer to potentially amend the Joint Powers Agreement to define the responsibilities of each party regarding the Zamboni.

Councilmember Pingalore suggested further review of the Agreement by the Community Services Committee.

MOTION by Councilmember Pingalore, second by Councilmember Trost, to forward the proposed Joint Facilities Agreement between the City and Belle Plaine School District to the Community Services Committee for their review and recommendation. ALL VOTED AYE. MOTION CARRIED.

8.6. Resolution 11-060 Approving Final Plans and Specifications and Authorizing Advertising for Bid for the 2011 Street Improvement Project.

City Administrator Murphy explained that on March 7, 2011, the City Council authorized the preparation of final plans and specifications for the 2011 Street Improvement Project. The next step is for the Council to accept the final plans and specifications and authorize the advertisement for bids.

MOTION by Councilmember Chard, second by Councilmember Pingalore, to approve Resolution 11-060 Approving Final Plans and Specifications and Authorizing Advertising for Bid for the 2011 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

8.7. Resolution 11-068 Authorizing Staff to Proceed with Government Façade Improvement.

Vice Mayor Coop referenced a memo dated June 6, 2011 from Community Development Director Rosenfeld regarding improvements to the Government façade.

Community Development Director Rosenfeld explained the Design Committee, Public Works Committee and Finance Ways and Means Committee have discussed the Government Center façade over the course of the past year. The project was given to the Design Committee to come up with a recommendation for improvements based on a dollar amount provided from the Finance Ways and Means Committee of $30,000. The Design Committee has discussed the project several times and has received three estimates from various local contractors for brick, stucco, framing, and two estimates for awnings. Staff requested three estimates for awnings and only received two. The Design Committee is recommending the following: Acme Awnings, $1,990.00; Countryside Concrete, $26,000.00 for entire brick front to the main entrance of the Government Center; Crosby Construction, $1,975.00 to square-up front roof line; Public Works Department, $1,400.00 for necessary preparation work, for a total estimate of $31,365.00. The Design Committee is requesting a not to exceed dollar amount of $35,000 in case there are unknown incidentals that arise. The Design Committee is also requesting the authorization of this amount is contingent upon design and material approval by the Design Committee. The Finance Ways and Means Committee discussed the safety of the entrances to the building. The new awnings will address the safety concerns. The brick front was chosen as the most attractive option that fits within the acceptable dollar amount.

Councilmember Trost was opposed to the proposal as it was not what the Public Works Committee had recommended. He said there were three initial bids for improvements and noted that the bids were not included in this proposal. Councilmember Trost said the proposed cost is triple what the Pubic Works Committee recommended. He questioned how the City is going to pay for this project. Councilmember Trost also commented that he believed true costs were hidden. Councilmember Pingalore suggested an "a la carte" project, purchasing items individually and doing repairs piecemeal. He also suggested the City installing awnings only, without further improvements. Public Works Superintendent Fahey explained that the current awning is installed in such a way that upon removal, repairs to the façade will be needed. Councilmember Chard asked whether footings are included in the quote of $26,000 for the brick front by Countryside Concrete. Vice Mayor Coop suggested the project be sent back to committees for further review and clarification. Finance Director Meyer explained the Finance Ways and Means Committee discussed the project and due to safety concerns, recommended up to $30,000 for façade repairs. Public Works Superintendent Fahey noted that in order to obtain detailed cost estimates, the project needs an architectural or engineering drawing.

MOTION by Councilmember Coop, second by Councilmember Chard, to direct the Public Works, Design and Finance Ways and Means Committees to further discuss, review and recommend on the proposed Government Center façade improvement project.

Upon further discussion, Councilmembers Coop and Chard withdrew their motion and second.

Councilmember Schneider explained that something needs to be done with the front of the building. The Design Committee reviewed and made a recommendation as a result of previous Council direction. Councilmember Pingalore suggested that staff, at the recommendation of the committees, submit a minimum of three options for the improvements. Councilmember Schneider explained that Design Committee made a recommendation based on design standards for the downtown vintage design. Councilmember Chard was in favor of brick, but was concerned for additional costs associated with the footings. City Administrator Murphy suggested this issue be discussed at a committee-of-the-whole meeting due to its varied components. Councilmember Chard recommended that staff obtain more details from Paul Creighton, Countryside Concrete, as to the quote submitted for the brick front. Councilmember Schneider concurred, explaining this information will make for a more productive meeting.

MOTION by Councilmember Coop, second by Councilmember Trost, to recommend the Committee-of-the-Whole review the Government Center façade improvement project and further discuss this issue at an upcoming city council meeting. ALL VOTED AYE. MOTION CARRIED.

8.8. Lane Configuration at East Commerce Drive and Main Street.

Councilmember Trost stated he was instrumental in the proposed lane configuration changes on Commerce Drive and Aspen Lane at Main Street and referenced council action of May 16, 2011 as follows:

> MOTION by Councilmember Trost, second by Councilmember Pingalore, to authorize the City Engineer to proceed with the realignment of traffic lanes, adding dedicated left turn lanes on Commerce Drive and Aspen Lane. ALL VOTED AYE. MOTION CARRIED.

Councilmember Trost has further observed the traffic flow at these intersections and would like to the intersections to remain as they are, without the added left-turn lane configurations. He explained that the future traffic signal at the TH25/TH169 ramp will alleviate the traffic issues.

City Engineer Duncan explained that there would be no noticeable difference in traffic flow under normal circumstances. In the event of a major event, i.e., re-routing of traffic due to flood conditions or parade routes, there would be an increase in effectiveness. Patrol Officer Stier explained typical traffic patterns and was amenable to keeping the lane change in its current state.

MOTION by Councilmember Trost, second by Councilmember Chard, to reconsider the council action of May 16, 2011 and allow the intersections at Commerce Drive and Aspen Lane at Main Street to remain at their current state, without adding new left-turn lane configurations. Councilmembers Trost and Chard VOTED AYE. Councilmembers Coop, Pingalore and Schneider VOTED NAY. MOTION FAILED.

The council action of May 16, 2011 remains.

8.9. Resolution 11-063 Awarding Bid for 2011 Seal Coat Project.

Vice Mayor Coop referenced a memo dated June 6, 2011 from City Administrator Murphy regarding the 2011 seal coat project.

City Administrator Murphy explained that three bids were received and opened on June 1, 2011 for the 2011 seal coat project. The low bid is from Asphalt Surface Tech. Corp. for $58,871.00. The Engineer's estimate was $64,475.00. The City has budgeted $85,000.00 for the seal coat project for 2011.

MOTION by Councilmember Chard, second by Councilmember Schneider, to approve Resolution 11-063 Awarding Bid for 2011 Seal Coat Project to Asphalt Surface Tech Corporation for $58,871.00. ALL VOTED AYE. MOTION CARRIED.

8.10. Resolution 11-059 Authorizing the Expenditure for Playground Equipment at Riverview Park.

Vice Mayor Coop referenced a memo dated June 6, 2011 from Community Development Director Rosenfeld regarding the quotes for playground equipment.

Community Development Director Rosenfeld explained Riverview Park is located in the Provence on the River development and has been in the Park Board's plan to put playground equipment within the park. The prairie grasses were planted last year. It is at this time the Park Board would like to purchase and install playground equipment. The Park Board sent out request for proposals (RFP) to three companies: Minnesota/Wisconsin Playground, Clearwater Recreation, and Midwest Playscapes. A budget of $40,000 was indicated in the RFP. The three quotes received were tabulated and analyzed as follows: Minnesota / Wisconsin Playground at $40,000.00, Midwest Playscapes at $39,898.61, and Clearwater Recreation at

$39,330.00. The prices include installation of the play equipment, fiber and border. The Park Board is considering a “community build” option that would reduce the installation cost of the project. The Park Board is requesting the City Council authorize a not to exceed amount of $40,000 for the playground equipment at Riverview Park with Minnesota / Wisconsin Playground. Additional details regarding a possible “community build” installation and minute details of the types of equipment will be worked out though the subcommittee of the Park Board.

Councilmember Trost commented on rubberized carpet that he seen utilized in other communities as protective covering under playground equipment. He also commented on having a color theme for the park equipment.

MOTION by Councilmember Schneider, second by Councilmember Pingalore, to approve Resolution 11-059 Authorizing the Expenditure for Playground Equipment at Riverview Park to Minnesota/Wisconsin Playground at $40,000. ALL VOTED AYE. MOTION CARRIED.

8.11. Episcopalian Church Restoration Project.

1. Resolution 11-061 Authorizing Change Orders No. 1, 2 and 3 for Kue Contractors, Inc.
2. Resolution 11-069 Authorizing Change Orders No. 4 and 5 for SMSQ Architects.

Vice Mayor Coop referenced a memo dated June 6, 2011 from Community Development Director Rosenfeld regarding the Episcopalian Church Restoration Project.

Community Development Director Rosenfeld explained that the Episcopalian Church restoration project continues to move forward and is expected to be completed within the necessary timeframe of June 30, 2011. However, there are change orders that are needed for Council approval at this time in order for the project to continue. The change orders were outlined in the attached resolution. Change orders 1, 2 and 3 increase the project contract amount by $7,900. Change orders 4 and 5 increase the project contract amount by $5,000.

Councilmember Chard had concerns about the change orders and the validity of the amounts being requested. He commented on their purpose and necessity. Public Works Superintendent Fahey advised of conversations he has had with SMSQ Architects about the restoration project.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-061 Authorizing Change Orders No. 1, 2 and 3 for Kue Contractors, Inc. for the Episcopalian Church restoration project. Councilmember Chard VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve Resolution 11-069 Authorizing Change Orders No. 4 and 5 for SMSQ Architects for the Episcopalian Church restoration project. Councilmember Chard VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

Recess Regular Session.

Vice Mayor Coop recessed the Regular Session at 7:35 p.m.

8.12. Closed Session.

Discussion on Proposed Acquisition of Property.

Vice Mayor Coop convened the closed session at 7:46 p.m. with Councilmembers Trost, Chard, Pingalore and Schneider present. Also present were City Administrator David Murphy, Community Development Director Trisha Rosenfeld, Public Works Superintendent Al Fahey, Finance Director Dawn

Meyer and City Attorney Bob Vose. The purpose of the closed session was to discuss proposed property acquisition.

Vice Mayor Coop adjourned the closed session at 8:23 p.m.

Reconvene Regular Session.

Vice Mayor Coop reconvened the regular session at 8:23 p.m.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. EDA, 5:00 p.m., Monday, June 13.
3. Planning Commission, 6:30 p.m., Monday, June 13.
4. Planning Commission, 6:30 p.m., Monday, June 13.
5. Design Committee, 5:00 p.m., Monday, June 20.
6. City Council, 6:00 p.m., Monday, June 20.

The council as reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Trost, second by Councilmember Pingalore, to adjourn at 8:35 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary