BELLE PLAINE CITY COUNCIL
REGULAR SESSION
JUNE 20, 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, June 20, 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, Scott Schneider and Michael Pingalore 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. Beth Dempsey served as the Video Recording Operator.

3. APPROVAL OF AGENDA.

Councilmember Pingalore requested the addition of Joint Facilities Agreement Update.

MOTION by Councilmember Coop, second by Councilmember Pingalore, to approve the agenda with the addition of business item, Joint Facilities Agreement Update. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of June 6, 2011.
4.2. Resolution 11-070 Adopting Special Assessment for Delinquent Fire Bill Account.
4.3. Resolution 11-071 Authorizing Community Services Coaching Credits.
4.4. Resolution 11-072 Accepting Donation from Center Point Energy Community Partnership Grant for Fire Department Pagers.
4.5. Approving Temporary Liquor License for Belle Plaine River Fishing Contest.
4.6. Accepting Resignation of Planning Commissioner Daniel Tix and Authorizing Staff to Proceed with Advertising to Seek Candidates for the Vacancy.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the consent agenda as follows: 4.1. Regular Session Minutes of June 6, 2011, 4.2. Resolution 11-070 Adopting Special Assessment for Delinquent Fire Bill Account, 4.3. Resolution 11-071 Authorizing Community Services Coaching Credits, 4.4. Resolution 11-072 Accepting Donation from Center Point Energy Community Partnership Grant for Fire Department Pagers, 4.5. Approving Temporary Liquor License for Belle Plaine River Fishing Contest and 4.6. Accepting Resignation of Planning Commissioner Daniel Tix and Authorizing Staff to Proceed with Advertising to Seek Candidates for the Vacancy. 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 present. 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. The Council acknowledged receipt of the Community Development Department report.

5.5. City Administration Report.

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

6. PRESENTATION OF GRANT AWARD

CenterPoint Energy Community Partnership – Barry Hager.
Fire Department Grant Award - $1,300.

Mr. Hager presented Mayor Lies and Fire Chief Randy Koepp with a check for $1,300 for the CenterPoint Energy Community Partnership grant. The funds will be used to purchase pagers for the Fire Department.

6.1. PUBLIC FORUM.

The Mayor asked for comments from the public.

James Stang, Jordan, MN, spoke on behalf of his son, Chris Stang. Mr. Stang requested the City keep the alley in its current state. Dan Schmidt, 624 East Main Street, inquired whether vehicles are allowed to travel in the alley. Mayor Lies explained that this issue will be discussed later in the meeting. Allen Schmitz, owner of property at 609 East Church Street, requested the City not vacate the alley and to leave it in an unimproved state.

7. PUBLIC HEARINGS.

7.1. Conditional Use Permit. The City Council will consider public comment on a request by Cory Tieva, Reclaimed Woodworks and Lumber, for a conditional use permit to allow the manufacture and storage of woodworking related materials at 139 East Main Street, in the B-3, Central Business District.

Mayor Lies referenced a memo dated June 20, 2011 from Community Development Director Rosenfeld regarding a request from Cory Tieva for a conditional use permit at 139 East Main Street.

Community Development Director Rosenfeld explained the tenant at 139 East Main Street, Cory Tieva of Reclaimed Woodworks, is proposing to open a wood working business that includes manufacturing, storage of materials, office and retail of the business, Reclaimed Woodworks. The zoning ordinance requires a conditional use permit prior to operation. This property received a conditional use permit in 2007 for the operation of a custom rod and classic cars sales and service, Jimmy's Classic Cars. This business is no longer at this location. This property also received a conditional use permit in 2007 to allow light industrial uses by Health Postures. This business remains in this location and utilizes the western portion of the building. The Planning Commission noted the need for fire safety due to the hazards of woodworking, and recommended approval.

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

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

Mayor Lies inquired about fire suppression regulations. Community Development Director Rosenfeld explained that fire suppression is based on use and square footage. At this time, Reclaimed Woodworks does not meet the threshold. Mayor Lies also inquired about noise from wood cutting equipment. Mr. Tieva responded that he does not anticipate any noise to be heard outside of the building. He also said all materials will be stored inside. Councilmember Chard asked about the potential for bringing diseased wood into the community. Mr. Tieva explained that the wood is reclaimed from the local area. Any suspect wood is kiln dried prior to bringing onto the premises.

1. Resolution 11-073 Granting Approval of a Conditional Use Permit to Allow the Manufacture and Storage of Woodworking Related Materials at 139 East Main Street.

MOTION by Councilmember Chard, second by Councilmember Coop, to approve Resolution 11-073 Granting Approval of a Conditional Use Permit to Allow the Manufacture and Storage of Woodworking Related Materials at 139 East 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. Resolution 11-051 Vacating the Alley in Block 152 of the Original Plat of the City of Belle Plaine and Retaining Drainage and Utility Easement.

Mayor Lies referenced a memo dated June 20, 2011 from City Administrator Murphy regarding the vacating of the alley in Block 152.

City Administrator Murphy explained that a public hearing was held on May 16, 2011 to consider the vacation of the alley in Block 152. Action on the vacation was tabled to allow the residents to discuss the vacation and report back to the City. As of June 16, 2011, staff has not received a decision from the residents. A letter was sent to all property owners informing them that the item will be back on the agenda for discussion. Mr. Dan Schmidt, 624 East Main Street, had contacted the City with questions regarding the alley.

Councilmember Pingalore supported upholding the council action of 1975 by approving the alley vacation. Councilmember Coop asked what is City's interest in vacating the alley. Public Works Superintendent Fahey explained that typically the City does not vacate right-of-way and prefers to retain the right-of-way. He noted there are public utilities in the alleyway. Councilmember Trost commented that he believes the City should retain ownership of the alley and the City should not give up the land. City Attorney Vose explained that council action of 1975 is not legally effective. The vacation of the alley was not recorded at Scott County. He explained that there are options with the alley regarding whether it will be improved or remain unimproved. Councilmember Chard supported keeping the alley unimproved.

MOTION by Councilmember Trost, second by Councilmember Chard, to DENY Resolution 11-051 Vacating the Alley in Block 152 of the Original Plat of the City of Belle Plaine and Retaining Drainage and Utility Easement. Councilmember Pingalore VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.3. Resolution 11-074 Appointing Belle Plaine Patrol Officer Stier to the Investigator/Detective Position.

Mayor Lies referenced a memo dated June 20, 2011 from Police Chief Stolee regarding the appointment of Patrol Officer Stier to the Investigator/Detective Position.

Police Chief Stolee explained that on March 21, 2011 the council authorized the police department to proceed with the hiring of a full-time patrol officer and internal promotion of an investigator. The police department has concluded the application, interview and necessary requirements of the process for the internal promotion for the investigator / detective position. A recommendation is being brought to promote Terry Stier to the investigator / detective position starting July 1, 2011, with a lateral move on the pay scale.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-074 Appointing Belle Plaine Patrol Officer Stier to the Investigator/Detective Position. ALL VOTED AYE. MOTION CARRIED.

8.4. Resolution 11-075 Approving Change Order No. 6 for Episcopalian Church Restoration Project.

Mayor Lies referenced a memo dated June 20, 2011 from Community Development Director Rosenfeld regarding a change order to 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. The Council approved recent change orders at the June 6, 2011 Council meeting. Project change order no. 6 for $7,566.00 is proposed by KUE Contractors for underpining of shallow foundation with new footing at east vent, added foundation wall re-pointing and remove north vestibule steps to repair wall behind, and replace with wood stair and railing.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-075 Approving Change Order No. 6 for Episcopalian Church Restoration Project. Councilmember Chard VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.5. Resolution 11-068 Government Center Façade Improvement.

Mayor Lies referenced a memo dated June 20, 2011 from Community Development Director Rosenfeld regarding the Government Center façade improvement.

Community Development Director Rosenfeld explained that staff is currently working with the local contractors to finalize the details of the project and obtaining revised estimates. The Design Committee met prior to the Council meeting and recommended brick as the primary material, and that the Design Committee review and approve the schematic prior to final approval. Community Development Director Rosenfeld distributed a detailed analysis of the quotes received.

Councilmember Trost commented that he would like to delay action in order to allow time to review the proposals.

MOTION by Councilmember Trost, second by Councilmember Chard, to TABLE action on Resolution 11-068 Government Center Façade Improvement to allow time for Council review of the proposals. Councilmembers Trost, Chard and Schneider VOTED AYE. Mayor Lies and Councilmembers Coop and Pingalore VOTED NAY. MOTION FAILED.

Councilmember Trost requested a schematic of the proposed façade and also photos of the work as completed by the contractors on other buildings. Councilmember Chard commented that software programs allow a visual drawing without the need for the expense of an architectural drawing. Councilmember Schneider, council liaison to the Design Committee, explained the Design Committee has requested a schematic of the façade as well. The Committee recommended the use of brick as the primary material in keeping with the vintage appearance of the downtown business district. He explained the ordering of an architectural design was denied by the Council. Councilmember Schneider agreed with the Design Committee that some type of visual was necessary. Councilmember Trost commented on the many unknowns with the façade improvement project. Mayor Lies recommended a conceptual plan or rendering be prepared for the next Council meeting. Community Development Director Rosenfeld asked if the Council would like a hand-drawn rendering, or a computerized drawing. She explained that a quote of $1,500 was received by an architect for a façade upgrade. Councilmember Pingalore commented that this is a non-budgeted item. Finance Director Meyer explained that the expense of the façade improvement project would be a spend-down of the general fund. The Finance Ways and Means Committee had recommended the expenditure of $30,000 to make repairs and improvements to eliminate the safety hazards, such as ice build-up. Mayor Lies asked the Council for comments regarding specifics for the schematic. Councilmember Chard would like to see a variety of options, such a full brick, partial brick and stucco, full stucco. Mayor Lies suggested the drawings be paired with the quotes.

MOTION by Councilmember Chard, second by Councilmember Schneider, to direct staff to obtain various schematics of the Government Center façade improvement that correspond with the submitted quotes. Furthermore, this issue will be placed on the July 5, 2011 council agenda for further review. Councilmember Pingalore VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

Mayor Lies asked that staff forward the renderings to the Council as soon as they become available.

8.6. Update on the Joint Facilities Agreement between the City and School District.

Councilmember Pingalore explained the Community Services Committee met to discuss the proposed Joint Facilities Agreement. Due to the time frame, the Committee recommends the Council proceed with adoption of the 2011 Agreement as presented. The Committee will work together on modifications for the 2012 Agreement. This item will be placed on the July 5, 2011 council agenda for review and approval.

Recess Regular Session.

Mayor Lies recessed the regular session at 7:20 p.m.

8.6. CLOSED SESSION.

1. Discussion on proposed property acquisition.

Mayor Lies convened the closed session at 7:30 p.m. with Councilmembers Trost, Chard, Pingalore, Schneider and Coop present. Also present were City Administrator Murphy, Finance Director Meyer, Public Works Superintendent Fahey and City Attorney Vose. Those present discussed options for potential land acquisition.

Reconvene Regular Session.

Mayor Lies adjourned the closed session and reconvened the regular session at 8:16 p.m.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Park Board, 5:00 p.m., Monday, June 27.
2. Scott County Board Meeting, Held in BP Council Chambers, 6:30 p.m., Tuesday, June 28.
3. City Offices Closed, Independence Day, Monday, July 4.
4. City Council, 6:00 p.m., Tuesday, July 5.
5. Public Safety, 6:00 p.m., Wednesday, July 6.
6. EDA, 5:00 p.m., Monday, July 11.
7. Planning Commission, Regular Session, 6:30 p.m., Monday, July 11.
8. Joint City Council and Planning Commission, 7:00 p.m., Monday, July 11.

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Pingalore, to adjourn at 8:18 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary