BELLE PLAINE CITY COUNCIL
REGULAR SESSION
JUNE 21, 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, June 21, 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.

MOTION by Councilmember O'Laughlin, second by Councilmember Coop, to approve the agenda as presented. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.
4.1. Regular Session Minutes of June 7, 2010.
4.2. Resolution 10-082 Appointing Chris Herrmann as a Volunteer Member of the Belle Plaine Fire Department.
4.3. Resolution 10-085 Appointing Kelly Norton as a Member of the Planning Commission and Chris Potter as an Alternate.
4.4. Cooperative Agreement with Scott County for Cost Sharing Aerial Photography.
4.5. Resolution 10-087 Adopting Special Assessment for Delinquent Fire Bill.
4.6. Approving Joint Powers Agreement for Assessment with Scott County and Authorizing the Mayor and City Administrator to Execute the Agreement.

Councilmember Trost asked if all cities in Scott County utilize the County for assessment services. City Administrator Murphy replied yes.

MOTION by Councilmember O'Laughlin, second by Councilmember Lange, to approve the consent agenda as follows: 4.1. Regular Session Minutes of June 7, 2010, 4.2. Resolution 10-082 Appointing Chris Herrmann as a Volunteer Member of the Belle Plaine Fire Department, 4.3. Resolution 10-085 Appointing Kelly Norton as a Member of the Planning Commission and Chris Potter as an Alternate, 4.4. Cooperative Agreement with Scott County for Cost Sharing Aerial Photography, 4.5. Resolution 10-087 Adopting Special Assessment for Delinquent Fire Bill, 4.6. Approving Joint Powers Agreement for Assessment with Scott County and Authorizing the Mayor and City Administrator to Execute the Agreement. 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. Mayor Lies and Councilmember Trost inquired about the recent German Days celebration. Police Chief Stolee replied there were no problems to report. 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. PUBLIC FORUM.

Mayor Lies welcomed Harold Edberg.

Harold Edberg, 20 Woodridge Drive, asked the council to consider tabling all action related to the expansion of the public works facility due to the poor economic times. Mr. Edberg then asked the council to consider the purchase of the 9,500 sq.ft. building (formerly the Kyes Building) to use as storage space for the public works department.

Mayor Lies thanked Mr. Edberg for his comments.

7. PUBLIC HEARINGS.

7.1. Variance Request. The City Council will consider public comment on a request by Brad and Patty Narveson, 924 Ivy Hills Road, Belle Plaine, MN, for a five (5) foot variance from Section 1105.07 Subd. 5 to allow the construction of a deck to encroach the side yard setback.

Mayor Lies referenced a memo dated June 21, 2010 from Community Development Director Rosenfeld regarding a variance request.

Community Development Director Rosenfeld explained that Brad and Patty Narveson have submitted an application for a variance to construct a deck that encroaches the side yard setback at 924 Ivy Hills Road. This property is located on a corner lot and requires a 20 foot setback from the side property line. The applicant is requesting the deck to be located 15 feet from the side property line. The lot is an irregular shaped corner lot with a radius at the northeast corner. The west (rear) property boundary is not the same length as the east (front) property boundary which creates an unparallel northern boundary. The proposed deck would be installed parallel to the house, encroaching into the north side yard setback. The Planning Commission recommended approval.

Mayor Lies opened the public hearing at 6:14 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 6:15 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Trost explained that the Planning Commission has been reviewing the past history of variances. The City Attorney and City Engineer will be invited to attend the next Planning Commission as part of a training series.

1. Resolution 10-083 Granting Approval of a Five-Foot Variance to Allow the Construction of a Deck at 924 Ivy Hills Road.

MOTION by Councilmember Coop, second by Councilmember Underferth, to approve Resolution 10-083 Granting Approval of a Five-Foot Variance to Allow the Construction of a Deck at 924 Ivy Hills Road. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

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

8.2. Reading Ordinance 10-01, Amending Section 1107.20, Subd. 3 (5) of the Zoning Ordinance by Amending Language Pertaining to Projecting Signs.

Mayor Lies referenced a memo dated June 21, 2010 from Community Development Director Rosenfeld regarding Ordinance 10-01.

Community Development Director Rosenfeld explained the Planning Commission and Design Committee have proposed language to the City Council to allow projecting signs in the Central Business District. The new language is being proposed in order to compliment what is illustrated in the Belle Plaine Design Manual.

Councilmember Lange requested clarification regarding signage not being allowed above the first floor of the building.

MOTION by Councilmember Trost, second by Councilmember Underferth, to approve the Reading Ordinance 10-01, Amending Section 1107.20, Subd. 3 (5) of the Zoning Ordinance by Amending Language Pertaining to Projecting Signs, with the language change from “beyond” to “above” in reference to the placement height of the sign. ALL VOTED AYE. MOTION CARRIED.

8.3. Resolution 10-084 Municipal Agreement Application – Additional Westbound Lane on TH25/East Main Street from Ash to Walnut Street.

Mayor Lies referenced a memo dated June 21, 2010 from City Administrator Murphy regarding the additional traffic lane on TH25/East Main Street.

City Administrator Murphy explained that at their meeting on June 15, 2010, the Public Works Committee discussed the additional traffic lane along TH25/East Main Street from Ash Street to Walnut Street. The Public Works Committee also recommended the parking lane along East Main Street remain as is. According to City Engineer Joe Duncan, Mn/DOT Metro District is accepting candidate projects for the FY 2012 Municipal Agreement program. Applications are due by July 16, 2010. The Municipal Agreement Program provides funding to construction projects that are developed and administered by local agencies and provide a benefit to both the local community and the trunk highway system. The maximum award for any individual project is $550,000 for construction plus 8% for construction engineering and inspection, for a total of $594,000. These funds are intended for construction costs only; right-of-way, utility relocation and final design costs are not eligible. The City of Belle Plaine has made application for these funds in the past, most recently for segments of the South Frontage Road. That application was of course rejected, which ended up in the City's favor with the subsequent award of ARRA funds. The City has inquired with Mn/DOT in the past to extend the two-lane configuration for westbound Main Street (TH 25) from Ash Street to Walnut Street. Currently traffic often will utilize this segment as if it were two full lanes, which results in conflicts with turning and parked vehicles. As you may recall, a simple re-striping of this segment was not acceptable to Mn/DOT as the pavement section north of the travel lane is reportedly less than adequate with respect to strength. The reconstruction of the north portion of this segment was recently discussed with Mn/DOT South Metro Area Engineer, Nicole Peterson, as a candidate for municipal agreement funding. Ms. Peterson agreed it would be a make a good application and appeared to fit the program goals. No cost estimates or formal engineering have been prepared for this project at this time. Only the pavement section is affected; the curb and gutter would remain except for the northeast radius at Walnut Street which, would be re-constructed to improve turning movements. The parking is maintained along the residential area from Ash Street to Elm Street. The complete application would include a detailed cost estimate including both construction and soft costs. A conceptual construction amount would be in the $100,000 range. A signed resolution is required stating that the local agency is requesting funding from Mn/DOT through the Municipal Agreements Program and if funding is provided, the local agency will complete the project.

Councilmember Trost expressed dismay with MnDOT for requiring reconstruction of the roadway. He believed the road could easily accommodate the additional traffic lane without the need for reconstruction. Councilmember Trost favored striping the lanes to accomplish the task. He also expressed frustration with lack of response for a traffic sign at East Main and Aspen Lane/Commerce Drive.

Mayor Lies inquired about the radius at Walnut Street. City Engineer Duncan explained a more favorable radius that will allow for large trucks turning onto TH25/Walnut Street will be included as part of the project. Councilmember Underferth supported the radius change.

Public Works Superintendent Fahey noted the traffic conflicts near Ash Street. Police Chief Stolee concurred, indicated a need to improve safety in this area.

MOTION by Councilmember Trost, second by Councilmember Lange, to DENY Resolution 10-084 Municipal Agreement Application – Additional Westbound Lane on TH25/East Main Street from Ash to Walnut Street. Councilmember Trost VOTED AYE. ALL OTHERS VOTED NAY. MOTION FAILED.

Further discussion followed. Councilmember Coop asked if another city would be granted the funds if the City of Belle Plaine does not apply. City Engineer Duncan explained the State will award funds based on the applications submitted. If the City does not apply, the funds will be distributed to other cities.

MOTION by Councilmember Underferth, second by Councilmember Coop, to approve Resolution 10-084 Municipal Agreement Application – Additional Westbound Lane on TH25/East Main Street from Ash to Walnut Street. ALL VOTED AYE. MOTION CARRIED.

8.4. Authorizing Lighting on East Enterprise Drive from Meridian Street to Ash Street.

Mayor Lies referenced a memo dated June 21, 2010 from City Administrator Murphy regarding lighting along East Enterprise Drive.

City Administrator Murphy explained the Public Works Committee discussed the overhead lighting plan for East Enterprise Drive from Meridian Street to Ash Street. Attached with City Administrator Murphy's memo was a drawing by Bolton and Menk that indicates the existing poles and the proposed additional light poles. The drawing shows three 30-foot shoe-box style lighting through Emma Krumbees orchard. The Public Works Committee recommended a fourth pole be placed near the pedestrian underpass for increased public safety at the cross walk. The cost estimate by Xcel Energy to add three light poles is $12,052.30. Adding in the Public Works Committee recommendation for an additional light and extrapolating the cost of a fourth fixture, the estimate would be approximately $16,100. This amount would need to be verified with Xcel Energy.

Councilmember Trost asked why the overhead lights were not included in the south frontage road improvement project. City Engineer Duncan explained the difficulties with Xcel Energy for adding new lighting to the existing maintenance contract. The light poles were specifically omitted from the project so that Xcel will take over the maintenance. City Engineer Duncan reported that there is a pole near the pedestrian underpass, therefore, the City will need only three new poles, not four.

MOTION by Councilmember Trost, second by Councilmember Lange, to authorize staff to proceed with the installation of three shoe-box style lights by Xcel Energy at a cost not to exceed $12,500.00. Furthermore, staff is authorized to proceed with adding cobra lighting on six existing poles under the existing maintenance agreement with Xcel Energy. ALL VOTED AYE. MOTION CARRIED.

8.5. Resolution 10-086 Approving Pay Equity Report and Authorizing Submittal to the Minnesota Department of Management and Budget.

Mayor Lies referenced a memo dated June 21, 2010 from City Administrator Murphy regarding pay equity.

City Administrator Murphy explained that City is required to submit a pay equity report to the State of Minnesota every five years. The City has contracted with Springsted Inc. and the report is complete and ready to be submitted to the State. One of the requirements to be in compliance is to have an underpayment ration of 80 or more. Our current underpayment ratio is 47.6, however, this must be proven to be statistically significant by using the T-Test. The City currently passed the T-Test, but this is an indication that the City is trending away from compliance. In order to ensure compliance, a market study may need to be performed. The League of Minnesota Cities will provide a list of companies that provide this service if it becomes necessary to do the study.

MOTION by Councilmember O'Laughlin, second by Councilmember Coop, to approve Resolution 10-086 Approving Pay Equity Report and Authorizing Submittal to the Minnesota Department of Management and Budget. ALL VOTED AYE. MOTION CARRIED.

8.6. Scheduling Special Session to Ratify Primary Election Results.

Mayor Lies referenced a memo dated June 21, 2010 from Finance Director Meyer regarding scheduling a special session.

Finance Director Meyer explained that on August 10, 2010 the City of Belle Plaine will hold the Primary Election for the nomination for three 4-year terms for City Council Members. Per Minnesota State Statute 205.065, Subd. 5, the City of Belle Plaine is required to declare the results of the election.

MOTION by Councilmember Coop, second by Councilmember Lange, to direct staff to proceed with scheduling a special session on Thursday, August 12, 2010, for the purpose of certifying election results. ALL VOTED AYE. MOTION CARRIED.

8.7. Authorizing Plans and Specifications for Trail Extension at Veterans Park.

Mayor Lies referenced a memo dated June 21, 2010 from Community Development Director Rosenfeld regarding a proposed trail extension at Veterans Park.

Community Development Director Rosenfeld explained that in April of 2009 Park Board discussed memorial options for the local Veterans memorial program in Veterans Park. Several options including pavers, statues and benches were offered to the local Veterans group after the April 14, 2009 meeting.

Park Board also requested the Veterans bring forth a concept plan or sketch with options for a future memorial program to a workshop Park Board held on June 30, 2009. At that June workshop, representatives from the local Veterans group concurred with Park Board's recommendation to the City Council for the following:

1. There shall be a maximum of 100 flag poles allowed in Veterans Park,
2. Endorsement of the design sketch for future trail development for Veterans Park dated June 2009 as submitted by the Veterans group,
3. The concept of paver stones to allow memorial to perpetuate in Veterans Park, and
4. Authorize architectural drawing for Veterans Park design.

Staff proceeded with the request from Park Board to acquire an architectural concept plan drafted in July of 2009. This plan was created using the design sketch submitted by the local Veterans group and pavers concept from the workshop in June, 2009. There have been no funds or funding plan put in place for installation of the proposed trail and pavers. Also, there has not been a date or timeline created to complete the project. Representatives from the local Veterans group have recently approached several Park Board Commissioners inquiring when the proposed trail may be completed. The Park Board discussed this item at the June 15, 2010 meeting in great length. City Engineer, Joe Duncan, was also present at the Park Board meeting to assist with discussion and illustrate the process if the City were to construct the trail. After a suggestion by the Engineer Duncan to combine the project with another similar project for cost effectiveness, the consensus of the group was to recommend to the City Council to add the trail improvement portion to the current walk project the City is planning for late summer construction. The sidewalk project is fully funded with Municipal State Aid (MSA) dollars. However, the City would solely fund the trail in Veteran's Park as it is ineligible for MSA participation.

If the City Council were to decide to add this to the current walk project being constructed this year, the process and implications would be as follows: 1) A formal construction plan would need to be developed to include with the bidding documents for the project. This would be completed by Bolton & Menk, 2) The trail at Veteran's Park would be added as an "add alternate" item to the other walk project as a separate City cost, AND 3) At the time the bids were presented to the Council for approval, the trail project could either be approved or rejected as part of the project.

Councilmember Lange asked how many flag poles are currently located in Veterans Park. Staff replied approximately 75. Councilmember Lange commented that he does not want the park to be overrun with too many flag poles. Councilmember O'Laughlin explained that the City had limited the number of flag poles to 100. Councilmember Trost asked why a trail is necessary to add flagpoles. Councilmember Lange asked about future plans for the paver bricks. Councilmember Coop explained that there are no details available at this time for the paver bricks. Councilmember Lange asked about funding. Finance Director Meyer explained the City and Park Board have been setting aside funds for future trails.

MOTION by Councilmember Trost, second by Councilmember Underferth, to authorize staff to proceed with the preparation of plans and specifications for the trail extension at Veterans Park, contingent upon the funds being expended from the 205 Park Fund. ALL VOTED AYE. MOTION CARRIED.

In other business. Finance Director Meyer noted the City's financial obligation for the TH25/East Main Street project and the overhead lighting on East Enterprise Drive. These are unbudgeted items. Mayor Lies commented that this issue will be further discussed at the work session on June 28, 2010.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Council Work Session, 6:00 p.m., Monday, June 28, 2010.
2. City Offices Closed, Monday, July 5.
3. City Council, 6:00 p.m., Tuesday, July 6.

4. Public Safety, 3:30 p.m., Wednesday, July 7.
5. EDA, 5:00 p.m., Monday, July 12.
6. Planning Commission, 7:00 p.m., Monday, July 12.
7. Park Board, 5:00 p.m., Tuesday, July 13.

The council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Lange, second by Councilmember Coop, to adjourn at 7:23 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary