BELLE PLAINE CITY COUNCIL
REGULAR SESSION
JULY 19, 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, July 19, 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 Lange, to approve the agenda as presented. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of July 6, 2010.
4.2. Resolution 10-090 Accepting Public Improvements for the 2006 Street Improvement Project and Authorizing the Close of the Corresponding Fund.
4.3. Resolution 0-091 Accepting Public Improvements for the 2007 Street Improvement Project and Authorizing the Close of the Corresponding Fund.
4.4. Resolution 10-092 Accepting Public Improvements for the 2008 Street Improvement Project and Authorizing the Close of the Corresponding Fund.
4.5. Authorizing the Purchase of 2010 Police Squad.
4.6. Authorizing Advertising Offer to Purchase City Shed Located at 706 South Meridian Street (former Weckwerth property).
4.7. Resolution 10-093 Authorizing the Waiver of Revolving Loan Fund Late Fees for 128 North Meridian Street.

Councilmember Trost requested that consent agenda item "Authorizing the Purchase of 2010 Police Squad" be moved to the business portion of the agenda.

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to move "Authorizing the Purchase of 2010 Police Squad" to the business portion of the agenda and approving the consent agenda as follows: 4.1. Regular Session Minutes of July 6, 2010, 4.2. Resolution 10-090 Accepting Public Improvements for the 2006 Street Improvement Project and Authorizing the Close of the Corresponding Fund, 4.3. Resolution 0-091 Accepting Public Improvements for the 2007 Street Improvement Project and Authorizing the Close of the Corresponding Fund, 4.4. Resolution 10-092 Accepting Public Improvements for the 2008 Street Improvement Project and Authorizing the Close of the Corresponding Fund, 4.5. Authorizing Advertising Offer to Purchase City Shed Located at 706 South Meridian Street (former Weckwerth property), and 4.6. Resolution 10-093 Authorizing the Waiver of Revolving Loan Fund Late Fees for 128 North Meridian Street. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

Ridgeview Ambulance Director Darrell Radde 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. PUBLIC FORUM.

Mayor Lies announced the public forum and asked for public comment.

Matt Saxe, Saxe Chevrolet, Matt Saxe, owner of Saxe Chevrolet, addressed the City Council regarding the recent quotes accepted for the purchase of a new police squad. He asked that the Council consider awarding the quote to Saxe Chevrolet, and keep the purchase local.

Mayor Lies thanked Mr. Saxe for his comments.

No one else spoke at the public forum.

7. PUBLIC HEARINGS – NONE SCHEDULED.

8. BUSINESS.

8.1. Presentation of Claims.

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to approve the Presentation of Claims as presented. ALL VOTED AYE. MOTION CARRIED.

8.2. Request by Dale and Lori Otto for Changes to Terms of Special Assessment Payment for the 2006 West Commerce Drive Project.

Mayor Lies referenced a memo dated July 19, 2010 from City Administrator Murphy regarding a request from Dale and Lori Otto.

City Administrator Murphy explained the City received a request from Dale and Lori Otto to reduce the amount of their assessment to $500,000 and they will pay the amount in full, rather than a deferred status with accrued interest. The Finance Ways and Means Committee discussed the request and recommends to the Council the request be denied. Acceptance of a reduction of the principle assessment amount for the Otto property would create a deficit gap in the planned financing repayment. The 2006 project was refinanced in January 2010, no prepayment to the bond can be made until 2015.

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to deny the request by Dale and Lori Otto to reduce the amount of their special assessment to $500,000 for the 2006 West Commerce Drive project. ALL VOTED AYE. MOTION CARRIED.

8.3. Water and Sewer Connection at 710 North Linden Street.

Mayor Lies referenced a memo dated July 19, 2010 from City Administrator Murphy regarding the water and sewer connection at 710 North Linden Street.

City Administrator Murphy explained the North Sanitary Sewer project went through Mr. Gilliland's property and required an easement from the Gillilands. The City hired Dan Wilson of Wilson & Associates to negotiate the acquisition of the easements. The Gilliland's property is currently serviced by a well and septic system. The well is beginning to fail and they will need to connect to City water and sewer. During the negotiation process Mr. Gilliland requested free connection to the sewer and water and free service as long as he owned the property. This proposal was rejected and the Gillilands were informed that they would be required to pay the monthly service, but the City would consider waiving the connection fees. The Gillilands would be responsible for the costs to connect to the service lines. Mr. Gilliland replied to Wilson & Associates that he would sign the easements and agree to the proposed payment with the understanding that he would not connect at this time, but when the time came to connect that the City Administrator would recommend approval of waiving the connection fees to the Council. I informed Wilson & Associates that I would recommend approval of waiving the connection fees. The 2010 connection fees are $3,850 for water and $4,850 for sewer. The 2007 connection fees were $3,675 for water and $4,620 for sewer.

Public Works Superintendent Fahey explained that the two separate trenches will be needed for the Gililand site. The water main is located in Linden Street right of way and the sanitary sewer main is from the north side of the property.

MOTION by Councilmember Coop, second by Councilmember Lange, to waive the City water and sewer connection fees for 710 North Linden Street, contingent upon property owner connecting to water main and sewer main simultaneously. ALL VOTED AYE. MOTION CARRIED.

8 4. Request to Re-Assign Ownership of Farmers Ridge 4th Addition.

Mayor Lies referenced a memo dated July 19, 2010 from Community Development Director Rosenfeld regarding a request for re-assignment of owner of Farmer's Ridge 4th Addition.

Community Development Director Rosenfeld explained that the City Council has approved two consecutive 90-day extensions of the filing of the plat for Farmers Ridge Fourth Addition on March 19, 2007 and November 5, 2007; a six-month extension on April 21, 2008, a one-year extension on October 20, 2008; and a one-year extension on November 16, 2009. The resolutions for approval were based on the following conditions: 1) Dedication of right-of-way easements by the developer for Century Street with the filing of the plat or via signed easements that have been surveyed by the property owner, and 2) Furnishing of a disk of the recorded plat in AutoCAD format for inclusion in the City's base map.

Gonyea Development has requested the City Council to consider reassigning the final plat and developer's agreement to the new potential owners. Option 1 would require Gonyea Development to file the final plat and developer's agreement for Farmer's Ridge Fourth Addition prior to the transfer of sale. The City Council would only need to approve the assignment of the recorded developer's agreement to the new owner. New title work would be necessary for legal to complete a revised plat opinion prior to filing of any documents. Option 2 is in the event Gonyea Development does not wish to file the final plat and developer's agreement prior to the transfer of sale, the City Council would need to decide if they would reassign the developer's agreement and final plat to the new owner. The applicant is aware there is risk involved for them in that the Council may deny reassignment of the documents and void all approvals of the final plat. This would require the new owner to start the development process over with no legal rights to Farmer's Ridge Fourth development. A few items would need to be addressed prior to an approval on the reassignment. Community Development Director Rosenfeld recommended that staff time be billed to the applicant for legal, engineering and administrative time. The items to address are as follows: The developer's agreement and final plat documents are updated with the 2010 fee schedule, new owner information, revised dates, new title work is received for legal to complete a revised plat opinion, site design, infrastructure and public improvements are reviewed.

City Attorney Vose explained the history of the filing extensions granted to the developer for Farmers Ridge 4th Addition. He explained that the filing of a plat creates increased tax base for a city. The issue before the City Council is to decide whether or not to approve the re-assignment of the plat to another company.

Randy Kubes, Farmers Development, was present. He explained that he has spent a large amount of money for the platting of Farmers Ridge 4th Addition, including engineering fees. He said the downturn in new home construction has caused his consideration of re-assigning ownership. Mr. Kubes asked the council to consider approving the re-assignment without the requirement to file the final plat prior to the sale.

MOTION by Councilmember Lange, second by Councilmember Underferth, to require Farmers Development to file the final plat and developer's agreement for Farmer's Ridge Fourth Addition prior to the transfer of sale and to obtain new title work so that legal counsel can complete a revised plat opinion prior to filing of any documents. Mayor Lies VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.5. Resolution 10-089 Accepting Plans and Specifications and Authorizing Advertisement for Bids for the 2010 Trail Project.

Mayor Lies referenced a memo dated July 19, 2010 from City Administrator Murphy for the acceptance of plans and specifications and authorizing advertisement for bids for the 2010 Trail Project.

City Administrator Murphy explained that on March 1, 2010 the Council authorized the 2010 Sidewalk project. The project is divided into two segments, one on Meridian Street from Commerce Drive to Park Street and the other on Walnut Street from Main Street to the RR Bridge. The trail will be six feet wide and constructed of concrete. The project will be funded with MSA money. On June 21, 2010 the City Council authorized staff to proceed with the preparation of plans and specifications for the trail extension at Veterans Park as depicted in the Bolton & Menk exhibit, contingent upon the funds being expended from the 205 Park Fund. This project is to be bid as an alternate on the 2010 Sidewalk Project.

Ken Edaburn, Veterans group, approached the Park Board on July 13, 2010 and requested that the design of the Veterans Park trail be modified. Mr. Edaburn requested that the trail be extended to Commerce Drive and to straighten the trail as it extends to the helicopter display. The Park Board made a recommendation to the Council to proceed with seeking bids for the trail extension to East Commerce Drive, with an alternate bid added for a straight trail design.

City Engineer Duncan displayed the final plans for the trail. During the preparation of the final plans, the elevations indicated a trail could be constructed that was virtually straight and it was not necessary to place a large curve in the trail to avoid a retaining wall. The City Engineer explained that although the Park Board had recommended the trail continue to the curb line of East Commerce Drive, he expressed concern for public safety. Without a designated crosswalk, City Engineer Duncan explained of the safety issues for allowing pedestrian traffic to access directly onto East Commerce Drive. Councilmember Coop questioned the alignment of the trail and inquired about whether a retaining wall is needed. Councilmember Trost commented that the final design is much better than the original draft sketch of the trail extension. Councilmember O'Laughlin explained that the paver brick program has not yet been determined. He explained that it was the intent of the Veterans group that the paver bricks would not be walked on by visitors, but rather a memorial display. The City Engineer explained that it appears there is sufficient space for a trail and memorial paver brick display.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Resolution 10-089 Accepting Plans and Specifications and Authorizing Advertisement for Bids for the 2010 Trail Project, with the north/south bituminous path included as an alternate bid as directed by the City Council on June 21, 2010. Councilmembers Trost, Coop, Lange and O'Laughlin VOTED AYE. Mayor Lies and Councilmember Underferth VOTED NAY. MOTION CARRIED.

MOTION by Councilmember Trost, second by Councilmember Coop, to table action on the east/west trail extension in Veterans Park until a recommendation is received from the Park Board. Councilmember Lange VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

Mayor Lies requested that Park Board conduct a special meeting regarding the east/west trail extension in Veterans Park.

The Mayor recessed the meeting at 7:13 p.m. and reconvened at 7:20 p.m.

8.6. Resolution 10-088 Accepting Plans and Specifications and Authorizing Advertisement for Bids for the 2010 Storm Water Conveyance Project.

Mayor Lies referenced a memo dated July 19, 2010 from City Administrator Murphy regarding the storm water conveyance project.

City Administrator Murphy explained that on May 3, 2010, the City Council authorized the City Engineer to proceed with the preparation of plans and specifications for the 2010 storm water conveyance project for the area of Lacy Court and Meadow Place. City Engineer Duncan and City Administrator Murphy have been in contact with the Scott County Soil and Water Conservation Board regarding funding assistance for this project.

City Engineer Duncan explained the Scott County Soil and Water Conservation Board has recommended the City submit an application regarding the funding assistance. The Board will review the application and make a determination. The areas included in the storm water conveyance are: Lacy Court/Meadow, Forest/Meridian Street, Market/South Street, north of Robert Circle, Woodridge Drive and West Commerce Drive. Councilmember Trost commented on an erosion issue south of Shannon Lane.

The Council discussed the timing of the project and noted that funding assistance will not be considered if the project is started prior to review by the Scott County Soil and Water Conservation Board.

MOTION by Councilmember Lange to approve Resolution 10-088 Accepting Plans and Specifications and Authorizing Advertisement for Bids for the 2010 Storm Water Conveyance Project.

Mayor Lies called for a second on the motion. There was no response. Motion died for lack of a second.

MOTION by Councilmember Underferth, second by Councilmember Trost, to table action on Resolution 10-088 Accepting Plans and Specifications and Authorizing Advertisement for Bids for the 2010 Storm Water Conveyance Project, until a decision is received on funding assistance from the Scott County Soil and Water Conservation Board. ALL VOTED AYE. MOTION CARRIED.

Mayor Lies requested that this issue be added to the upcoming work session for further discussion.

8.7. Authorizing the Sale of City-Owned Land on South Street East.

Councilmember Coop requested the Council discuss the city-owned land on South Street East and Laredo Street. He suggested that staff contact area realtors for their market value assessment of the land and commission sales rate. Councilmembers Trost and O'Laughlin concurred.

Mayor Lies commented that Public Works Facility committee members recommended the City proceed with building a public works facility on the subject land. Councilmember Trost responded that the committee did not make a recommendation, it only forwarded the issue to the City Council for a determination.

It was the consensus of the Council to direct the City Administrator to contact area realtors to obtain their assessment of the market value of the city-owned land located at South Street East/Laredo Street and their commission rates. Mayor Lies also suggested a committee be formed to look at alternate sites. This issue will be added to the upcoming work session for further discussion.

8.8. Authorizing the Purchase of 2010 Police Squad.

Councilmember Trost requested clarification on the submitted quotes for the purchase of a new police squad. The Public Safety Committee recommended the City award the purchase of a Dodge Charger from Nelson Auto Center, Fergus Falls, MN, at the state bid pricing of $22,176. The quote for the Chevrolet Impala from Matt Saxe Chevrolet/Buick was $22,075, with an additional bid submitted for a 2011 Chevrolet Impala at $21,215.05.

Councilmember O'Laughlin, a member of the Public Safety Committee, explained that a police officer had inadvertently advised an employee of Saxe Chevrolet of the quote received from Nelson Auto Center. Councilmember O'Laughlin commented that he was concerned about the second quote received from Saxe Chevrolet, which undercut the Nelson Auto Center quote. Councilmember Underferth noted the large discount offered by Nelson Auto Center and commented on favorable maintenance and repair history.

Councilmember Lange commented on the lack of a quote from the Ford Motor Company. Police Chief Stolee explained that he received quotes for a Chevrolet Impala and Dodge Charger only. He researched the repair and maintenance history of the Dodge Charger and found it to be favorable. He also provided a survey of area cities that currently own Dodge Chargers. Councilmember Trost stated that Saxe Chevrolet pays approximately $40,000 in property taxes each year. Councilmember Trost was opposed to awarding the quote to Nelson Auto Center, Fergus Falls, MN and recommended the purchase be awarded to local car dealer, Saxe Chevrolet. He also commented on the need for routine maintenance and did not want to support out-of-town businesses.

Finance Director Meyer briefly explained the State bid process as compared to the GSA Federal buying program. The City belongs to the State buying program. Mayor Lies commented that the Public Safety Committee has recommended the purchase of the 2010 Dodge Charger.

MOTION by Councilmember Underferth, second by Councilmember O'Laughlin, to authorize the purchase of a 2010 Dodge Charger from Nelson Auto Center at the State bid price of $22,176.00. Mayor Lies and Councilmembers Underferth, O'Laughlin and Coop VOTED AYE. Councilmembers Trost and Lange VOTED NAY. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Public Works Committee, 10:00 a.m., Tuesday, July 20.
2. Community Recreation, 3:30 p.m., Tuesday, July 20.
3. Episcopalian Church Restoration, 5:30 p.m., Tuesday, July 20, at Episc. Church.
4. City/Staff Picnic Lunch, 11:00 a.m., Friday, July 23.
5. Work Session, 6:00 p.m., Monday, July 26.
6. Closed Personnel Committee, 7:00 p.m., Monday, July 26.

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Underferth, second by Councilmember O'Laughlin, to adjourn at 8:17 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary