BELLE PLAINE CITY COUNCIL
REGULAR SESSION
AUGUST 2, 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, August 2, 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, Police Chief Tom Stolee, City Engineer Joe Duncan, City Attorney Bob Vose and Finance Director Dawn Meyer, who also served as the Video Recording Operator.

3. APPROVAL OF AGENDA.

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

4. APPROVAL OF CONSENT AGENDA.
4.1. Regular Session Minutes of July 19, 2010.
4.2. Resolution 10-094 Appointing Bruce Koepp as a Member of the Belle Plaine Fire Department.
4.3. Approving Temporary One-Day 3.2% Intoxicating Liquor License for the Belle Plaine River Fishing Contest.
4.4. Resolution 10-095 Authorizing a Change in Policy to Allow the Use of Bicycles Within Heritage Square Skate Park and Directing Staff to Remove Entrance Gates and Modify Rules on Sign.

MOTION by Councilmember Lange, second by Councilmember Underferth, to approve the consent agenda as follows: 4.1. Regular Session Minutes of July 19, 2010, 4.2. Resolution 10-094 Appointing Bruce Koepp as a Member of the Belle Plaine Fire Department, 4.3. Approving Temporary One-Day 3.2% Intoxicating Liquor License for the Belle Plaine River Fishing Contest, and 4.4. Resolution 10-095 Authorizing a Change in Policy to Allow the Use of Bicycles Within Heritage Square Skate Park and Directing Staff to Remove Entrance Gates and Modify Rules on Sign. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Community Services Department.

Community Services Director Nelson Ladd was present. The Council acknowledged receipt of the Community Services Department report.

5.2. Public Works Department.

Public Works Superintendent Al Fahey was present. The Council acknowledged receipt of the Public Works Department report.

5.3. Engineer Report.

City Engineer Joe Duncan was present. He explained the Scott County Soil Water and Conservation District has advised it would not participate in funding for the City's 2010 storm water conveyance project. The Council acknowledged receipt of the Engineer Report.

5.4. City Administration Report.

City Administrator David Murphy was present. Councilmember Trost advised that there is sound difficulty with the council video recordings that are broadcast over Mediacom. City Administrator Murphy will check into this. The Council acknowledged receipt of the City Administration report.

6. PUBLIC FORUM.

State Representative David Bly – Legislative Update.

Mayor Lies welcomed State Representative David Bly.

State Representative Bly summarized the recent legislative action and noted the challenges with balancing the State budget. He offered to participate in the upcoming local meeting regarding the CAPX2020 power line proposed for this area.

Mayor Lies welcomed Michael Fogarty, 208 Oakwood Circle.

Mr. Fogarty addressed the Council regarding the recent purchase of a Dodge Charger to serve as a police squad. He asked how a Dodge Charger affects public safety and why an patrol officer had access to bid information and shared that information with Saxe Chevrolet. Mayor Lies explained there will be no debate on the issue tonight and that Mr. Fogarty can speak with Police Chief Stolee regarding these questions.

Mayor Lies welcomed Harold Edberg, 28 Woodridge Drive.

Mr. Edberg inquired about the status of the City occupying the Siwek building for the storage of public works equipment. He asked what this council, and the past council, have done to cut expenses. Mr. Edberg stated that his figures indicate a 30% increase in city employee wages between 2006 and 2009, amounting to an increase of $377,000. Mayor Lies explained there will be no debate on the issue this evening.

7. PUBLIC HEARINGS – NONE SCHEDULED.

8. BUSINESS.

8.1. Presentation of Claims.
1. Pay Request No. 5 by Chard Tiling for $56,880.19 for the 2010 TH169 South Frontage Road (ARRA Project).

MOTION by Councilmember Lange, second by Councilmember Coop, to approve the Presentation of Claims and Pay Request No. 5 by Chard Tiling for $56,880.19 for the 2010 TH169 South Frontage Road (ARRA Project). ALL VOTED AYE. MOTION CARRIED.

8.2. Large Assembly Permit for Huck's Shipwreck Saloon for Fund Raising Event.

Mayor Lies referenced a memo dated August 2, 2010 from City Administrator Murphy regarding a large assembly permit for Huck's Shipwreck Saloon.

City Administrator Murphy explained Mr. Charlie Hartman has submitted an application for a Large Assembly Permit for August 13, 2010. Mr. Hartman is planning to hold a “beer bash” as a fundraiser for relatives who have been victims of a recent tragedy. Mr. Hartman has spoken with Jim Gaboury of Jimmy’s CRC and is planning to hold his event in conjunction with the street closure for the Rock n’ Roll In.

Mr. Hartman asked for council consideration of allowing a food stand outside his establishment during the event, a tent to be erected in the event of rain, the outdoor sale of beer-bash tickets, and extending the hours of outdoor music until midnight.

Police Chief Stolee explained he has spoken with Mr. Hartman about the details of the event. Councilmember Trost does not want the outdoor music to go beyond midnight. City Attorney Vose commented on the liquor liability coverage for patrons involved in Huck’s event and the enforcement area. It appears there will be no defined area for Huck’s beer bash event as it will encompass the full 100 block of North Meridian. City Attorney Vose recommended the City obtain clarification on the separation of the events. Police Chief Stolee commented that this is an unusual situation with the two events occurring simultaneously. Mr. Hartman explained that wristbands will be sold for the beer bash. The event will take place during Jimmy’s CRC event and encompass the 100 block of North Meridian Street, which will be closed to through traffic. Councilmember Lange suggested a fence be required for the Huck’s beer bash. Councilmember Trost commented that he believes it is not necessary to grant a large assembly permit for Huck’s beer bash; the event could be held within the confines of regular business activity.

MOTION by Councilmember Underferth, second by Councilmember Coop, to approve the large assembly permit as requested by Huck’s Shipwreck Saloon, 110 North Meridian Street, for Friday, August 13, 2010, with the road closure of the 100 block of North Meridian Street extended from 10:00 p.m. to 12:00 a.m. midnight, and the added contingency that the outdoor music end by midnight. Councilmembers Lange and Trost VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.3. 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 August 2, 2010 from City Administrator Murphy regarding the 2010 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. The final plans and specifications were presented at the Council meeting on July 19, 2010. Action was tabled to allow time for staff to research possible funding assistance from the Scott County Soil and Water Conservation Board. At the work session on July 26, 2010, it was the consensus to direct staff to submit an application to the Scott County Soil and Water Board to seek funding assistance.

City Engineer Duncan reported that the SWCD Board has advised it will not assist with funding for this project. Councilmember Trost commented that the citizens have not been given information regarding the project. He said the proposed areas to be repaired are not listed in the memo to the council. Councilmember Trost was in support of all the erosion areas to be repaired, except the Lacy Court/Meadow Place area. He said he visited each of the erosion areas and asked whether the members of the Public Works Committee did the same.

MOTION by Councilmember Trost, to approve Resolution 10-088 Accepting Plans and Specifications and Authorizing Advertisement for Bids for the 2010 Storm Water Conveyance Project, with the removal of the Lacy Court/Meadow Place erosion area from the project.

Mayor Lies called for a second on the motion. There was no response. MOTION DIED FOR LACK OF A SECOND.

MOTION by Councilmember Lange, second by Councilmember Coop, to approve Resolution 10-088 Accepting Plans and Specifications and Authorizing Advertisement for Bids for the 2010 Storm Water Conveyance Project. Councilmember Trost VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.4. Resolution 10-096 Accepting Grant from MN Dept of Public Safety for In-Squad Videos.

Mayor Lies referenced a memo dated August 2, 2010 from Police Chief Stolee regarding in-squad video grant.

Chief Stolee explained that in May 2010 paperwork was completed and submitted regarding a grant for in-squad video cameras. The grant was made available from the Minnesota Department of Public Safety / Office of Traffic Safety. The Belle Plaine Police Department was one of the agencies selected for two in-car video cameras. Each camera is priced at $4,500.00 and there is a grant match requirement of $100.00 per camera for installation of the cameras. Acceptance of the grant and local match money is requested to be submitted prior to August 13, 2010.

MOTION by Councilmember Underferth, second by Councilmember Coop, to approve Resolution 10-096 Accepting Grant from MN Dept of Public Safety for In-Squad Videos. ALL VOTED AYE. MOTION CARRIED.

8.5. Authorizing Staff to Obtain Bids for Repairs Authorized by Grant Funds at the Historic Episcopalian Church.

Mayor Lies referenced a memo dated August 2, 2010 from Community Development Director Rosenfeld regarding the bids for repairs at the historic Episcopalian Church.

Community Development Director Rosenfeld explained the City received notice of award from the MN Historical Society for Legacy grant funds in the amount of $72,605. Since this amount was not the full amount requested in the City's grant application, City staff asked SMSQ Architects, recently hired by the City to put together the scope of work for the grant application, to suggest how to best utilize the funds from the state for the work items allowed by the terms of the Legacy Grant. SMSQ Architects has suggested how to utilize the funds given amongst the items allowed to be funded. In order to move forward with the grant procurement process, the City must submit a budget to the MN Historical Society as to how the City will use the funds provided by the Legacy Grant award. Both the Episcopalian Church Subcommittee and Public Works Subcommittee have met and discussed this item. Both subcommittees are in concurrence as to how SMSQ has proposed to utilize the grant funds. The Public Works committee recommends the City obtain bids for the proposed scope of work to determine what the actual cost of construction would be. Upon receipt and review of the bids, the City will be able to submit a budget to the MN Historical Society as to how we propose to utilize the grant funds.

Councilmember Lange explained the Public Works Committee discussed the repairs at their recent meeting and recommended window repair, re-roof and painting be included as alternate bids. Councilmember O'Laughlin commented that the City will need to prioritize the work repairs contingent upon the eligible and ineligible items for the grant funds.

MOTION by Councilmember Coop, second by Councilmember Underferth, to direct staff to proceed with obtaining bids for the work proposed from SMSQ Architects for the Historic Episcopalian Church, with the addition of window repair, re-roof and painting included as alternate bids. ALL VOTED AYE. MOTION CARRIED.

The Mayor recessed the meeting at 7:23 p.m. and reconvened at 7:29 p.m.

8.6. Old Fire Hall Status.

Councilmember Coop requested this issue be placed on the agenda for further discussion. City Administrator Murphy reported that a letter dated July 30, 2010 was received from the Minnesota Department of Labor and Industry regarding occupational safety and/or health hazards at 420 East Main Street (old fire hall building). The City is required to respond to the alleged hazards within seven calendar days. City Administrator Murphy and Public Works Superintendent Fahey recommended the old fire hall be vacated as soon as possible and the building secured to avoid entrance.

Councilmember Coop suggested the City obtain a quote from a structural engineer for a plan to demolish the building. Councilmember Trost did not believe a structural engineer was necessary. Public Works Superintendent Fahey stated he can obtain an inventory of the equipment in the building and determine immediate storage needs.

MOTION by Councilmember Trost, second by Councilmember Coop, to direct staff to prepare draft bid specifications for the demolition, removal and disposal of the old fire hall located at 420 East Main Street. ALL VOTED AYE. MOTION CARRIED.

This issue will be placed on the next council agenda for action. City Administrator Murphy is to report back to the Minnesota Department of Labor and Industry with the City's intent to demolish the old fire hall in the near future.

8.7. Schedule Interviews with Candidates for Design Committee.

Mayor Lies referenced a memo dated August 2, 2010 from Community Development Director Rosenfeld regarding scheduling interviews with candidates for the Design Committee.

Community Development Director Rosenfeld explained advertisement for the vacancy on the Design Committee was posted in the Belle Plaine Herald and City website. Applications were accepted until Wednesday, July 21, 2010. The City received two applications, Gary Crosby and Patricia Krings. Staff recommends scheduling interviews with the two candidates prior to Council appointing a member to fill the vacancy.

Councilmember Lange noted one of the applicants is not a resident of the City and therefore is not eligible to serve on the Design Committee.

MOTION by Councilmember Trost, second by Councilmember Coop, to appoint candidate Patricia Krings as a member of the Design Committee for a term expiring January 31, 2011. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Public Safety, 8:00 a.m., Wednesday, August 4.
2. EDA, 5:00 p.m., Monday, August 9.
3. Planning Commission, 7:00 p.m., Monday, August 9.
4. Primary Election, Tuesday, August 10.
5. Park Board, 5;00 p.m.. Wednesday, August 11.
6. Special Session, 7:00 a.m., Friday, August 13.
7. Design Committee, 4:30 p.m., Monday, August 16.
8. City Council, 6:00 p.m., Monday, August 16.
9. Beautification Committee, 3:30 p.m. Tuesday, August 17.
10. Public Works, 8:30 a.m., Thursday, August 19.
11. Budget Workshop, 6:00 Monday, August 23.

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Underferth, second by Councilmember Coop, to adjourn at 7:46 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary