

**BELLE PLAINE CITY COUNCIL
REGULAR MEETING
AUGUST 15, 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, August 15, 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 Council members Gary Trost, Cary Coop, Scott Schneider and Michael Pingalore present. Councilmember Paul Chard arrived at 6:19 p.m.

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 and City Attorney Bob Vose. Beth Dempsey served as the Video Recording Operator.

3. APPROVAL OF AGENDA.

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

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of August 1, 2011.

4.2. Resolution 11-083A, Amending the Contract for Electrical Inspection Services with Krominga.

4.3. Calling for a Public Hearing for Ordinance Amendments Pertaining to Variances and Park Land Dedication.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve the consent agenda as follows: 4.1. Regular Session Minutes of August 1, 2011, 4.2. Resolution 11-083A, Amending the Contract for Electrical Inspection Services with Krominga and 4.3. Calling for a Public Hearing for Ordinance Amendments Pertaining to Variances and Park Land Dedication. 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. PUBLIC FORUM.

No one spoke at the public forum.

7. PUBLIC HEARING.

7.1. Ordinance 11-05, Liquor Fees. The City Council will receive and consider public comment on proposed Ordinance 11-05, amending the City Code by amending the City's Fee Schedule pertaining to liquor license fees.

Mayor Lies referenced a memo dated August 15, 2011 from City Administrator Murphy regarding liquor licensing and fees.

City Administrator Murphy explained the previously adopted definition of beer to include strong beer generated some unforeseen problems. Specifically, non-profit organizations would no longer be able to sell beer without obtaining a permit from the state and verifying their non-profit status. This Ordinance defines both 3.2 and strong beer and allows the City to issue 3.2 licenses in accordance with Minnesota State Statute.

Mayor Lies opened the public hearing at 6:10 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Coop, second by Councilmember Schneider, to close the public hearing at 6:11 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Adoption of Ordinance 11-04, amending the City Code by Amending the Definition of Beer and the Sale of Beer.

MOTION by Councilmember Coop, second by Councilmember Schneider, to adopt Ordinance 11-04, Amending the City Code by Amending the Definition of Beer and the Sale of Beer. ALL VOTED AYE. MOTION CARRIED.

2. Adoption of Ordinance 11-05, amending the City Code by amending the City's Fee Schedule pertaining to liquor license fees.

City Administrator Murphy explained the proposed fee schedule includes fees for 3.2.% and strong beer.

MOTION by Councilmember Coop, second by Councilmember Pingalore, to adopt Ordinance 11-05, amending the City Code by amending the City's Fee Schedule pertaining to liquor license fees. ALL VOTED AYE. MOTION CARRIED.

3. Resolution 11-091 Authorizing Summary Publication of Ordinance 11-04.

City Administrator Murphy explained it is appropriate to authorize summary publication of Ordinance 11-04.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-091 Authorizing Summary Publication of Ordinance 11-04. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

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

Councilmember Chard arrived at 6:19 p.m.

8.2. Resolution 11-089 Providing for the Sale of \$1,675,000 General Obligation Improvement Bonds, Series 2011A.

]Mayor Lies referenced a memo dated August 15, 2011 from Finance Director Meyer regarding the pre-sale for the 2011 street improvement bond process.

Finance Director Meyer explained the City Council awarded the contract for the 2011 Street Reconstruction Project for \$2,029,684.85. Funding for the project is a combination of Minnesota State Aid Funds and General Obligation Bonds. The General Obligation Bonds will be repaid using Special Assessments and Tax Levy. As part of the bonding process it is appropriate for the Council to review the Presale Report prepared by Ehlers and Associates, and then call for the sale of the Bonds. The Presale Report was distributed. Mr. Todd Hagen, Ehlers and Associates, the City's Financial Advisor, was present.

Mr. Hagen provided a brief summary of the pre-sale bond process.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-089 Providing for the Sale of \$1,675,000 General Obligation Improvement Bonds, Series 2011A. ALL VOTED AYE. MOTION CARRIED.

8.3. Resolution 11-090 Approving Revised Concept Plan for Oppidan Development/KTJ186, LLC for Retail and Restaurant.

Mayor Lies referenced a memo dated August 15, 2011 from Community Development Director Rosenfeld regarding a revised concept plan for Oppidan Development/KTJ186, LLC.

Community Development Director Rosenfeld explained that Oppidan Development/KTJ186, LLC, is requesting the review of the revised concept plan for the retail center of Lot 1, Block 1 of Diversified Business Park Third Addition. The applicant is proposing a 6,500 square foot multi-tenant retail building, with McDonald's in 3,000 square feet, and the balance for individual tenant(s). The applicant is requesting to split the property into two separate lots, creating Lot 1, and Lot 2, Block 1 of Diversified Business Park Third Addition. The zoning classification proposed for the site is I-C, Industrial Commercial. A building permit is currently in process and should be issued very soon. Lot 1, Block 1, consists of 23,312 sq. ft. or 0.535 acres and Lot 2, Block 1, consists of 21,280 sq. ft. or 0.489 acres. The applicant will need to make application to rezone this property to have a Planned Unit Development (PUD) overlay in order to allow for flexibility to the zoning requirements, or a variance request. This includes setbacks and site coverage. KTJ 186, LLC has an agreement for access and parking with Coborn's and the property owner to the east of this site. Now that a fourth party will be involved with the potential lot split, revised agreements will need to be made and submitted to the City prior to approval of the final plat. Off-street parking requirements will be reviewed with the conditional use permit. Signage, building elevations and landscaping will be necessary for submission with the site plan. Park dedication fees were part of the Diversified Business Park Third Addition plat and are not required at this time. City Engineer comments dated August 1, 2011 will need to be adhered to as part of the concept plan approval. The Planning

Commission recommends approval of the concept plan application, contingent upon compliance with all engineering comments from Bolton & Menk dated August 1, 2011 and the legal description is changed to Lots 1 and 2, Block 1, Diversified Business Park Third Addition.

Mayor Lies inquired about whether a planned unit development application will be submitted for review. Community Development Director Rosenfeld explained that either a PUD or variance application will be required for this development.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Resolution 11-090 Approving Revised Concept Plan for Oppidan Development/KTJ186, LLC for Retail and Restaurant. ALL VOTED AYE. MOTION CARRIED.

8.4. Resolution 11-092 Phased Payment Plan for Utility Access Fees for Oppidan Development/KTJ186, LLC.

Mayor Lies referenced a memo dated August 15, 2011 from Community Development Director Rosenfeld regarding a request for phased payment plan of utility access fees.

Community Development Director Rosenfeld explained that Paul Tucci with Oppidan, aka KTJ 186, LLC, is requesting a phased payment plan on the water and sewer connection fees for the restaurant (McDonalds) and retail unit development. The request is as follows, with an additional stipulation by staff to add a time frame for the payment: 1. At time of building permit issuance, Oppidan Development/KTJ 186 LLC shall pay for seven units (6 for McDonalds and one for Great Clips), totaling \$63,910; 2. At the time of certificate of occupancy on the remaining square footage (approximately 2,100 square feet), Oppidan Development/KTJ 186 LLC shall pay for either one or two units, depending on whether there is a single tenant or two tenants in the space; and 3. If the payment for the remaining tenants is not made by the time a certificate of occupancy is issued, or within one (1) year from the date of this resolution, whichever comes sooner, the City shall assess the payment on the next year's tax bill, without appeal from the Owner.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Resolution 11-092 Phased Payment Plan for Utility Access Fees for Oppidan Development/KTJ186, LLC. ALL VOTED AYE. MOTION CARRIED.

8.5. Resolution 11-088 Approving Fire Relief Schedules I and II.

Mayor Lies referenced a memo dated August 15, 2011 Finance Director Meyer regarding the proposed Fire Relief schedules.

Finance Director Meyer explained that each year the City Council must approve Schedules I and II for the Fire Relief Association. The schedules set the annual benefit amount as well as the required municipal contribution. The Fire Relief Association requested that the annual benefit amount remain the same as it was in 2011 at \$2,100. The required municipal contribution for 2012 is \$33,584.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-088 Approving Fire Relief Schedules I and II. ALL VOTED AYE. MOTION CARRIED.

8.6. Endorsing Concept and Authorizing the Installation of a Sand Volleyball Court at Chatfield Park.

Mayor Lies referenced a memo dated August 15, 2011 from Community Development Director Rosenfeld regarding the installation of a sand volleyball court at Chatfield Park.

Community Development Director Rosenfeld explained the Park Board has discussed the development of a sand volleyball court at Chatfield Square. The official size of the court will be 40' x 60'. The sand will fill

a 50' x 70' area. Staff has received an estimate from Minnesota/Wisconsin Playground for the net and posts at a cost of \$669.04. The Park Board has recommended authorization from the park development fund for the purchase of the net and posts. A donation will be made from Chard Tiling and Excavating for the sand, and it is appropriate for the council to accept this donation at a future council meeting. The public works department is capable of installing both the sand and net/posts and preparing the site.

MOTION by Councilmember Schneider, second by Councilmember Coop, to endorse the concept and authorize the installation of a sand volleyball court at Chatfield Park and utilizing public works department labor to prepare the site. ALL VOTED AYE. MOTION CARRIED.

8.7. Discussion on Hillstrom Historical House Expenses.

Mayor Lies referenced a memo dated August 15, 2011 from City Administrator Murphy regarding monthly expenses related to the Hillstrom Historical House.

City Administrator Murphy explained the Hillstrom Historical House is City owned property but is operated by the Belle Plaine Historical Society. The City currently pays for the electricity, insurance and maintenance. The Historical Society has been paying the phone and gas bill and they are now asking the City to pay for these utilities.

Finance Director Meyer explained the Belle Plaine Historical Society has installed a security system for contents at the Historical House and a phone line was needed. This security system is different than the City alarm systems at the other public buildings. Councilmember Coop commented that he believes a phone is necessary, particular for volunteers doing public tours. Mayor Lies recommended that staff report back at the next council meeting with the estimated annual cost of the gas usage and phone service. This issue will be placed on the September 6, 2011 council agenda.

8.8. Schedule Budget Workshop.

The budget workshop for the 2012 preliminary budget was scheduled for 6:30 p.m. on Monday, August 22, 2011.

8.9. Government Center Façade.

Mayor Lies referenced a memo dated August 15, 2011 regarding the proposed Government Center façade improvement.

Community Development Director Rosenfeld explained that staff was directed at the July 18, 2011 City Council meeting to have the Design Committee review the façade of the Government Center to come up with a phased plan for implementation. The Design Committee held a special meeting to discuss this on July 25. A copy of a visualization of the proposed design by the Design Committee was included with Community Development Director Rosenfeld's memo. Two awnings are proposed for the side entrances. Also included with the memo was a summary of the proposed expenditures for the project, with a cost estimate at \$51,376. The Design Committee recommends the project is done at one time with either a phased budget approach for a certain amount of time, or funds are utilized today and paid back over a certain amount of time. Staff is recommending a budget of \$55,000 for this project. This allows approximately \$4,000 for contingencies. Staff recommends a 5-year plan to budget for this project at \$11,000 each year. In the short term, the safety concerns on the building related to the front awning roof repairs and ice jams in the gutters should be addressed.

Public Works Superintendant Fahey explained that ice dams occur on the building and that gutters are not recommended for steel roofs such as the Government Center. It is recommended that an impervious surface be added to the north side of the building to allow snow and ice to drain. It is estimated to cost approximately \$5,000 to remove the existing concrete and fill in with rock and shrubs.

Councilmember Pingalore asked whether the Main Street Program is contributing funds towards the project. Audience member Rick Krant, a member of the Main Street Program, responded the Main Street Program does not have funds available. Mayor Lies supported addressing the safety issues immediately. Councilmember Schneider recommended the City do it right the first time, and not put a "band-aid" approach to the project. Councilmember Pingalore recommended the project be completed now in its entirety, utilizing inter-fund transfer, if necessary.

MOTION by Councilmember Chard, second by Councilmember Coop, to proceed with addressing the safety issues by directing the public works department to remove the front steel awning, and repair the front of the building with an unspecified material. Councilmembers Chard and Trost VOTED AYE. Mayor Lies and Councilmembers Coop, Schneider and Pingalore VOTED NAY. MOTION FAILED.

Finance Director Meyer explained possible funding options. Councilmember Trost was opposed to the project due to the cost burden for taxpayers. However, he does support the original recommendation from the public works committee for a façade improvement at the estimate cost of \$30,000. Councilmember Schneider recommended an inter-fund loan to complete the project as recommended by the Design Committee. Finance Director Meyer suggested that staff prepare a resolution outlining the details of the inter-fund loan.

MOTION by Councilmember Coop, second by Councilmember Schneider, to direct staff to prepare the cost estimate and funding sources, including inter-fund loan if necessary, for the Government Center façade improvement project as recommended by the Design Committee, including addressing the safety concerns associated with the facility. Mayor Lies and Councilmembers Coop, Schneider and Pingalore VOTED AYE. Councilmembers Chard and Trost VOTED NAY. MOTION CARRIED.

8.10. Phone System Upgrade for City Offices.

Mayor Lies referenced a memo dated August 15, 2011 from City Administrator Murphy regarding a phone system upgrade for city offices.

City Administrator Murphy explained the current phone system used by the City is outdated. The parts for the phone are becoming increasingly rare and the system is in need of modernization. The upfront costs are approximately \$25,000, with a monthly phone bill after that. The current monthly phone bill typically costs \$1,100 per month; the new system with a 3-year contract, will be reduced to \$800 per month.

Councilmembers Pingalore and Schneider inquired about funding for the upgraded phone system. Finance Director Meyer explained that the funds will be expended from the capital fund.

MOTION by Councilmember Coop, second by Councilmember Chard, to authorize staff to proceed with the purchase of an upgraded phone system with Frontier Communications for the city offices at a cost of approximately \$25,000. Mayor Lies and Councilmembers Chard, Coop and Trost VOTED AYE. Councilmembers Pingalore and Schneider VOTED NAY. MOTION CARRIED.

Recess Regular Session.

Mayor Lies recessed the regular session at 8:10 p.m.

8.11. Closed Session.

Mayor Lies called the closed session to order at 8:20 p.m. with Councilmembers Trost, Pingalore, Chard, Coop and Schneider present. Also present were City Administrator Murphy, Community Development Director Trisha Rosenfeld, Public Works Superintendent Al Fahey, Finance Director Dawn Meyer and City Attorney Bob Vose.

Those present discussed potential property acquisition and labor union negotiations.

The closed session was adjourned at 9:19 p.m.

Reconvene Regular Session.

Mayor Lies reconvened the regular session at 9:20 p.m.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Park Board, 5:00 p.m. Monday, August 22.**
- 2. Labor Day, Monday, Sept. 5, City Offices Closed.**
- 3. City Council, 6:30 p.m., Tuesday, Sept. 6.**
- 4. Public Safety, 6:00 p.m., Wednesday, Sept. 7.**
- 5. EDA, 5:00 p.m., Monday, Sept. 12.**
- 6. Planning Commission, 7:00 p.m., Monday, Sept. 12.**

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Schneider, to adjourn at 9:21 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary