BELLE PLAINE CITY COUNCIL
REGULAR SESSION
SEPTEMBER 20, 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, September 20, 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, Tim O'Laughlin and Cary Coop present. Councilmember Jim Lange arrived at 6:11 p.m. Councilmember Gary Trost was not 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 September 7, 2010.
4.2. Resolution 10-115 Accepting Statewide Health Improvement Program (SHIP) Funds.

MOTION by Councilmember Coop, second by Councilmember Underferth, to approve the consent agenda as follows: 4.1. Regular Session Minutes of September 7, 2010 and 4.2. Resolution 10-115 Accepting Statewide Health Improvement Program (SHIP) Funds. 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 acknowledged Officer Stier and all individuals involved in the successful National Night Out. The Council acknowledged receipt of the Police Department report.

5.4. Community Development Department.

Community Development Director Trisha Rosenfeld was present. Mayor Lies inquired about installing a temporary sign for the local Random Acts of Kindness program at the Police Department. This issue will be placed on the upcoming work session agenda. 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.

Public Works Superintendent Fahey provided information stemming from Councilmember's Trost request on September 7, 2010 for clarification on the CenterPoint bill for the water treatment plant. Public Works Superintendent Fahey to forward the information to Councilmember Trost.

Councilmember Lange arrived at 6:11 p.m.

6. PUBLIC FORUM.
6.1. Tom Cody, Street and Sidewalk Paint Striping.

Mr. Cody advised City staff that he was unable to attend tonight's meeting. No one else spoke at the public forum.

7. PUBLIC HEARINGS.
7.1. Continued Hearing - Variance Request for 1017 Provence Lane. The City Council continue the public hearing and consider public comment on a request by Shawn Larson for an after-the-fact variance from Section 1109.06, Bluff Preservation, to allow the construction of a deck to encroach the rear yard setback in the R-1, Single Family District at 1017 Provence Lane.

Mayor Lies referenced a memo dated September 20, 2010 from Community Development Director Rosenfeld regarding a variance request.

Community Development Director Rosenfeld provided a brief summary and noted that this issue was presented at the Planning Commission on August 9, 2010 and City Council on August 16, 2010. Action was tabled to allow time for further research from the Scott Watershed Management Organization. Shawn Larson submitted an application for an after-the- fact variance request for an existing deck that encroaches the bluff line setback at 1017 Provence Lane. This deck was constructed without a permit by the previous property owner. Mr. Larson is in the process of bringing his property into compliance, which will require either the removal of the portion of his deck encroaching the bluff line setback or the approval of the variance request to leave the deck in its current location. Community Development Director Rosenfeld reported that Scott Watershed Management Organization was in agreement with the variance request and provided reasons to allow the variance. The Planning Commission recommended approval at their September 15, 2010 meeting.

Mayor Lies announced continuation of the public hearing at 6:17 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Coop, second by Councilmember Underferth, to close the public hearing at 6:18 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 10-099 Variance to Allow Construction of a Deck to Encroach Rear Yard Setback at 1017 Provence Lane.

MOTION by Councilmember Coop, second by Councilmember Underferth, to approve Resolution 10-099 Variance to Allow Construction of a Deck to Encroach Rear Yard Setback at 1017 Provence Lane. ALL VOTED AYE. MOTION CARRIED.

7.2. Conditional Use Permit. The City Council will consider public comment on a request by Thomas W. Knight, New Hope, MN, for a conditional use permit to allow storage area of personal vehicles at 120 East State Street, in the B-3, Central Business District.

Mayor Lies referenced a memo dated September 20, 2010 from Community Development Director Rosenfeld regarding the request for a conditional use permit at 120 East State Street by Thomas Knight.

Community Development Director Rosenfeld explained that Thomas Knight has submitted an application for a Conditional Use Permit at 120 East State Street to allow the storage of personal vehicles in the B-3 Central Business District. The applicant is proposing a printing shop for the primary use of the property and printing shops are a permitted use in the B-3 Central Business District. The property owner is proposing the storage of personal vehicles in the rear half of the building and a printing shop in the front half. The applicant has indicated he does not anticipate performing any major modifications to the proposed storage area. The Planning Commission has recommended approval.

Mayor Lies opened the public hearing at 6:22 p.m. and asked for public comment.

Dan Fahey, 124 East State Street, explained that the subject building located at 120 East State Street is identified on his property tax statement. Thomas Knight, applicant, stated he was unaware of this fact and will be working with his title company to obtain clear title.

City Attorney Vose explained that the City Council may take action on the proposed resolution for the conditional use permit without delay. He noted approval is contingent up the applicant showing proof of ownership.

MOTION by Councilmember Underferth, second by Councilmember Lange, to close the public hearing at 6:30 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 10-110 Conditional Use Permit to Allow the Storage of Personal Vehicles at 120 East State Street.

MOTION by Councilmember Underferth, second by Councilmember Coop, to approve Resolution 10-110 Conditional Use Permit to Allow the Storage of Personal Vehicles at 120 East State Street. ALL VOTED AYE. MOTION CARRIED.

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. Lease/Purchase Public Works Loader and Plow.

Mayor Lies referenced a memo dated September 20, 2010 from Public Works Superintendent Fahey regarding the lease or purchase of a public works loader, grader and plow.

Public Works Superintendent Fahey explained that the motor grader that has been used to plow snow and maintain the City streets is no longer reliable to perform snowplowing. The frame was cracked and the City repaired it last spring. Public Works Superintendent Fahey recommended the purchase or lease of a loader with a plow and wing to replace this unit. The old grader will be kept on hand to use for grading gravel surfaces and as a back up for plowing snow. The equipment has been budgeted as part of the capital improvement budget. The Public Works Committee has had discussion on this and makes a recommendation to purchase or lease the new loader.

Finance Director Meyer explained that staff has reviewed whether to lease or purchase the equipment. She explained that it is in the best interest of the City to purchase the loader, grader and plow rather than lease.

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to authorize staff to proceed with the purchase of a loader, grader and plow at the State bid cost of $163,746.87. ALL VOTED AYE. MOTION CARRIED.

8.3. Resolution 10-113 Authorizing the Mayor and City Administrator to Execute Agreement with Welsh Companies for Sale of City-Owned Land.

Mayor Lies referenced a memo dated September 20, 2010 from City Administrator Murphy regarding real estate services.

The Council previously authorized Staff to obtain proposals from Real Estate Professionals for the sale of the City property located on South Street. Seven companies were contacted and three submitted proposals. The completeness, specificity and depth of each proposal were considered and Welsh Properties was selected as the best proposal. Welsh had the highest commission rate, but provided an analysis of what the projected sale price would be and what options we may have depending if we want to sell quicker or are in it for a longer term. Welsh also has the most experience marketing and selling industrial/commercial properties of the companies that responded.

Councilmember O'Laughlin commented that he does not want the City to experience a financial loss on the sale of the property.

MOTION by Councilmember Coop, second by Councilmember Underferth, to approve Resolution 10-113 Authorizing the Mayor and City Administrator to Execute Agreement with Welsh Companies for Sale of City-Owned Land. Mayor Lies and Councilmembers Coop and Underferth voted aye. Councilmembers Lange and O'Laughlin voted nay. MOTION CARRIED.

9. ADMINISTRATION.
9.1. Upcoming Meetings.
1. Community Recreation, 4:30 p.m., Monday, Sept. 27.
2. Work Session, 6:00 p.m., Monday, Sept. 27.
3. Blakeley Township Joint Planning, 6:00 p.m., Tuesday, Sept. 28.
4. Belle Plaine Township Joint Planning, 7:00 p.m. Tuesday, Sept. 28.
5. City Council, 6:00 p.m., Monday, October 4.
6. EDA, 5:00 p.m., Monday, Oct. 11.

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.
MOTION by Councilmember O'Laughlin, second by Councilmember Coop, to adjourn at 6:39 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary