BELLE PLAINE CITY COUNCIL
REGULAR SESSION
SEPTEMBER 21, 2015

1. PLEDGE OF ALLEGIANCE.

Mayor Michael Pingalore 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 21, 2015 at 6:30 p.m. in the council chambers of City Hall, 218 North Meridian Street, Belle Plaine, MN. Mayor Michael Pingalore called the meeting to order with Councilmembers Gary Trost, Cary Coop, Paul Chard and Scott Schneider present.

Also present were City Administrator Holly Kreft, Finance Director Dawn Meyer, Public Works Superintendent Al Fahey, Police Chief Tom Stolee, City Engineer Joe Duncan, City Attorney Bob Vose and Consultant Jo Foust. Wanda Savage served as the video recording operator.

3. APPROVAL OF AGENDA.

MOTION by Councilmember Coop, 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 September 8, 2015.
4.2. Work Session Minutes of September 8, 2015.
4.3. Resolution 15-101 Approving Façade Improvement Loan for ReMax, 117 East Main Street.
4.4. Resolution 15-102 Approving Façade Improvement Loan for CarCo Auto Parts, 401 South Cedar Street.
4.5. Resolution 15-103 Approving Façade Improvement Loan for Schoeppner & Associates, 100 East Main Street.
4.6. Authorize the Purchase of Washer and Dryer for Belle Plaine Fire Department.
4.7. Resolution 15-108 Approving Schedules I and II for the Fire Relief Association.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the consent agenda as follows: 4.1. Regular Session Minutes of September 8, 2015, 4.2. Work Session Minutes of September 8, 2015, 4.3. Resolution 15-101 Approving Façade Improvement Loan for ReMax, 117 East Main Street, 4.4. Resolution 15-102 Approving Façade Improvement Loan for CarCo Auto Parts, 401 South Cedar Street, 4.5. Resolution 15-103 Approving Façade Improvement Loan for Schoeppner & Associates, 100 East Main Street, 4.6. Authorize the Purchase of Washer and Dryer for Belle Plaine Fire Department, and 4.7. Resolution 15-108 Approving Schedules I and II for the Fire Relief Association. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Community Services.

Activities and Recreation Director Chad Eischens was present. The Council acknowledged receipt of the Community Services report.

5.2. Ambulance Department.

Ridgeview Ambulance provided a written monthly report. The Council acknowledged receipt of the Ambulance Department report.

5.3. Fire Department.

Fire Chief Matt Stier was present. The Council acknowledged receipt of the Fire Department report.

5.4. Police Department.

Police Chief Tom Stolee was present. The Council acknowledged receipt of the Police Department report.

5.5. Community Development Department.

Consultant Jo Foust was present. The Council acknowledged receipt of the Community Development Department report.

5.6. Administration Report.

City Administrator Holly Kreft was present. The Council acknowledged receipt of the Administration report.

5.7. Public Works Verbal Update.

Public Works Superintendent Fahey reported the need to replace two motors at the wastewater treatment plant at an approximate cost of $40,000.

6. PUBLIC FORUM.

6.1. RECOGNITION OF INVOLVED CITIZENS.

No one spoke at the public forum.

7. PUBLIC HEARINGS.

7.1. Final Assessment Hearing for 2015 Street Improvement Project. The City Council will accept public comment on the proposed final assessments for the 2015 Street Improvement Project.

Mayor Pingalore referenced a memo dated September 21, 2015 from City Administrator Kreft regarding the final assessments for the 2015 street improvement project.

City Administrator Kreft explained that at the December 1st, 2014 meeting, the City Council accepted the preliminary engineering report and called for the public hearing for the 2015 street improvement project. The public hearing on the improvements was held on January 5th. After receiving testimony by the affected property owners, the Council ordered the plans specifications for the project. The final plans were approved at the March 2nd meeting and Council authorized advertising for bids. The project was let and the bid was awarded to Chard Tiling and Excavating on April 20th. After the close of the public hearing, the Council will adopt the final assessment. The payment period is for seven (7) years at an interest rate of 4.0% per anum. The property owners have the option of submitting payment by December 20th to the City in order to avoid interest charges.

City Engineer Duncan reported the 2015 Street Improvement Project is substantially complete and feels confident that the costs can be accurately assessed. The final costs came in under the bid amount. The Council will accept public comment on the final assessments for the project.

Mayor Pingalore opened the public hearing at 6:46 p.m. and asked for public comment.

Lee Stuewe, 400 West Forest Street, had questions about restoration of his property due to washouts from heavy rains, particularly the area around the playground equipment. Mr. Stuewe has been working on the restoration. He questioned the sequence of seeding, then fencing, and now the site has to be re-seeded. Mr. Stuewe also referenced delay issues with Mediacom in installing the cable line. City Engineer Duncan was aware of these issues and noted they are included in the punch list. He will meet with Mr. Stuewe on site regarding these issues.

MOTION by Councilmember Coop, second by Councilmember Schneider, to close the public hearing at 6:52 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Trost was disappointed to hear that a property owner is spending money to restore his yard resulting from the street improvement project. City Engineer Duncan agreed and explained that restoration can take time and that a property owner may become impatient and proceed with the work himself.

1. Resolution 15-100 Adopting Assessment for the 2015 Street Improvement Project.

MOTION by Councilmember Coop, second by Councilmember Pingalore, to approve Resolution 15-100 Adopting Assessment for the 2015 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

7.2. Side Yard Variance Request -956 Plateau Lane. The City Council will consider public comment on a request by Oakwood Custom Builders for an after-the-fact variance from Section 1105.06, Subd. 5. 3 b, to reduce the minimum side yard setback from 10 feet to 9.8 feet in the R-2, Single Family Low Density District.

Mayor Pingalore referenced a memo dated September 21, 2015 from Community Development Consultant Jo Foust.

Consultant Foust explained the applicant is requesting approval of an after-the-fact side yard setback variance for a new home constructed at 956 Provence Lane. The required side yard setback in the R-2, Single-Family District is 10 feet. When the as-built survey was submitted, it was discovered the home was constructed with a 9.8 foot side yard setback, or 0.2 feet too close to the easterly property line. The City reviewed one similar variance request in 2006 (for 0.4 feet). That variance was approved by the Planning Commission and the City Council. If denied the applicant would need to acquire property (minimum 0.2 feet) from the two land owners to the east and incorporate that into this lot, in order to meet the setback. The site is somewhat unique in that the side yard which is affected abuts the rear yards of the homes at 900 and 904 Riverview Lane, both of which have greater rear yard setbacks (over 50 feet) providing greater distance between the principal structures. While after the fact variances are highly discouraged, the 0.2 foot variance is not anticipated to alter the character of the neighborhood due to the large lot sizes in this district. The use is consistent with the Zoning District and Comprehensive Plan. The Planning Commission recommends approval of the variance request on a 4-1 vote. Commissioner Hvidsten believed the applicant should have explored other options, such as seeking to purchase adjacent land. Staff had discussed this request with the applicant, who noted that it was cost-prohibitive due to survey and platting costs.

Mayor Pingalore opened the public hearing at 6:57 p.m. and asked for public comment. There was no response.

Mayor Pingalore acknowledged written letters of support for the variance request from neighboring property owners Blaine Waters and Karl Keup.

MOTION by Councilmember Coop, second by Councilmember Schneider, to close the public hearing at 6:58 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 15-104 Approving Variance to Reduce the Minimum Side Yard Setback at 956 Plateau Lane.

MOTION by Councilmember Trost, second by Councilmember Chard, to approve Resolution 15-104 Approving Variance to Reduce the Minimum Side Yard Setback at 956 Plateau Lane. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

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

8.2. Resolution 15-105 Award Bid for the Enterprise Drive Overpass Project.

Mayor Pingalore referenced a memo dated September 21, 2015 from City Administrator Kreft regarding the bid award.

City Administrator Kreft explained the City Council and staff have been working towards construction of the Enterprise Drive Overpass for the past few years. The Council approved final plans and authorized advertising for bids at the July 6, 2015 meeting. Since then, the Council has authorized entering into cooperative agreements with Scott County and MnDOT. The bid letting was held on Wednesday, September 16th at 10 a.m. A total of three bids were received. Attached are a letter and the abstract of bids from City Engineer Duncan recommending award of the contract to the low bidder, S.M. Hentges & Sons Inc. based on a contract amount of $3,179,966.84. The engineer’s estimate was $4,387,703.00. The award is contingent on determination that the project is financially feasible and contingent upon MnDOT concurrence of the bid and execution of the cooperative agreement.

Mayor Pingalore commented that action on the bid award culminates two years of diligent work by the City Council, Staff, MnDOT and Scott County. He was extremely pleased the project has progressed to this point.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 15-105 Award Bid for the Enterprise Drive Overpass Project. Councilmember Chard VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.3. Ehlers and Associates.

Mayor Pingalore referenced a memo dated September 21, 2015 from Finance Director Meyer regarding the pre-sale of bonds for the 2015 street improvement project and also the Enterprise Drive Overpass project.

Finance Director Meyer explained the City Council awarded the contract for the 2015 Street Reconstruction Project on April 20, 2015 to Chard Tiling, Inc. Funding for the project will be from General Obligation Bonds. The General Obligation Bonds will be repaid using Special Assessments and Tax Levy. Upon annual review of debt, it was determined that refunding the 2007A Bond would result in interest expense savings of approximately $120,000.00 over the next eight years.

Finance Director Meyer then explained the City Council awarded the contract for the Belle Plaine Highway 169 Overpass Project on September 21, 2015 to S.M. Hentges and Sons, Inc. Funding for the project will be from General Obligation Municipal State Aid Bonds. The General Obligation Municipal State Aid Bonds will be repaid using a portion of the City of Belle Plaine’s State Aid allotment. 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. A representative from Ehlers and Associates, the City's Financial Advisor, will be present at the meeting to answer any questions.

Mark Ruff, Ehlers and Associates, provided an overview of the pre-sale process for each of the bonds. The bond for the Enterprise Drive Overpass will utilize a Municipal State Aid Bond and will be repaid using a portion the State Aid allotment. The bond sale will occur on October 5, 2015 and Ehlers and Associates will bring the results of the bond sale for Council approval.

1. Resolution 15-107 Providing for the Sale of Bond for the 2015 Street Improvement Project.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 15-107 Providing for the Sale of Bond for the 2015 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

2. Resolution 15-109 Providing for the Sale of Bond for the Enterprise Drive Overpass Project.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 15-109 Providing for the Sale of Bond for the Enterprise Drive Overpass Project. Councilmember Chard VOTED NAY. ALL VOTED AYE. MOTION CARRIED.

8.4. Authorize Union Square Restroom Upgrade.

Mayor Pingalore referenced a memo dated September 21, 2015 from Public Works Superintendent Fahey regarding the Union Square restroom facility.

The bathrooms at Union Square Park are in need of an upgrading. The Council and the Public Works Committee have had many discussions on this subject. In the past, the quotes to upgrade the restroom facility came in very high and thus were not awarded. Recently the Public Works Committee has discussed ways to phase the upgrade and eventual completion of the project. The committee makes a recommendation to Council to start in the center of the building where the sewer main goes out of the building and continue with upgrading one section at a time. This will allow the restrooms to remain open during the summer and then work on the next phase or section during the winter. As much of the work as possible will be completed by the Public Works Department. Included with Public Works Superintendent Fahey's memo was a cost estimate for the first phase. He asked the Council to consider authorizing this project with a not to exceed price of $50,000.00. This will allow Staff to make adjustments as necessary once the project begins.

MOTION by Councilmember Trost, second by Councilmember Chard, to authorize Phase I of the Union Square restroom facility upgrade at a cost not to exceed $50,000, utilizing the donated funds from the Mdewakanton Sioux Community. ALL VOTED AYE. MOTION CARRIED.

8.5. Authorize the Replacement of Public Works Pick-Up Truck.

Mayor Pingalore referenced a memo dated September 21, 2015 from Public Works Superintendent Fahey regarding the purchase of a pick-up truck.

Public Works Superintendent Fahey explained that the Public Works Department is in need of replacing a pick-up truck. Two quotes were presented. The Public Works Committee has discussed this item and made a recommendation to Council to purchase a 2016 Chevrolet Silverado and trade in the 2006 truck from Matt Saxe Chevrolet. Public Works Superintendent Fahey recommended the oldest pick-up truck be sold outright and asked the Council to consider purchasing the new truck at a cost of $25,488 without trade.

MOTION by Councilmember Trost, second by Councilmember Coop, to authorize the purchase of a 2016 Chevrolet Silverado pick-up truck from Matt Saxe Chevrolet at the State bid price of $25,488, plus license fees and tax. ALL VOTED AYE. MOTION CARRIED.

8.6. Mediacom Franchise Agreement.

Zack Raskovich, Director of MN Operations, Mediacom, was present.

Mayor Pingalore referenced a memo dated September 21, 2015 from City Administrator Kreft regarding the franchise agreement with Mediacom Cablevision.

City Administrator Kreft the City has a current cable franchise agreement with Mediacom (originally Triax Midwest) that expired at the end of October, 2014 and an extension was granted. Mediacom has requested renewal of the franchise. The Council approved Resolution 13-141 in December of 2013 outlining the community's identified cable-related needs and interests. City Attorney Vose has reviewed the draft to the cable franchise agreement with Mediacom. The Cable Vision Committee met on September 10, 2014 to review the proposed changes. Since that time, Mr. Vose and Jane Bremer, representing Mediacom, have worked through issues relative to the proposed changes. Mr. Vose met with the Cable Vision Committee again on September 8, 2015 and presented the changes agreed to by both attorneys. The Cable Vision Committee recommended that the franchise be presented to the City Council for adoption.

City Attorney Vose reported that the interests and needs expressed by community members were incorporated into the agreement. He commented that the City of Belle Plaine fared very well in negotiations.

Councilmember Trost noted that there was a recent outage of cablevision service and requested that there be an improvement in public communication during such events. He also commented that there are no channel guides for the residents of the Lutheran Home complex. City Engineer Duncan asked for the assistance of Zack Raskovich in resolving the cable service issue at 400 West Forest Street that was raised by a resident earlier in tonight's meeting. Mr. Raskovich acknowledged the requests and will investigate these issues.

1. Ordinance 15-07, Granting a Franchise Agreement to Mediacom Cablevision.

MOTION by Councilmember Coop, second by Councilmember Schneider, to adopt Ordinance 15-07, Granting a Franchise Agreement to Mediacom Cablevision. ALL VOTED AYE. MOTION CARRIED.

2. Resolution 15-106 Authorizing Execution of the Mediacom Franchise Agreement.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 15-106 Authorizing Execution of the Mediacom Franchise Agreement. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

1. Coffee with the Mayor, 7:00-9:00 am, Thursday, October 1, McDonald's.
2. Design Committee, 5:15 pm, Monday, October 5.
3. City Council, 6:30 pm, Monday, October 5.
4. Work Session, 6:45 pm, Monday, October 5.
5. Public Works, 11:00 am, Tuesday, October 6.
6. Half-Marathon, Court Square, Saturday, October 10.
7. EDA, 5:00 pm, Monday, October 12.

8. Planning, 6:30 pm, Monday, October 12.

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Schneider, to adjourn at 7:35 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary