BELLE PLAINE CITY COUNCIL
REGULAR SESSION
OCTOBER 18, 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, October 18, 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 Gary Trost, Dawn Underferth, Tim O'Laughlin and Cary Coop present. Councilmember Jim Lange arrived at 6:06 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, City Engineer Joe Duncan, Attorney Sarah Sonsalla filling in for City Attorney Bob Vose, and Video Recording Operator Beth Dempsey.

3. APPROVAL OF AGENDA.

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

4. APPROVAL OF CONSENT AGENDA.
4.1. Regular Session Minutes of October 4, 2010.
4.2. Resolution 10-119 Authorizing the Mayor and City Administrator to Execute Grant Agreement with MN Department of Natural Resources for the 2011 "Volunteer Fire Assistance."
4.3. Resolution 10-123 Appointing Randy Koepp as Fire Chief, Matt Stier as 3rd Assistant Chief and Kevin Soller and Travis Otto as Lieutenants to the Belle Plaine Fire Department.

MOTION by Councilmember O'Laughlin, second by Councilmember Trost, to approve the consent agenda as follows: 4.1. Regular Session Minutes of October 4, 2010, 4.2. Resolution 10-119 Authorizing the Mayor and City Administrator to Execute Grant Agreement with MN Department of Natural Resources for the 2011 "Volunteer Fire Assistance" , and 4.3. Resolution 10-123 Appointing Randy Koepp as Fire Chief, Matt Stier as 3rd Assistant Chief and Kevin Soller and Travis Otto as Lieutenants to the Belle Plaine Fire Department. 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. Her reported the community alert system, NIXLE, has over 300 registered users, who will be advised of severe weather warnings, road closures and other advisory information. The Council acknowledged receipt of the Police Department report.

5.4. Community Development Department.

Community Development Director Trisha Rosenfeld was present and requested council approve to proceed with the Park Board's solicitation of public comments regarding the community swimming pool. Councilmember O'Laughlin commented that the purpose of the solicitation is to obtain views on the future of the pool and surrounding area. Councilmember Trost inquired about the status of dilapidated signs near South Street East. Staff will investigate and report back. The Council acknowledged receipt of the Community Development Department report.

5.5. City Administration Report.

City Administrator David Murphy was present. Councilmember O'Laughlin commented on the recent article in the League of Minnesota Cities magazine and suggested the Council discuss the article at the upcoming work session. The Council acknowledged receipt of the City Administration report.

6. PUBLIC FORUM.

No one spoke at the public forum.

7. PUBLIC HEARINGS – NONE SCHEDULED.

8. BUSINESS.

8.1. Presentation of Claims.
8.1.1. Final Pay Request No. 6 by Chard Tiling for $42,342.73 for the 2009 Street and Utility Improvement Project.
8.1.2. Pay Request No. 1 by Schneider Excavating & Grading for $40,917.83 for the 2010 Drainage Stabilization Project
8.1.3. Pay Request No. 1 by Chard Tiling for $104,442.52 for the 2010 Sidewalk/Trail Improvement Project.

Councilmember Trost noted the payment request of $1,538.00 by Centerpoint Energy and questioned why this expense was not addressed in the bid specs for the demolition of the old fire hall. City Engineer Duncan explained that it is typical for a utility company to move its meters and this type of work is not generally included in a project.

MOTION by Councilmember Trost, second by Councilmember Underferth, to approve the presentation of claims, Final Pay Request No. 6 by Chard Tiling for $42,342.73 for the 2009 Street and Utility Improvement Project, Pay Request No. 1 by Schneider Excavating & Grading for $40,917.83 for the 2010 Drainage Stabilization Project, and Pay Request No. 1 by Chard Tiling for $104,442.52 for the 2010 Sidewalk/Trail Improvement Project. ALL VOTED AYE. MOTION CARRIED.

8.2. Annual Renewal of City's Liability Insurance – Jeff McDonald, Canopy Group.

8.2.1. Resolution 10-121 Establishing a $1,500,000 per Occurrence Limit on Liability Insurance Coverage and Electing Group and Individual Open Meeting Law Insurance Coverage for the Mayor and City Council Members.

Mayor Lies referenced a memo dated October 18, 2010 from Finance Director Meyer regarding the City's annual renewal of liability insurance coverage and welcomed Jeff McDonald of the Canopy Group.

Finance Director Meyer explained the City's insurance coverage is provided by the League of Minnesota Cities Insurance Trust. The City Council must annually adopt a resolution establishing the per occurrence liability limit as well as election open meeting law coverage for the Council.

Jeff McDonald provided a brief summary of the City's liability insurance and explained the City experienced a very small increase in the premium. The City receives dividends from the League Trust fund.

MOTION by Councilmember Lange, second by Councilmember Coop, to approve Resolution 10-121 Establishing a $1,500,000 per Occurrence Limit on Liability Insurance Coverage and Electing Group and Individual Open Meeting Law Insurance Coverage for the Mayor and City Council Members. ALL VOTED AYE. MOTION CARRIED.

8.3. Resolution 10-118 Site Plan for Behnke Auto Center at 235 South Meridian Street.

Mayor Lies referenced a memo dated October 18, 2010 from Community Development Director Rosenfeld regarding a site plan for Behnke Auto Center.

Community Development Director Rosenfeld explained that Chad Behnke of Behnke Auto Center currently has a 10' by 20' structure on the east side of the primary structure. He is proposing to demolish this structure and put a new addition in its place. The size of the new addition would be 24' by 14', resulting in an increase of 136 square feet of what was previously in this location. The current conditions of this property include an 1,176 square foot primary structure, with a 200 square foot attached structure on the east side of the primary structure. The entire lot is concrete, asphalt or gravel. The parking area has curb around the perimeter of most of the lot. The primary access to the site is from Meridian Street South. There is also access to the alley on the east side of the property. The site has two curb cuts in the front of the lot to Meridian Street South, and the entire area to the east is accessible to the alley. According to the Zoning Ordinance, this business would require eight (8) spaces. The proposed building size is 1,376 square feet. The property owner should clearly stripe the spaces on site at the required size of 8 ½ feet by 20 feet. Also required is one (1) handicap space of 12 feet by 20 feet. The Planning Commission recommended approval based upon the following conditions: 1) All parking requirements are met, with the eight (8) standard parking stalls and one (1) handicap parking stall clearly striped. The Planning Commission requested that staff verify compliance with the maximum site coverage of 70% impervious surface of the total lot size prior to the Council meeting.

MOTION by Councilmember Trost, second by Councilmember Underferth, to approve Resolution 10-118 Site Plan for Behnke Auto Center at 235 South Meridian Street. ALL VOTED AYE. MOTION CARRIED.

8.4. Resolution 10-120 Authorizing Extension of the Preliminary Plat for Robert Creek Preserve First Addition.

Mayor Lies referenced a memo dated October 18, 2010 from Community Development Director Rosenfeld regarding extension of preliminary plat for Robert Creek Preserve First Addition.

Community Development Director Rosenfeld explained that Lyman Development Company is requesting an amendment to the Developer's Agreement to allow for the extension of the preliminary plat for Robert's Creek First Addition, a residential subdivision. The preliminary plat was approved by the City Council on April 3, 2006. The preliminary plat consisted of 236 single-family and multi-family home-sites, an elementary school, approximately 21 acres of city parklands, and related public streets and utility infrastructure. The final plat was approved on May 15, 2006 for the first phase of the project, which consisted of the elementary school, 40 residential lots, and outlots to accommodate for future additional lots on the final plat. The final plat was recorded with Scott County in June 2006, within the required timeframe.

According to State Statute and City Code, a preliminary plat shall be effective for one year, unless an extension is granted by the City Council. Considering the differences among the preliminary plat and final plat, Lyman Development Company is requesting to amend the Developer's Agreement in order to allow for the preliminary plat approval to be extended again until October 18, 2012. This will allow for the developer to final plat future phases of the Robert's Creek Subdivision in accordance with the preliminary plat layout previously approved. On November 18, 2008 via Resolution 08-143, the City Council approved Lyman Development Company's request to amend the Developer's Agreement in order to allow for the preliminary plat approval to be extended until October 18, 2010 to allow the developer to final plat future phases of the Robert Creek subdivisions in accordance with the preliminary plat. The current request is for another two (2) year extension on the preliminary plat approval.

Councilmember Trost asked if Lyman Development is responsible for the shortfall of attorney fees. Finance Director Meyer explained that Lyman Development has paid fees according to the development agreement.

MOTION by Councilmember Trost, second by Councilmember Lange, to approve Resolution 10-120 Authorizing Extension of the Preliminary Plat for Robert Creek Preserve First Addition. ALL VOTED AYE. MOTION CARRIED.

8.5. Resolution 10-122 Authorizing Additional Extension of Filing of Final Plat for Diversified Business Park Third Addition.

Mayor Lies referenced a memo dated October 18, 2010 from Community Development Director Rosenfeld regarding the additional extension of filing of final plat for Diversified Business Park Third Addition.

Community Development Director Rosenfeld explained that Oppidan received final plat approval of Diversified Business Park Third Addition on June 7, 2010. The final plat is to be recorded in the Scott County Recorder's Office within 90 days after the date of approval, otherwise the approval shall be considered void. The 90 day expiration date for original final plat approval expired September 5, 2010. The City granted an extension on September 7, 2010 that expired October 1, 2010. Included with this memo is the formal request from the applicant to request an extension of the final plat approval until December 1, 2010.

MOTION by Councilmember O'Laughlin, second by Councilmember Underferth, to approve Resolution 10-122 Authorizing Additional Extension of Filing of Final Plat for Diversified Business Park Third Addition. ALL VOTED AYE. MOTION CARRIED.

8.6. Resolution 10-124 Authorizing Mayor and City Administrator to Execute Petition and Waiver Agreement for Completion of Driveway Apron.

Mayor Lies referenced a memo dated October 18, 2010 from City Administrator Murphy regarding the completion of a driveway apron at 331 South Meridian Street.

City Administrator Murphy explained that the 2010 sidewalk and trail project is underway. The property owner at 331 South Meridian Street has requested a concrete apron to be constructed upon the driveway section that services the property. The cost of the additional apron will not exceed $950 and will be repaid over a period of one year by the property owner. It is appropriate for the Council to approve the petition and waiver agreement.

MOTION by Councilmember Underferth, second by Councilmember Coop, to approve Resolution 10-124 Authorizing Mayor and City Administrator to Execute Petition and Waiver Agreement for Completion of Driveway Apron. ALL VOTED AYE. MOTION CARRIED.

8.7. Authorizing Staff to Proceed with Seeking Candidates for Public Works Seasonal Employment.

Mayor Lies referenced a memo dated October 18, 2010 from Public Works Superintendent Fahey regarding seasonal employees.

Public Works Superintendent Fahey explained that the public works department has used two seasonal employees in the winter to maintain all the city property. These employees are utilized only in a snow event and their duties include clearing snow and ice from all city property such as the library, trail system, city hall police department, fire department and the skating rinks. Normally it takes two to three days to get everything cleared and he has received a request to get the skating rinks cleared on the first day. The priority has been to clear all the public buildings first, then the trails, followed lastly by the rinks. Public Works Superintendent Fahey has requested the Council consider hiring one additional seasonal employee to allow the clearing of snow within the first day. Last season, the seasonal crew worked a total of 206 hours at a cost of $3,675.04. Public Works Superintendent Fahey does not foresee an increase in hours worked, unless this upcoming season has an unusual amount of snowfall.

Mayor Lies confirmed that no benefits are paid to seasonal employees. Councilmember Lange asked whether the city has enough equipment for three seasonal employees. Public Works Superintendent Fahey replied yes. Councilmember Trost stated that two seasonal employees is enough; that it is not necessary to clear the trails as no one utilizes the trails in winter. He said the city has to cut spending. Councilmember O'Laughlin commented to consider two seasonal employees and if the need arises, then add the third employee.

MOTION by Councilmember Lange, second by Councilmember Underferth, to authorize staff to proceed with seeking three candidates for temporary, seasonal employment with the public works department. Mayor Lies and Councilmembers Underferth, Lange and Coop VOTED AYE. Councilmembers Trost and O'Laughlin VOTED NAY. MOTION CARRIED.

8.8. Resolution 10-125 Awarding Quote for the Replacement of the Roof at Belle Plaine Government Center, 218 North Meridian Street.

Mayor Lies referenced a memo dated October 18, 2010 from City Administrator Murphy regarding the roof at the Government Center.

City Administrator Murphy explained that the roof at the government center is of metal construction and has deteriorated. The roof has recently begun to leak and is in need of replacement. Three quotes were obtained with Gebhart Roofing providing the low quote of $17,550.00. Public Works Superintendent Fahey is verifying Gebhart's license and insurance. If the license and insurance do not check out, the contract would be awarded to Crosby Construction which submitted the next low quote. This is a budgeted item, but exceeds the limit that can be authorized by staff.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Resolution 10-125 Awarding Quote for the Replacement of the Roof at Belle Plaine Government Center, 218 North Meridian Street, to low bidder Gebhart Roofing at a cost of $17,550. ALL VOTED AYE. MOTION CARRIED.

8.9. Change Order No. 1, 2010 Drainage Stabilization Project.

Mayor Lies referenced a memo dated October 18, 2010 from City Administrator Murphy regarding the 2010 Drainage Stabilization project.

City Administrator Murphy explained that during the construction of this project, three items that were not anticipated were discovered. The largest is the drainage pipe at Forest Street was dipped and degraded. The best long term fix was to replace 66 linear feet and connect it to the existing catch basin. Also included in the change order was adding topsoil at Robert Circle and remove and re-install apron at Shannon Lane. The change order amounts to $7,549.05.

City Engineer Duncan explained that due to recent heavy rains, additional soil is needed at Robert Circle.

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to approve Change Order No. 1 for the 2010 Drainage Stabilization Project. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Information – Shakopee/Met Council Letter on Transportation Policy Plan.

City Administrator Murphy reference a copy of letter sent to the Metropolitan Council by the City of Shakopee. It was the consensus of the Council to further discuss this issue at the upcoming work session on October 25, 2010.

9.2. Upcoming Meetings.

1. Public Works 8:30 a.m., Thursday, Oct. 21.
2. Council Work Session, 6:00 p.m., Monday, Oct. 25.
3. City Council, 6:00 p.m., Monday, Nov. 1.
4. General Election, Tuesday, Nov. 2.
5. Public Safety, 3:30 p.m., Wednesday, Nov. 3.
6. Special Session, 6:30 a.m., Friday, Nov. 5.

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Underferth, second by Councilmember Coop, to adjourn at 6:48 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary