BELLE PLAINE CITY COUNCIL
REGULAR SESSION
NOVEMBER 15, 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, November 15, 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 Jim Lange, Gary Trost, Dawn Underferth, Tim O'Laughlin and Cary Coop 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 and City Attorney Bob Vose. Finance Director Meyer also served as the Video Recording Operator. Council-Elect Paul Chard, Michael Pingalore and Scott Schneider were also present.

3. APPROVAL OF AGENDA.

MOTION by Councilmember Lange, 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 November 1, 2010.
4.2. Special Session Minutes of November 5, 2010.
4.3. Resolution 10-129 Authorizing Execution of Agreement for the DWI Enforcement Grant Program.
4.4. Resolution 10-133 Adopting Special Assessments for Delinquent Water and Sewer Accounts.
4.5. Resolution 10-134 Adopting Special Assessment for Delinquent Fire Bill Account.
4.6. Resolution 10-135 Adopting Special Assessment for Delinquent Code Enforcement Account.
4.7. Resolution 10-131 Authorizing Dissolution of Beautification (Ad Hoc) Committee.
4.8. Resolution 10-136 Appointing Dennis A. Aretz as a Firefighter with the Belle Plaine Fire Department.
4.9. Resolution 10-137 Appointing Steve Rost, Dyanne Curit and Chris Herrmann as Public Works Temporary Seasonal Employees.

MOTION by Councilmember Lange, second by Councilmember Coop, to approve the consent agenda as follows: 4.1. Regular Session Minutes of November 1, 2010, 4.2. Special Session Minutes of November 5, 2010, 4.3. Resolution 10-129 Authorizing Execution of Agreement for the DWI Enforcement Grant Program, 4.4. Resolution 10-133 Adopting Special Assessments for Delinquent Water and Sewer Accounts, 4.5. Resolution 10-134 Adopting Special Assessment for Delinquent Fire Bill Account, 4.6. Resolution 10-135 Adopting Special Assessment for Delinquent Code Enforcement Account, 4.7. Resolution 10-131 Authorizing Dissolution of Beautification (Ad Hoc) Committee, 4.8. Resolution 10-136 Appointing Dennis A. Aretz as a Firefighter with the Belle Plaine Fire Department, and 4.9. Resolution 10-137 Appointing Steve Rost, Dyanne Curit and Chris Herrmann as Public Works Temporary Seasonal Employees. 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. He reported an abundance of young Halloween trick-or-treaters in the downtown area on Friday, October 29, 2010 and recommended a large assembly permit for the 2011 chamber-sponsored event. 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.

1. Ambulance Financial Information Request by Belle Plaine Township Clerk Jean McDermand and St. Lawrence Township Board Member Ted Kornder.

Mayor Lies welcomed Jean McDermand and Ted Kornder.

Mr. Kornder and Ms. McDermand addressed the council. Mr. Kornder believes the area townships have some jurisdiction on the ambulance funds the City transferred into the public safety capital fund. He believes the City and townships had a contract regarding the funds. He expressed concern for the City's lack in providing financial records, including the contract. Mr. Kornder asked that the City Council meet with representatives of the area townships to discuss this matter.

Ms. McDermand stated she has concerns that the ambulance funds were transferred into the City's public safety capital fund. She has repeatedly asked for financial records, but to no avail. She believes City staff has been given adequate time to produce the records.

City Administrator Murphy explained that City's year-end audit reports for the past 15 years are available for viewing. Further research would require incur charges to the township.

Mayor Lies recommended a meeting be scheduled in the near future to discuss this issue with the representatives of the area townships. Ms. McDermand commented that the meeting be held with the seven area townships, not the ambulance research committee members.

Mayor Lies thanked Mr. Kornder and McDermand for their attendance.

7. PUBLIC HEARINGS.

7.1. CONDITIONAL USE PERMIT. The City Council will consider public comment on a request by Coborn's Inc., for approval of a conditional use permit as required in the Industrial/Commercial District to allow a medical clinic at Coborn's Superstore Store, 1010 East Enterprise Drive.

Mayor Lies referenced a memo dated November 15, 2010 from Community Development Director Rosenfeld regarding a request for a conditional use permit to allow a medical clinic at 1010 East Enterprise Drive.

Community Development Director Rosenfeld explained Coborn's Inc. is requesting the review of a conditional use permit application for the use of a medical clinic within the Coborn's Superstore. This use was not part of the original plan and was recently added to the facility. A conditional use permit is required for all uses within the Industrial-Commercial zoning district. This parcel was platted as Diversified Business Park Second Addition earlier in 2010. A conditional use permit was received for the grocery store, convenience and gas, and liquor store on-site. The applicant is compliant with the necessary requirements for all setbacks and lot area. With the added clinic facility within the store, the zoning ordinance does not require additional parking units to be created on the site. The medical clinic is classified as a service establishment under the off-street parking zoning requirements, which has the same requirements as the grocery store. No additional parking requirements are necessary for the addition of the medical clinic within the Coborn's store.

Mayor Lies opened the public hearing at 6:16 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Trost, second by Councilmember Underferth, to close the public hearing at 6:17 p.m. ALL VOTED AYE. MOTION CARRIED.

7.1.1. Resolution 10-132 Approving Conditional Use Permit for Coborn's Superstore to Allow a Medical Clinic at 1010 East Enterprise Drive.

Councilmember Underferth inquired about the location of the fire exit door. Councilmember Lange inquired about the effect of the TIF district for the Belle Plaine Clinic at 700 West Prairie Street. Finance Director Meyer explained the TIF district has expired for that location.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Resolution 10-132 Approving Conditional Use Permit for Coborn's Superstore to Allow a Medical Clinic at 1010 East Enterprise Drive. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

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

8.2. Extension of Filing Plats.

1. Resolution 10-138 Authorizing Extension for Filing of Final Plat for Farmers Ridge Third Addition.
2. Resolution 10-139 Authorizing Extension for Filing of Final Plat for Farmers Ridge Fourth Addition.

Mayor Lies referenced a memo dated November 15, 2010 from Community Development Director Rosenfeld regarding a request from TDR, Inc. for extension of filing plats.

Community Development Director Rosenfeld explained that TDR, Inc. is requesting an extension of the final plat approvals for Farmer's Ridge 3rd and Farmer's Ridge 4th subdivisions for a sixth time. Council approved a 90-day extension in March of 2007, a 6-month extension in November 2007, and a 6 month extension in April 2008, a one year extension in October 2008, and a one year extension in 2009. The request at this time is for a two- year extension. Farmer's Ridge 3rd revised plat was approved in May 2006. Farmer's Ridge 4th was approved in November 2005. According to State Statute and City Code, final plats are to be filed with the County Recorder within 90 days after City Council approval. Neither of the final plats have not been recorded with the County Recorder. TDR, Inc. has agreed to dedicate right-of-way easements for Century Street with the filing of the final plats, or via signed easements that have been surveyed by the property owner.

MOTION by Councilmember Trost, second by Councilmember Underferth, to approve Resolution 10-138 Authorizing Extension for Filing of Final Plat for Farmers Ridge Third Addition. ALL VOTED AYE. MOTION CARRIED.

MOTION by Councilmember Coop, second by Councilmember Lange, to approve Resolution 10-139 Authorizing Extension for Filing of Final Plat for Farmers Ridge Fourth Addition. ALL VOTED AYE. MOTION CARRIED.

8.3. Resolution 10-140 Approving Agreement with d.Trio for Marketing Services and Authorizing the Mayor and City Administrator to Execute Agreement.

Mayor Lies referenced a memo dated November 15, 2010 from Community Development Director Rosenfeld regarding marketing services.

Community Development Director Rosenfeld explained that as a component to the City's Comprehensive Economic Development Plan created in 2009, the City Council authorized staff to advertise a request for proposal (RFP) of marketing services on August 16, 2010. The RFP was advertised and the City received 12 proposals from various marketing agencies. Proposals were received from both in-state and out-of-state agencies, and ranged between $7,350 to $128,000. The EDA formed a review committee to suggest a recommendation to the EDA for their November 8, 2010 meeting. The review committee narrowed the proposals down to two candidates for interviewing. The two candidates were interviewed on November 3, 2010. Further discussion occurred at the November 8, 2010 EDA meeting on the details of the final two proposals and additional information resulting from the interviews. After much discussion, the EDA recommends the City enter into an agreement with d.Trio marketing group for the development of a marketing strategy with a branding component at a cost not to exceed $12,000. The City and EDA have budgeted for this item in the 2010 budget, however the City has applied for grant funds in the amount of $15,000 from the Scott County Community Development Agency that would be used to cover the costs for the marketing strategy and a small portion of future implementation plans.

Councilmember Lange commented that d.Trio appears to be a fresh, dynamic marketing group. Councilmember Underferth concurred. Councilmember Coop asked for a concrete example of the work that is to be performed. He commented on the illustrious biographies provided by the partners of d.Trio. Community Development Director Rosenfeld explained the marketing group will focus on securing development. An outline will be completed by June, 2011. Councilmember Coop inquired as to how the City will measure the success of the marketing plan. Community Development Director Rosenfeld explained that it will depend on the strategy items. Councilmember Trost commented that developers perform their own marketing research. He believed the funds could be better utilized in other ways rather than with a marketing plan.

MOTION by Councilmember Lange, second by Councilmember Underferth, to approve Resolution 10-140 Approving Agreement with d.Trio for Marketing Services and Authorizing the Mayor and City Administrator to Execute Agreement. ALL VOTED AYE. MOTION CARRIED.

8.4. Resolution 10-130 Authorizing Contracted Services to Remove the Lights from the Downtown Trees.

Mayor Lies referenced a memo dated November 15, 2010 from Public Works Superintendent Fahey regarding tree lighting in the downtown area.

Public Works Superintendent Fahey explained the Council and staff have discussed the many ways of lighting or not lighting the downtown boulevard trees. At the last Council meeting, the Council asked staff to summarize and clarify the quotes and options available, and bring them back in resolution form so they can be voted on. Public Works Superintendent Fahey recommended 400 lights per tree. Public Works Superintendent Fahey summarized the possible action as follows: 1) Authorize staff to enter into an agreement with Gregory Electric for the installation and maintainence of the tree lights for one year in the amount of $2,560.00. Purchase C-7 tree lights in the amount of $3,142.00 to be installed by Gregory Electric; 2) Authorize staff to enter into an agreement with Gregory Electric for the installation and maintainence of the tree lights for one year in the amount of $2,560.00. Purchase L.E.D. tree lights in the amount of $8,732.00 to be installed by Gregory Electric; and 3) Authorize staff to enter into an agreement with Gregory Electric for the removal of the tree lights at a cost of $300.00.

Mayor Lies questioned whether the City should take over the tree lighting operation and noted that there are other commercial districts other than downtown. City Attorney Vose explained that the City may purchase and install lights for the downtown trees if determined that this is a public purpose. If the Chamber were to take over the tree lighting operation, the City could not donate funds to the Chamber of Commerce. The City may contract with the Chamber of Commerce for the tree lighting services.

MOTION by Councilmember Underferth, second by Councilmember Trost, to approve Resolution 10-130 Authorizing Contracted Services to Remove the Lights from the Downtown Trees. ALL VOTED AYE. MOTION CARRIED.

8.5. Resolution 10-128 Ordering Feasibility Report for the 2011 Street Improvement Project.

Mayor Lies referenced a memo dated November 15, 2010 from City Administrator Murphy regarding the proposed 2011 street improvement project.

The Public Works Committee discussed the 2011 Street Improvement Project at their October 21, 2010 meeting. City Administrator Murphy referenced a sketch of the proposed project, indicating the areas in need of reconstruction. The Public Works Committee recommended including extended areas in this year's project if prices are favorable. The East Main Street additional lane will be mainly funded with Municipal Agreement Project funds with the City paying for plan development and delivery. The Public Works Committee recommended to the Council that a feasibility report be ordered for the entire project.

Councilmember Coop inquired about deferred assessments. City Attorney Vose explained that State Statute allows for deferment for persons with a hardship and over the age of 65. Councilmember Trost inquired about water and sewer mains. City Engineer Duncan stated that water and sanitary sewer mains will be replaced. The curb and gutter will be replaced as necessary. A portion of Linden Street will be eligible for MSA funds. Councilmember Trost commented that the reconstruction of East Main Street to MnDOT specifications is a waste of taxpayer dollars. Councilmember Lange inquired about sidewalks. City Engineer Duncan explained that the City has changed the assessment policy regarding sidewalks. Sidewalks are now assessed at 30%, similar to street reconstruction.

MOTION by Councilmember Lange, second by Councilmember Coop, to approve Resolution 10-128 Ordering Feasibility Report for the 2011 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

8.6. Authorizing the Purchase of a Skid Steer.

Mayor Lies referenced a memo dated November 15, 2010 from Public Works Superintendent Fahey regarding the purchase of a skid steer.

Public Works Superintendent Fahey explained the public works department uses a skid steer in the daily maintenance of the City Property. It is also used at the Wastewater Treatment Facility for the reed beds. The current R-50 was purchased in 2003 and is in need of major repairs or replacement. The immediate repairs needed are the replacement of the tracks and running gear estimated at $5,000. This equipment is on the City's capital improvement plan for replacement. The attached quote from St. Joseph equipment indicates the State Bid pricing for $29,294.00 plus tax. This price includes a trade-in allowance of $11,000 as is.

Councilmember Trost stated a new skid steer costs too much money and recommended it be repaired at the estimated cost of $5,000.

MOTION by Councilmember Underferth, second by Councilmember Coop, to authorizing the purchase of a Case skid steer at a cost of $29,295.00 plus tax and trade-in of the ASV RC 50. Councilmember Trost VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.7. Resolution 10-141 Electing to Continue Participating in the Local Housing Incentives Account Program Under the Metropolitan Livable Communities Act.

Mayor Lies referenced a memo dated November 15, 2010 from Community Development Director Rosenfeld regarding participation in the Local Housing Incentives Account Program under the Metropolitan Livable Communities Act.

Community Development Director Rosenfeld explained the City was sent a letter in June 2010 asking for the City to continue participation in the Metropolitan Livable Communities Act Local Housing Incentives Account (LCA LHIA). The City has participated in this program since 1996. The City's participation is set to expire December 2010 unless the City chooses to continue its involvement. The next timeframe for participation will be from 2011 to 2020. The LCA is a voluntary, incentive-based approach to address the Metropolitan Area's affordable and lifecycle housing needs while providing funds to communities to assist them in carrying out their development plans. LCA funds have leveraged millions of dollars in private and public investment that has provided new jobs, housing choices, and business growth. The Legislature established the Metropolitan Livable Communities Fund, including three on-going accounts from which eligible communities could apply for funding. They are:

- Tax Base Revitalization Account (TBRA), which helps cities clean up contaminated urban land and buildings for subsequent redevelopment that could include commercial, industrial, or housing opportunities.
- Livable Communities Demonstration Account (LCDA), which funds public infrastructure and land assembly for development and redevelopment projects that achieve connected development patterns that link housing, jobs and services, maximize the development potential of existing or planned infrastructure and regional facilities, and expand affordable and life-cycle housing option in the region.
- Local Housing Incentives Account (LHIA), which helps preserve and expand lifecycle and affordable rental and ownership housing in the metropolitan area.
- Land Acquisition for Affordable New Development (LAAND loan program), provides no-interest loans that would assist communities in efforts to address their affordable housing needs.
- Inclusionary Housing Account (IHA), funds a one-time appropriation of funds to support affordable housing developments in which the reduction of local controls and regulations resulted in reduced development costs.

The City will need to develop a Housing Action Plan outlining the steps the City will take to help meet its LCA goals, which can be taken directly from the City's Comprehensive Plan. This will need to be done by December 1, 2010. Also, the City will elect to participate in an annual voluntary housing stock survey, in which we have been for the past fourteen (14) years. Staff has been informed from The Metropolitan

Council that if the City does not meet the goals outlined, it will not be punished. If the City does not elect to participate in the program, the City will not be eligible to apply for the above-mentioned grant opportunities, nor would any developer looking to put up housing in Belle Plaine. For those cities within Scott County, the cities of Jordan, Savage and Prior Lake are participating. Shakopee has decided not to participate and New Prague is not part of the Metropolitan Council.

MOTION by Councilmember Underferth, second by Councilmember Coop, to approve Resolution 10-141 Electing to Continue Participating in the Local Housing Incentives Account Program Under the Metropolitan Livable Communities Act. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Public Works Committee, 8:30 a.m., Wednesday, Nov. 17.
2. Work Session, 6:00 p.m., Monday, Nov. 22.
3. Offices Closed, Thanksgiving Day, Thursday, Nov. 25.
4. Offices Closed, Day After Thanksgiving, Friday, Nov. 26.
5. Public Safety, 3:30 p.m., Wednesday, Dec. 1.
6. Truth in Taxation Hearing, 6:00 p.m., Monday, Dec. 6
7. City Council, 6:15 p.m., Monday, Dec. 6.

The Council was reminded of the upcoming meetings as listed.

Public Works Superintendent Fahey reported he has available a summary of the CenterPoint natural gas usage at the City’s 11 facilities for the past year as requested by Councilmember Trost. Mayor Lies suggested that each councilmember be given a copy of the summary.

10. ADJOURN.

MOTION by Councilmember Lange, second by Councilmember Coop, to adjourn at 7:22 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary