BELLE PLAINE CITY COUNCIL
REGULAR SESSION
NOVEMBER 17, 2014

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, November 17, 2014 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, Scott Schneider and Paul Chard present.

Also present were City Administrator Holly Kreft, Public Works Superintendent Al Fahey, Community Development Director Chelsea Alger, Police Chief Tom Stolee, City Engineer Joe Duncan and City Attorney Bob Vose. 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 November 3, 2014 and Special Session Minutes of November 12, 2014.
4.2. Authorize Staff to Proceed with Advertising to Seek Candidates for Commissions.
4.3. Calling for Public Hearing for the 2015 Fees.
4.4. Resolution 14-129 Adopting Delinquent Code Enforcement Bills.
4.5. Resolution 14-130 Adopting Delinquent Fire Bills.
4.6. Calling for Public Hearing for Proposed Ordinance 14-08 Pertaining to Council Salaries.
4.7. Resolution 14-131 Approving an Extension for the Mediacom Franchise Agreement.
4.8. Resolution 14-135 Authorizing the Upgrade and Replacement of the Alarm Systems at the Water and Wastewater Treatment Facilities.
4.9. Resolution 14-134 Approving a Revolving Loan Fund Request in the Amount of $40,000 to Pankonin Enterprises, LLC, for Building Acquisition at 104/106 Main Street East.
4.10. Resolution 14-136 Authorizing Write-Off of Fire Bill Account #2871.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the consent agenda as follows: 4.1. Regular Session Minutes of November 3, 2014 and Special Session Minutes of November 12, 2014; 4.2. Authorize Staff to Proceed with Advertising to Seek Candidates for Commissions; 4.3. Calling for Public Hearing for the 2015 Fees; 4.4. Resolution 14-129 Adopting Delinquent Code Enforcement Bills; 4.5. Resolution 14-130 Adopting Delinquent Fire Bills; 4.6. Calling for Public Hearing for Proposed Ordinance 14-08 Pertaining to Council Salaries; 4.7. Resolution 14-131 Approving an Extension for the Mediacom Franchise Agreement; 4.8. Resolution 14-135 Authorizing the Upgrade and Replacement of the Alarm Systems at the Water and Wastewater Treatment Facilities; 4.9. Resolution 14-134 Approving a Revolving Loan Fund Request in the Amount of $40,000 to Pankonin Enterprises, LLC, for Building Acquisition at 104/106 Main Street East; and 4.10. Resolution 14-136 Authorizing Write-Off of Fire Bill Account #2871. ALL VOTED AYE. MOTION CARRIED.

5.1. Ambulance Department.

The Council acknowledged receipt of the Ambulance Department report.

5.2. Fire Department.

Fire Chief Todd Otto 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 Chelsea Alger was present. The Council acknowledged receipt of the Community Development Department report.

5.5. Administration Report.

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

6.PUBLIC FORUM.

6.1. RECOGNITION OF INVOLVED CITIZENS.

7. PUBLIC HEARINGS.

7.1. Issuance of Revenue Obligations. The City Council will consider public comment on a proposal that the City approve and authorize the issuance of its revenues obligations for the benefit of The Lutheran Home: Belle Plaine, LLC, to refinance certain indebtedness of the Borrower in order to refinance the acquisition, construction and improvements of the Borrower's facilities.

Present were Julie Eddington, Kennedy & Graven Bond Counsel, David Brenne, Lutheran Home LLC Vice President and Chief Financial Officer, and Kay Inglett, Corporate Controller.

Mayor Pingalore referenced a memo dated November 17, 2014 from City Administrator Kreft regarding the Lutheran Home bonds.

City Administrator Kreft explained the Lutheran Home Association has submitted a request to utilize the City's bonding authority for refinancing of two bonds previously issued by the City. The Lutheran Home owns and operates a skilled care facility with 97 beds licensed for skilled nursing care (the "Skilled Care Facility") and a 52-bed facility for the care of the development disabled (the "Hope Residence") located at 611 West Main Street in the City. Included with City Administrator Kreft's memo was a letter from the City's bond attorney, Julie Eddington of Kennedy and Graven, which outlined the details of the request and the history of the previous bond issuances. The public hearing was originally scheduled for Monday, November 3, 2014, but was rescheduled for November 17, 2014 due to publication requirements. The request is for issuance of Notes in the maximum aggregate principal amount of $12,000,000. The costs for the issuance will be paid by the Lutheran Home, including administrative fees. The Notes must be sold and issued by December 31, 2014 so as not to impact the City's borrowing capacity for 2015.

The City has worked with The Lutheran Home numerous times in the past to provide conduit financing for improvements and expansions to The Lutheran Home campus and its other facilities such as the thrift store. The Lutheran Home continues to be a major employer within the community and provide housing for a wide variety of needs. This type of financing is commonly referred to as conduit bonds since they do not pose any liability to the City and do not affect the City's bond rating. They do count towards the City's bank qualification limitations, so staff has required that the financing be complete by the end of the year should the City need to use the bank qualification in 2015 for its own financing, such as the CSAH 3 Area bridge.

Mayor Pingalore opened the public hearing at 6:41 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 6:42 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 14-132 Authorizing the Issuance, Sale and Delivery of Revenue Notes for the Benefit of The Lutheran Home; Approving the Form of and Authorizing the Execution and Delivery of the Revenue Notes and Related Documents; and Granting Approval for Certain Other Actions with Respect Thereto.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 14-132 Authorizing the Issuance, Sale and Delivery of Revenue Notes for the Benefit of The Lutheran Home; Approving the Form of and Authorizing the Execution and Delivery of the Revenue Notes and Related Documents; and Granting Approval for Certain Other Actions with Respect Thereto. Furthermore, the Lutheran Home is authorized to utilize automatic transfer payments for the administrative fees. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

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

8.2. Resolution 14-111 Approving Final Plat for Soller Acres.

Mayor Pingalore referenced a memo dated November 17, 2014 from Community Development Director Alger regarding Soller Acres.

Community Development Director Alger explained that Cora Soller, and Kevin and Michelle Soller, applicants, have submitted application for final plat approval, for property located at and around 708 and 710 South Street West. The properties are zoned R-3, Single and Two-Family Residential. The purpose for the request is to realign property boundaries for the two existing single family homes within the boundary of the plat; simplifying legal descriptions and combining tax parcels. The preliminary plat request was reviewed and approved by the Planning Commission and City Council in September, 2014 and was approved.

The project area consists of seven different tax parcels. The applicants desire to clean-up the parcel boundaries for their respective homesteads. Because of the number of lots involved the preliminary and final platting process was required to achieve the desired outcome. Typically, when the City reviews a plat it is for undeveloped property in which several different review facets are addressed. Because this plat is intended to realign property boundaries for existing uses there are fewer concerns regarding future development.

As was reviewed in the preliminary plat, lots created around existing buildings should be configured so that required setbacks for the R-3 Zoning District are maintained. Park dedication is typically required in the amount of 10% of the gross buildable land, or a cash contribution in lieu of land dedication, in accordance with the City’s Fee Schedule. Being that the applicants are not creating additional development opportunity within the proposed plat, there would not be park dedication required as part of this plat. However, prior to submitting application for preliminary plat, the applicants requested dedicating Outlot A to the City in exchange for waiver of the preliminary and final plat fees. The City Council agreed to waive these fees in exchange for Outlot A as part of Resolution 14-103 approving the Preliminary Plat on September 15, 2014. A Warranty Deed for transfer of Outlot A to the City should be drafted and submitted to the City for review by the City Attorney.

Ten-foot easements are provided around the perimeter of each lot line. In addition to this, based on the location of the driveway and private water/sewer services lines, shared use easement agreements will need to be filed between the two properties, and between the properties and the City for perpetual driveway and water and sewer access and maintenance. This was a condition of the preliminary plat; and has been added to the approving final plat resolution pertaining to this. The Plat references two vacations; Buffalo Street, and an alley running east/west through Lots 1 and 2. The vacations are referenced by City Resolution, and should be updated to reference County Recorder's Document Numbers.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve Resolution 14-111 Approving Final Plat for Soller Acres. ALL VOTED AYE. MOTION CARRIED.

8.3. Resolution 14-123 Authorizing Storm Sewer Extension for Properties at 829 and 831 West Court Street.

Mayor Pingalore referenced a memo dated November 17, 2014 from City Administrator Kreft regarding storm water main extension at 829 and 831 West Court Street.

City Administrator Kreft explained the City was approached by the property owners at 829 and 831 Court Street West regarding drainage concerns with their property. They attended the October Public Works Committee to discuss potential solutions. Based on a site visit by the City Engineer and Public Works Superintendent, it was recommended that the storm sewer in Court Street be extended to the property line and a private drainline system connected. At the October 20, 2014 meeting, the Council authorized Bolton and Menk to complete the design work and obtain quotes for the work. The City received two quotes, with Chard Tiling and Excavating submitting the low quote at $15,411.00.

Attached is a letter submitted by the property owners requesting that the City participate financially to the project. Staff has noted concerns with the City participating above the staff and consultant time towards the project given that there are a number of similar issues regarding drainage within the community. Staff did discuss the potential of having the costs assessed to the properties so the burden would be less so up front and could be spread out over a number of years similar to a street project. The proposed project also only benefits the property owners and is not needed as part of the City's storm sewer system. The City Attorney will draft an agreement that will include the terms of reimbursement and will need to be executed prior to the work commencing. City Administrator Kreft noted that staff has discussed the bituminous patching associated with the project and depending the amount the patch, City staff may be able to assist with that item.

Councilmember Coop recommended the reimbursement period be a term beyond seven years in an effort to reduce the financial impact to the property owners. Finance Director Meyer expressed concern with the City not being paid back in a timely manner so these funds could be used on other City projects.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Resolution 14-123 Authorizing Storm Sewer Extension for Properties at 829 and 831 West Court Street. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Thanksgiving Holiday, Thursday & Friday, November 27 & 28, Offices Closed.
2. Design Committee, 5:15 p.m., Monday, December 1.
3. Truth in Taxation, 6:00 p.m., Monday, December 1.
4. City Council, 6:30 p.m., Monday, December 1.
5. Work Session, 6:45 p.m., Monday, December 1.
6. Public Works, 11:00 a.m., Tuesday, December 2.
7. Public Safety, 4:30 p.m., Tuesday, December 2.

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Coop, second by Mayor Pingalore, to adjourn at 6:56 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary