BELLE PLAINE CITY COUNCIL
REGULAR SESSION
DECEMBER 6, 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, December 6, 2010 at 6:30 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, Tim O'Laughlin and Cary Coop present. Councilmember Dawn Underferth 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 Trost, second by Councilmember O'Laughlin, to approve the agenda as presented. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of November 15, 2010.
4.2. Special Session Minutes of November 19, 2010.
4.3. Work Session Minutes of November 22, 2010.
4.4. Authorizing Staff to Proceed with Advertising to Seek Candidates for Boards and Commissions.
4.5. Directing Staff to Proceed with Written Acceptance of Right-of-Way, Utility Relocation and Design for the FY 2012 Municipal Agreement Program Funding for the Additional TH25 Westbound Lane.

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to approve the consent agenda as follows: 4.1. Regular Session Minutes of November 15, 2010, 4.2. Special Session Minutes of November 19, 2010, 4.3. Work Session Minutes of November 22, 2010, 4.4. Authorizing Staff to Proceed with Advertising to Seek Candidates for Boards and Commissions, and 4.5. Directing Staff to Proceed with Written Acceptance of Right-of-Way, Utility Relocation and Design for the FY 2012 Municipal Agreement Program Funding for the Additional TH25 Westbound Lane. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Community Services Department.

Community Services Director Nelson Ladd was present. The Council acknowledged receipt of the Community Services Department report.

5.2. Public Works and Parks Department.

Public Works Superintendent Al Fahey was present. Mayor Lies asked for improved communication to the public about snowplowing regulations. This information will be added to the website and the next issue of The Bridge. Councilmember Trost inquired about water shut-off procedures. The Council acknowledged receipt of the Public Works Department report.

5.3. Engineer Report.

City Engineer Joe Duncan was present. The Council acknowledged receipt of the Engineer Report.

5.4. City Administration Report.

City Administrator David Murphy was present. Mayor Lies commented on the ice build-up on the Government Center. The Council acknowledged receipt of the City Administration report.

6. PUBLIC FORUM.

No one spoke at the public forum.

7. PUBLIC HEARINGS.

7.1. Ordinance 10-04, Fees. The Belle Plaine City Council will accept public comment on proposed Ordinance 10-04, amending the City Code by amending the City's Fee Schedule. Proposed changes include, but not limited to, public works equipment use, water and sewer utility fees and building permit fees.

Mayor Lies referenced a memo dated December 6, 2010 from City Administrator Murphy regarding the proposed 2011 Fee Schedule.

City Administrator Murphy explained a public hearing has been scheduled to accept public comment on proposed Ordinance 10-04, Amending City Fees for 2011. Attached to City Administrator Murphy's memo was the current fee structure with proposed changes highlighted. The water and sewer rates have been adjusted per the previously approved utility rate study. Rates for public works services have increased by two percent.

Mayor Lies opened the public hearing at 6:44 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Coop, second by Councilmember O'Laughlin, to close the public hearing at 6:45 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Adoption of Ordinance 10-04, Amending Chapter 1, Section 108, by Amending the City's Fee Schedule.

MOTION by Councilmember O'Laughlin, second by Councilmember Coop, to adopt Ordinance 10-04, Amending Chapter 1, Section 108, by Amending the City's Fee Schedule. ALL VOTED AYE. MOTION CARRIED.

2. Resolution 10-143 Authorizing Summary Publication of Ordinance 10-04.

MOTION by Councilmember Lange, second by Councilmember Coop, to approve Resolution 10-143 Authorizing Summary Publication of Ordinance 10-04. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

1. Pay Request No. 1 and Final by Chard Tiling for $13,465.00 for the 2010 Old Fire Hall Demolition Project, contingent upon submittal of final documentation.
2. Pay Request No. 3 by Chard Tiling for $1,051.54 for the 2010 Walk/Trail Project and State Aid for Local Transportation Supplemental Agreement.
3. Pay Request No. 6 by Chard Tiling for $64,533.09 for the 2010 TH169 South Frontage Road (ARRA) Project.

Councilmember Trost inquired about the forfeiture payment for the Police Department. Staff explained the revenue/expenditure procedure.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve the Presentation of Claims, Pay Request No. 1 and Final by Chard Tiling for $13,465.00 for the 2010 Old Fire Hall Demolition Project, contingent upon submittal of final documentation, Pay Request No. 3 by Chard Tiling for $1,051.54 for the 2010 Walk/Trail Project and State Aid for Local Transportation Supplemental Agreement and Pay Request No. 6 by Chard Tiling for $64,533.09 for the 2010 TH169 South Frontage Road (ARRA) Project. ALL VOTED AYE. MOTION CARRIED.

8.2.Resolution 10-142 Approving Minor Subdivision for Parcel No. 200740010, Outlot A, Farmers Bluff.

Mayor Lies referenced a memo dated December 6, 2010 from Community Development Director Rosenfeld regarding a request for a minor subdivision from TDR, LLC.

Tom Gonyea, TDR,LLC, applicant, was present.

Community Development Director Rosenfeld explained the applicant, TDR LLC, has submitted an application for a minor subdivision to allow for the splitting of one parcel into two separate parcels. This property is currently zoned R-1, Single Family (Low Density) Residential District. The property was changed in January 2010 from A-2 Rural Residential. Included with Community Development Director Rosenfeld's memo was a copy of a survey provided by the applicant for the proposed legal descriptions for Parcel 1, Parcel 2 and the access easement. There are large amounts of wooded areas on the western portion of both parcels. Community Development Director Rosenfeld further explained the applicant is proposing to split the current parcel into two separate parcels, creating separate PINs. Both proposed parcels will be greater than ten (10) acres in size and will meet the lot area and lot width requirements. There are no structures currently on the property, nor are any being proposed. The proposed access is shown on the survey. Parcel 1 is adjacent to E Century Street and can be accessed via this public street. Parcel 2 requires an access easement through Parcel 1, allowing the continuation of Harvest Way south, and then north into Parcel 2. The Planning Commission has reviewed the minor subdivision as it relates to the City's Subdivision Ordinance and recommended approval with the conditions the access easement to Parcel 2 is dedicated as part of the minor subdivision approval and that the applicant is responsible for recording the appropriate documents with Scott County.

Councilmember Coop inquired about the park that has been proposed for Parcel 1. Community Development Director Rosenfeld explained the park dedication will be addressed when the land is platted. Councilmember Coop inquired whether the park dedication is affected by the proposed minor subdivision. Community Development Director Rosenfeld replied not to her knowledge. Mr. Tom Gonyea explained that the parcels were separated prior to the platting of Farmers Bluff, at which time the two parcels were combined as one outlot. Mr. Gonyea explained the minor subdivision is a housekeeping issue as each of the parcels has its own mortgage. He said he does foresee any change in park dedication due to the minor subdivision. Councilmember Trost commented that park dedication is done at the time of platting.

MOTION by Councilmember Lange, second by Councilmember Trost, to approve Resolution 10-142 Approving Minor Subdivision for Parcel No. 200740010, Outlot A, Farmers Bluff.

Councilmember Coop questioned whether a 15-acre park will be reserved on parcel 1. If parcel 2 has a new owner, then it will be difficult to have the park land dedication for parcel 2 applied to parcel 1. He would like to preserve a 15-acre park as discussed previously by the Park Board and City Council on parcel 1. Tom Gonyea explained that the City could use park dedication funds to buy park land in parcel 1. Councilmember Coop questioned whether that would be advantageous to the City.

City Attorney Vose explained that the City could provide a proviso that the park land dedication is determined by the full parcel, with the park site located on parcel 1. The requirement would transfer if there are new owners for the parcels. Mayor Lies asked if the City has the right to determine the park dedication prior to platting. City Attorney Vose explained that the City has park dedication rights and that the City may reserve these rights for future use. Councilmember Coop suggested that staff re-write the proposed resolution to include verbiage pertaining to the park land dedication encompassing the combination of parcel 1 and two, with the park site to be located on parcel 1. City Attorney Vose stated language can be crafted that park land dedication requirements on parcel 1 include the calculation of parcel 2. Tom Gonyea stated he would prefer that the park dedication not be part of the minor subdivision. Councilmember Coop explained that it is difficult for a City to obtain a large-size park with small parcels of land. He wold like the language included to secure the future park land. Councilmember Trost commented that the City cannot require more than ten percent park land dedication at this time as it is outlined in the City ordinances. He said the applicant only wants to subdivide the parcels due to the mortgages. Councilmember Coop commented that he is looking out for the well-being of the City of Belle Plaine, not the developer. Councilmember Trost said there is no written agreement for a 15-acre park on parcel 1. Councilmember Coop explained the Park Board and City Council have conceptually agreed to a 15-acre park. City Attorney Vose explained that the resolution can provide for the park land dedication and it can be recorded at Scott County. Councilmember Coop commented that it will be good for potential buyers to be informed of the park land dedication situation.

MOTION by Coop to amend the motion to add language regarding a 15-acre park to be located on parcel 1 resulting from park land dedication of parcel 1 and parcel 2.

Councilmember Lange asked for further clarification. City Administrator Murphy explained that the City is keeping the rights on parcel 1 for the current park land dedication requirements of the combination of the two parcels, or pre-subdivision of the land.

Councilmember Lange WITHDREW his motion. There was no active motion on the floor.

MOTION by Councilmember Coop, second by Councilmember O'Laughlin, to TABLE action on Resolution 10-142 Approving Minor Subdivision for Parcel No. 200740010, Outlot A, Farmers Bluff, to allow time for staff to prepare language stipulating the park land dedication of ten percent of the buildable area is determined by the pre-subdivided parcel, or a combination of parcel 1 and parcel 2, with the park site located on parcel 1, and that the requirement shall transfer with any change of ownership. ALL VOTED AYE. MOTION CARRIED.

The Council recessed at 7:37 p.m. and reconvened at 7:41 p.m.

8.3. Resolution 10-144 Approving Architectural Services for the Episcopalian Church Restoration Project.

Mayor Lies referenced a memo dated December 6, 2010 from Community Development Director Rosenfeld regarding architectural services for the Episcopalian Church restoration project.

Community Development Director Rosenfeld explained that staff was directed at the October 25 Council Workshop to obtain three estimates for architectural services to assist the City with the Episcopal Church of the Transfiguration restoration project. Staff received three estimates and has reviewed all proposals. Proposals were received from SMSQ Architects, MacDonald & Mack Architects, and Paulsen Architects. Staff recommends the Council award the low bid to SMSQ Architects. Staff recommends the funds to secure architectural services for the restoration project are utilized from the grant funds. f the Council does not want to utilize grant funds for these services, staff would like further direction from Council as to where the funds will be depreciated from the City's budget, as this is not a budgeted item. Staff recommends utilizing SMSQ Architects for architectural services, Option 1, only doing was is covered with the remaining grant funds. The total grant award is $72,605. Architectural services total $7,000, resulting in remaining grant funds for work on the church of $65,605. The budget submitted to the MN Historical Society will need to be adjusted accordingly, if the Council chooses to utilize grant funds for securing architectural services.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Resolution 10-144 Approving Architectural Services for the Episcopalian Church Restoration Project. ALL VOTED AYE. MOTION CARRIED.

8.4. Authorizing Improvements to Library Facility at 125 West Main Street.

Mayor Lies referenced a memo dated December 6, 2010 from City Administrator Murphy regarding improvements to the library.

City Administrator Murphy explained staff has received prices for the removal and replacement of the carpet in the Rose Room and tile in the bathrooms and both entryways at the library. The price includes leveling the floors for tile installation due to the shifting experienced after the current tile was installed.

Mr. Richard Peterson, Friends of the Library, indicated that he personally would like to see the Friends fund the carpeting to the Rose Room and in addition remove the wall paper in the Rose Room and have it painted. Mr. Peterson will bring this to the Friends of the Library Board for action. In the event the Friends of the Library donate to this project, the donation would be put on the agenda to be accepted by the City Council and for the City to thank the Friends for their continued support.

MOTION by Councilmember Trost, second by Councilmember O'Laughlin, to award the low quote of $10,870.00 to Hennen Furniture for the replacement of the carpet in the Rose Room and the replacement of floor tile in the front and rear entrances at the Community Library, with application of donated funds from the Friends of the Library for the improvement project. ALL VOTED AYE. MOTION CARRIED.

8.5. Public Works Department.

1. Authorize the Upgrade of a Mower and Deck.

Mayor Lies referenced a memo dated December 6, 2010 from Public Works Superintendent Fahey regarding the upgrading of the mower and deck.

Public Works Superintendent Fahey explained the public works department has been using a John Deere 997Z front cut mower for the maintenance of the City's property. Staff is recommending replacement of this unit with a John Deere 1445 front cut mower. The 1445 we are currently using should be in the rotation to be traded as it is one year older than the 997Z. Public Works Superintendent Fahey recommended to keep it and replace the 997Z with another 1445. He further explained that the 997Z is only for mowing grass while the 1445 can adapt to winter attachments. The 997Z has a tendency to tear the grass when turning and has not proven to be any faster at mowing than the1445. The Public Works Committee has had discussion on this item and makes a recommendation to Council to replace the 997Z with a John Deere 1445 front cut mower. This item is included in the public works capital improvement plan.

Councilmember Trost did not agree with the purchase of the new mower and deck. He preferred the City keep the equipment longer.

MOTION by Councilmember O'Laughlin, second by Councilmember Lange, to authorize the replacement of the John Deere 997Z with a John Deere 1445 commercial front cut mower at the purchase price of $13,623.58 plus tax after trade. Councilmember Trost VOTE NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

2. Authorize the Upgrade of a Snow Blower.

Mayor Lies referenced a memo dated December 6, 2010 from Public Works Superintendent Fahey regarding the upgrade of the snow blower.

Public Works Superintendent Fahey explained the public works department utilizes a tractor mounted snowblower to clear the city trails and parking lots. This unit is due for replacement and staff recommends upgrading this snowblower to a commercial unit. With the City getting more trails built abutting roadways it is becoming more difficult to remove the snow on these trails because the snowplows discharge the snow from the road onto them. The snowblower that would replace the current one will be placed onto the 5400 tractor which is a bigger tractor with more horsepower. The Public Works Committee discussed this request and makes a recommendation to Council to purchase the commercial snowblower for the replacement. This item is included in the public works capital improvement plan.

Councilmember Trost was opposed to the purchase. He commented that the recent purchase of a skid steer would suffice.

MOTION by Councilmember Coop, second by Councilmember Lange, to approve the purchase of a replacement and upgraded Erskine 721FM snowblower from Ag Power at a cost of $6,500.00 plus tax after trade. Councilmembers Trost and O'Laughlin VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Joint EDA & Park Board, 5:00 p.m. Monday, Dec. 13.
2. Planning Commission, 7:00 p.m., Monday, Dec. 13.
3. Area Townships – 201 Funds, 6:00 p.m. Tuesday, Dec. 14.
4. Public Works Committee, 8:30 a.m., Thursday, Dec. 16.
5. Open House, Council –Staff, 5:00 p.m. Monday, Dec. 20.
6. City Council, 6:00 p.m., Monday, Dec. 20.
7. Design Committee, 5:00 p.m., Tues., Dec. 21.
8. City Offices Close at Noon on Thursday, Dec. 23.
9. City Offices Closed, Friday, Dec. 24.
10. Work Session, 6:00 p.m., Monday, Dec. 27.

The Council was reminded of the upcoming meetings as listed.

Councilmember Trost commented that he was upset with the recent scheduling of the committee-of-whole meeting involving the area townships and ambulance fund. It was his understanding that it was an ambulance committee meeting, not committee-of-the-whole. Councilmember O'Laughlin concurred. It was the consensus of the Council to direct staff to cancel the committee-of-the-whole meeting scheduled for 6:00 p.m. on Tuesday, December 14, 2010 and reschedule it as an ambulance committee meeting at 6:00 p.m. on Tuesday, December 21, 2010.

10. ADJOURN.

MOTION by Councilmember O'Laughlin, second by Councilmember Lange, to adjourn at 8:12 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary