BELLE PLAINE CITY COUNCIL
REGULAR SESSION
DECEMBER 17, 2012

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 17, 2012 at 6:00 p.m. in the council chambers of City Hall, 218 North Meridian Street, Belle Plaine, MN. Mayor Tim Lies called the meeting to order with Councilmembers Gary Trost, Cary Coop, Scott Schneider and Paul Chard present. Councilmember Michael Pingalore was not present.

Also present were City Administrator David Murphy, Community Development Director Trisha Rosenfeld, Public Works Superintendent Al Fahey, Police Chief Tom Stolee, City Engineer Joe Duncan and City Attorney Bob Vose. Zachary Schoenecker served as the video recording operator.

3. APPROVAL OF AGENDA.

City Administrator Murphy requested the addition of business item 8.5., Accepting the Resignation of Police Officer Bryan Pasek.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of December 3, 2012.
4.2. Truth in Taxation Hearing Minutes of December 3, 2012.
4.3. Resolution 12-146 Approving Non-Conforming Expansion Permit for Blattner and Saremi Properties at 200 West Beaver Street.
4.4. Authorization to Seek Art Teacher for Arts in the Park Program.
4.5. Resolution 12-149 Closing Main St. Project Fund 605.
4.6. Resolution 12-150 Closing Funds TIF 1-2 (702) and 2004E GO TIF Refunding Bond (529) and Transferring Funds from the General Fund (101), the TIF 1-2 Fund (702) and the TIF 1-3 Fund (703) to Zero Out the Balance of the Funds 702 and 529.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the consent agenda as follows: 4.1. Regular Session Minutes of December 3, 2012, 4.2. Truth in Taxation Hearing Minutes of December 3, 2012, 4.3. Resolution 12-146 Approving Non-Conforming Expansion Permit for Blattner and Saremi Properties at 200 West Beaver Street, 4.4. Authorization to Seek Art Teacher for Arts in the Park Program, 4.5. Resolution 12-149 Closing Main St. Project Fund 605, and 6. Resolution 12-150 Closing Funds TIF 1-2 (702) and 2004E GO TIF Refunding Bond (529) and Transferring Funds from the General Fund (101), the TIF 1-2 Fund (702) and the TIF 1-3 Fund (703) to Zero Out the Balance of the Funds 702 and 529. 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. 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.

No one spoke at the public forum.

7. PUBLIC HEARINGS – NONE SCHEDULED.

8. BUSINESS.

8.1. Presentation of Claims.
1. Pay Request No. 5 by Chard Tiling for $ 41,284.63 for the 2012 Street Improvement Project.
2. Pay Request No. 4 by Chard Tiling for $ 21,169.83 for the 2012 Chestnut Street Ravine Project.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the Presentation of Claims, Pay Request No. 5 by Chard Tiling for $ 41,284.63 for the 2012 Street Improvement Project, and Pay Request No. 4 by Chard Tiling for $ 21,169.83 for the 2012 Chestnut Street Ravine Project. ALL VOTED AYE. MOTION CARRIED.

8.2. Annual Renewal Liability Insurance – Jeff McDonald, Canopy Group.

Mayor Lies referenced a memo dated December 17, 2012 from Finance Director Meyer regarding the annual renewal of liability insurance.

Finance Director Meyer explained the City’s insurance coverage from the League of Minnesota Cities Insurance Trust must be renewed annually. The City Council must annually adopt a resolution establishing the per occurrence liability limit as well as elect open meeting law coverage for the entire Council. Staff recommends that the deductible remain set at $2,500.

Mayor Lies welcomed Jeff McDonald from the Canopy Group.

Mr. McDonald provided a brief summary of the City’s liability insurance. There is an approximate 5% increase in the premium.

1. Resolution 12-132 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.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve Resolution 12-132 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 12-147 Approving Concept Plan for Valley Business Park Second Addition.

Mayor Lies referenced a memo dated December 17, 2012 from Community Development Director Rosenfeld regarding a concept plan for Valley Business Park Second Addition.

Community Development Director Rosenfeld explained the City of Belle Plaine is requesting the review of a concept plan for Valley Business Park Second Addition in order to plat the property. The property is zoned I-C, Industrial Commercial. Attached to Community Development Director Rosenfeld's memo was a proposed draft of the new lot layout for Valley Business Park Second Addition. The properties are currently accessed via Diversified Drive and the city is proposing an additional driveway from South Street (CR 7) from Scott County, to be aligned with Maple Street. Staff recommends approval, contingent upon the preliminary and final plat are reviewed by Scott County regarding the additional access from CR 7.

Councilmember Coop inquired about the location of the proposed driveway. Community Development Director Rosenfeld provided an explanation.

MOTION by Councilmember Chard, second by Councilmember Coop, to approve Resolution 12-147 Approving Concept Plan for Valley Business Park Second Addition. ALL VOTED AYE. MOTION CARRIED.

8.4. Ordinance 12-08, Amending the City Code by Amending Section 408.03 pertaining to the start times for refuse haulers.

City Administrator Murphy explained that a resident had approached the city in response to the allowable start times of refuse haulers. At their meeting on November 6, 2012, the Public Works Committee discussed this issue and recommended a change to the allowable start time of refuse haulers. Section 408.03 of the City Code indicates a start time of 6:00 a.m. while construction activities are restricted to start no earlier than 7:00 a.m. The Public Works Committee believes refuse haulers should be restricted to a start time of not earlier than 7:00 a.m., the same as construction activities. Ordinance 12-08 has been prepared accordingly. The licensed haulers have been notified of the proposed amendment.

Public Works Superintendent Fahey explained that he has spoken with the two licensed haulers and both have indicated that they are amenable to the proposed start time. Councilmember Coop inquired about parliamentary procedure for action on this issue. City Attorney Vose explained that due to new information provided, this issue is not classified as "reconsider" action. Councilmember Coop asked if a delay in start time by the refuse haulers will conflict with school buses. Public Works Superintendent Fahey explained that it would not impact the school bus routes. Police Chief Stolee commented that he supports a synchronized start time for all contractor activities. Councilmember Schneider did not support an amendment change due to the small number of complaints the city has received.

MOTION by Councilmember Trost, second by Councilmember Chard, to adopt Ordinance 12-08, Amending the City Code by Amending Section 408.03 pertaining to the start times for refuse haulers. Councilmember Schneider VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.5. Accepting the Resignation of Police Officer Bryan Pasek and Approving Separation Agreement.

City Administrator Murphy explained that Police Officer Bryan Pasek has resigned from his position as patrol officer and a separation agreement has been prepared for council approval. Staff recommends approval of the agreement.

Councilmembers Trost and Chard were opposed to three months of paid leave for Officer Pasek.

MOTION by Councilmember Coop, second by Councilmember Schneider, to accept the resignation of Police Officer Bryan Pasek and approve the separation agreement as presented. Mayor Lies and

Councilmembers Schneider and Coop VOTED AYE. Councilmembers Trost and Chard VOTED NAY. MOTION CARRIED.

Recess Regular Session.

City Attorney Vose explained the purpose of the closed session is for the council to consider a real estate offer. City Administrator Murphy identified the property as PID 019120110, located east of Oakcrest Elementary School.

Mayor Lies recessed the regular session at 6:38 p.m.

8.6. Closed Session – Land Acquisition Proposal.

Mayor Lies announced the closed session at 6:42 p.m. with Councilmembers Chard, Schneider, Coop and Trost present. Also present were City Administrator Murphy and City Attorney Vose.

The council discussed a land acquisition proposal.

Reconvene Regular Session.

Mayor Lies reconvened the regular session at 6:55 p.m.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. City Offices Close at Noon, Monday, December 24.
2. City Offices Closed Christmas Day, Tuesday, December 25.
3. City Offices Close at Noon, Monday, December 31.
4. City Offices Closed New Year's Day, Tuesday, January 1.
5. Public Safety, 4:00 p.m., Wednesday, January 2.
6. City Council, 6:00 p.m., Monday, January 7.
7. Public Works, 11:00 a.m., Tuesday, January 8.

The council was reminded of the upcoming meetings as listed.

10. ADJOURN.

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

Respectfully submitted,

Patricia Krings
Recording Secretary