

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
JANUARY 4, 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, January 4, 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 Dawn Underferth, Jim Lange, Gary Trost, 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, City Engineer Joe Duncan, City Attorney Bob Vose and Video Recording Operator Shawn Vossen and Trainee Bethany Dempsey.

3. APPROVAL OF AGENDA.

Councilmember Trost requested that the council retreat scheduled for Saturday, January 9, 2010, be cancelled and removed from the agenda.

MOTION by Councilmember O'Laughlin, second by Councilmember Lange, to remove the council retreat scheduled for January 9, 2010 and to approve the remaining agenda as presented. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

- 4.1. Regular Session Minutes of December 21, 2009.**
- 4.2. Resolution 10-001 Adoption of Official and Professional Appointments.**
- 4.3. Resolution 10-002 Adoption of Committee Appointments.**
- 4.4. Resolution 10-003 Approving Retiree Monthly Insurance Benefit.**
- 4.5. Resolution 10-004 Appointing Finance Director Dawn Meyer as Temporary Acting City Administrator in the Absence of the City Administrator.**
- 4.6. Resolution 10-005 Declaring the Official Intent of the City of Belle Plaine to Reimburse Certain Expenditures from the Proceeds of Bonds to be Issued by the City.**
- 4.7. Resolution 10-006 Appointing Bethany Dempsey as a Video Recorder Operator.**
- 4.8. Authorizing Wage Scale Increase to Match Federal Minimum Wage for Community Recreation Employees.**

MOTION by Councilmember Trost, second by Councilmember Underferth, to approve the consent agenda as follows: 1. Regular Session Minutes of December 21, 2009, 4.2. Resolution 10-001 Adoption of Official and Professional Appointments, 4.3. Resolution 10-002 Adoption of Committee Appointments, 4.4. Resolution 10-003 Approving Retiree Monthly Insurance Benefit, 4.5. Resolution 10-004 Appointing Finance Director Dawn Meyer as Temporary Acting City Administrator in the Absence of the City Administrator, 4.6. Resolution 10-005 Declaring the Official Intent of the City of Belle Plaine to Reimburse Certain Expenditures from the Proceeds of Bonds to be Issued by the City, 4.7. Resolution 10-006 Appointing Bethany Dempsey as a Video Recorder Operator and 4.8. Authorizing Wage Scale Increase to Match Federal Minimum Wage for Community Recreation Employees. 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. The Council discussed the pre-wet salt application for icy roads. Councilmember Coop requested that the Public Works apply salt to the Laredo Street/South Street intersection. The Council acknowledged receipt of the Public Works Department report.

5.3. Engineer Report.

City Engineer Joe Duncan was present. Councilmember Trost requested that MnDOT install a four-way stop at the intersection of Commerce Drive and Main Street. City Engineer Duncan will help facilitate action by MnDOT. Mayor Lies suggested the City Council adopt a resolution supporting the installation of stop signs. Councilmember Trost suggested that the Police Department perform traffic control at the subject intersection during school busing. The Council acknowledged receipt of the Engineer Report.

5.4. City Administration Report.

City Administrator David Murphy was present. He noted that the Kingsway Retirement Center will be hosting an event for city officials in the near future and anyone interested in participating in this forum should contact him. The Council acknowledged receipt of the City Administration report.

6. PUBLIC FORUM.

Wayne Schmidt, 23100 Oakcrest Trail, commented that he was disappointed that he was not invited to attend the council work session on December 28, 2009 at which the council discussed proposed zoning changes. He asked that a parcel of his land remain at A-2, Rural Residential, rather than changing to R-3, single and two family residential. He distributed tax statements for his parcels of land.

7. PUBLIC HEARINGS- NONE SCHEDULED.

8. BUSINESS.

8.1. Presentation of Claims.

Finance Director Meyer explained that additional claims have been added and referenced the updated claims report that was distributed to the council.

Councilmember Trost commented on the lack of response in repairing street lights by Xcel Energy. He suggested that the City withhold the monthly utility payment for Xcel until they respond. Public Works Superintendent Fahey explained that the street light out at County Road 64 and Hickory is under repair by a local electrician. He also noted that the street light is located in the jurisdiction of Minnesota Valley Electric Co-op. Councilmember Trost stated that there are many street lights that have been in need of repair for many months and questioned why staff has not been successful in their attempt to get the lights fixed. Public Works Superintendent Fahey explained that not all the street lights are under contract with Xcel. He explained that there are newer subdivisions that have not been included in the Xcel repair contract. City Attorney Vose explained that many cities in the metro area, including Belle Plaine, have a service contract with Xcel. The service contract does not include replacement of street lights, only repair. City Attorney Vose further explained the City may withhold payment on any bill that it disputes. Councilmember Lange asked about the costs to cancel the contract with Xcel and other options that the City may have. It was the consensus to forward this issue to the Public Works Department for further research and recommendation.

8.2. Resolution 10-007 Approving Memorandum of Understanding for CSAH 3 Improvements.

Mayor Lies referenced a memo dated January 4, 2010 from Community Development Director Rosenfeld regarding the Memorandum of Understanding for CSAH 3 improvements.

Community Development Director Rosenfeld explained that the City of Belle Plaine and Scott County are currently undergoing the CSAH 3 and TH 169 Grade Separation Study with Bolton & Menk. Scott County has recently indicated to the City that an agreement is necessary to allow for Scott County to make payment to the City for their portion of the cost of the study. Attached with Community Development Director Rosenfeld's memo was a proposed agreement drafted by Scott County, and reviewed by City staff and legal counsel.

MOTION by Councilmember Lange, second by Councilmember Coop, to approve Resolution 10-007 Approving Memorandum of Understanding for CSAH 3 Improvements. ALL VOTED AYE. MOTION CARRIED.

8.3. Proposal for Building Inspection Services with the City of Henderson.

Mayor Lies referenced a memo dated January 4, 2010 from Community Development Director Rosenfeld regarding a proposal for building inspection services with the City of Henderson.

Community Development Director Rosenfeld explained that on December 17, 2009, the City of Belle Plaine received a letter seeking proposals to provide building inspection services within the City of Henderson. Currently, Henderson is on the 1982 fee schedule and general/plumbing/mechanical permits are \$25.00. At that fee schedule it which would not cover the costs of providing the service. Over the last three years Henderson has averaged 38 permits with 2 new construction projects and just under \$400,000 total valuation per year. Staff has reviewed the request for proposal (RFP) and prepared a cover letter and proposal for submittal. The proposal includes a cost breakdown of the permit and plan review fees. Staff has prepared the following options for Council to consider. Options 1 and 2 utilize the 1994 UBC fee schedule with general/plumbing/mechanical permits at \$50.00 each. Staff recommended Option 3 and further explained that the hourly wage for the Building Official (including all benefits) is \$48.07. Staff recommends that a set time be established for building inspections, and permit pick and drop off.

Option 1 - 50/50 split on building permit fees, 75/25 split on plan review fees and 75/25 split on general/plumbing/mechanical permit fees.

Option 2 - \$75.00 per hour (each trip min. 1 hour), 75/25 split on plan review fees.

Option 3 - would utilize the current Henderson fee schedule, proposal for \$75.00 per hour (each trip min. 1 hour), 100/0 split on plan review fees.

Councilmember Lange commented that Option 3 may cause difficulty for the City of Henderson to determine its permit fee.

MOTION by Councilmember Lange, second by Councilmember Underferth, to direct staff to proceed with submitting a proposal for building inspection services with the City of Henderson at a fee of \$75.00 per hour (each trip min. 1 hour), 100/0 split on plan review fees, and utilizing the current Henderson fee schedule. ALL VOTED AYE. MOTION CARRIED.

8.4. Reading of Ordinance 09-06, Amending the Zoning Ordinance by Amending the Official Zoning Map to Rezone Property to Maintain Consistency with the Comprehensive Plan's Future Land Use Map.

Mayor Lies referenced a memo dated January 4, 2010 from Community Development Director Rosenfeld regarding Ordinance 09-06.

Community Development Director Rosenfeld explained that the Belle Plaine 2008 Comprehensive Plan was adopted on March 16, 2009. As one of the requirements set forth by Minnesota State Statute 463.864, municipalities must maintain consistency between its Comprehensive Plan's Future Land Use and the Official Zoning Map. This requires amending the City Ordinance by amending the official zoning map to rezone property. The proposed rezoning of certain properties reflects the 2008 Comprehensive Plan's Future Land Use Map. All properties have been properly notified, in both the development and implementation stages of the Comprehensive Plan. Upon adoption of the amended City zoning map, reflecting the proposed zoning changes, the properties being rezoned will be required to follow the regulations of their new zoning classification. As with most rezoning of properties, this may create nonconforming properties. Nonconforming properties must follow the regulations in City Code Section 1102.00, Non-Conforming Lots, Uses and Structures. Upon adoption of the amended City zoning map, the new zoning map will be used as the Official Zoning map of the City. The Planning Commission discussed this issue at the December 14, 2009 meeting. With a unanimous vote to recommend to the City Council, the Commissioners voted in favor of implementing the new zoning changes. The City Council discussed this at their December 21, 2009 council meeting. Local property owners, Ed Townsend and Wayne Schmidt, were present for the public hearing at the Council meeting. These property owners were not in favor of the proposed rezoning of their respective properties. The Council decided to table action and to further discuss at the December 28, 2009 workshop. The Council members recommended to adopt the zoning changes as previously presented.

Community Development Director Rosenfeld referenced a statement from the Scott County Assessor's office regarding the taxing of property.

Mayor Lies explained that the council discussed the rezoning of certain parcels, including property owned by Ed Townsend and Wayne Schmidt. At the work Session, the Council concluded that the property taxes are based on the use of the land, not the zoning. The zoning of Mr. Schmidt's land is proposed to change from A-2 to R-3. Mr. Schmidt explained that the zoning and taxing laws are complicated. Councilmember Underferth commented that the classification shown on Mr. Schmidt's property tax statement is not the same as zoning. City Attorney Vose concurred, stating that the property taxes are based upon use, not zoning.

City Administrator Murphy commented that the Schmidt parcels are platted with a lot/block designation rather than metes and bounds, indicating that the property has been platted for residential development. Mr. Schmidt stated that he has no intention of developing the property for a number of years. He asked whether the City could guarantee that the re-zoning will be affected by property taxes. Finance Director Meyer explained that property values can be appealed at the Board of Equalization meeting held in April of each year.

City Attorney Vose explained that approval by Met Council is necessary for certain zoning changes. Community Development Director Rosenfeld explained that if there is an increase in density, then a comp plan amendment is necessary. If there is a decrease in density, no amendment is needed. Councilmember O'Laughlin commented that rezoning should be done under careful scrutiny to avoid unwanted consequences for the property owner as well as the City. Mayor Lies commented that the next Comp Plan Update may include some of these rezone requests. Community Development Director Rosenfeld explained that the Met Council requires that Comp Plan Updates be completed every 10 years. It was suggested to update the Plan every five years, with the previous growth of the City.

MOTION by Councilmember Underferth, second by Councilmember Lange, to approve the reading of Ordinance 09-06, Amending the Zoning Ordinance by Amending the Official Zoning Map to Rezone Property to Maintain Consistency with the Comprehensive Plan's Future Land Use Map, as presented.

MOTION by Councilmember Coop to amend the motion to include a zoning change in the Schmidt parcel of land from R-3, single and two family residential, to A-2, rural residential.

Mayor Lies called for a second on the motion. There was no response. Motion failed for lack of a second.

Mayor Lies then called for a vote on the main motion, which read as follows:

MOTION by Councilmember Underferth, second by Councilmember Lange, to approve the reading of Ordinance 09-06, Amending the Zoning Ordinance by Amending the Official Zoning Map to Rezone Property to Maintain Consistency with the Comprehensive Plan's Future Land Use Map, as presented. Councilmember Coop VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.5. Scheduling Joint Session with the Belle Plaine Chamber of Commerce.

Mayor Lies referenced a memo dated January 4, 2010 from City Administrator Murphy regarding a request for a joint session by the Chamber of Commerce.

Councilmember Trost commented that he would like specifics as to what issues the Chamber would like to discuss. Councilmember Lange, a member of the Chamber Board, commented that he was not aware of the request by the Chamber. Mayor Lies suggested that the Chamber meet with the EDA rather than the City Council. Councilmember Coop commented that he believes it is a good idea for the Council to meet with the members of the Chamber. Councilmember O'Laughlin requested that the Chamber provide details on their agenda items. Mayor Lies suggested that the City Administrator Murphy obtain the topic items and that the Chamber should meet with the EDA as a first step. Councilmember Trost commented that he does believe the joint session should be held at a workshop; he suggested it be scheduled at a regular City Council meeting.

It was the consensus to direct the City Administrator Murphy to contact the Chamber of Commerce to obtain further details regarding the agenda items for the joint session.

8.6. Schedule Interviews with Candidates for Boards and Commissions.

Mayor Lies referenced a memo dated January 4, 2010 from City Administrator Murphy regarding the scheduling of interviews with candidates for the City boards and commissions.

Councilmember Trost commented that appointments can be made without interviews. Councilmember O'Laughlin was not in agreement and favored interviews with the candidates. Mayor Lies concurred with Councilmember O'Laughlin.

MOTION by Councilmember Underferth, second by Councilmember Coop, to direct staff to scheduled interviews starting at 5:30 p.m. on Monday, January 25, 2010, just prior to the scheduled work session. The interviews are to be scheduled at 5-minute intervals. Councilmember Trost VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.7. Discussion on Refuse Haulers.

Mayor Lies referenced a memo dated January 4, 2010 from City Administrator Murphy regarding refuse haulers.

Councilmember Trost requested that the council consider placing a moratorium on the licensing of new refuse haulers to reduce the number of refuse trucks on residential streets.

MOTION by Councilmember Trost, second by Councilmember O'Laughlin, to place a one-year moratorium on the licensing of new refuse haulers.

City Attorney Vose explained that use of the word "moratorium" is a term used for placing a hold on new development. He stated that the council can restrict refuse haulers by resolution.

MOTION by Councilmember Trost, second by Councilmember O'Laughlin, withdrew their motion and second.

MOTION by Councilmember O'Laughlin, second by Councilmember Trost, to place a 12-month hold on new applications for refuse hauling. Councilmembers Trost and O'Laughlin VOTED AYE. Mayor Lies and Councilmembers Underferth, Lange and Coop VOTED NAY. MOTION FAILED.

Councilmember Coop commented that he does not support monopolistic pricing by limiting refuse hauling to two haulers. He suggested a sub-committee review this issue. Councilmember Trost explained that he is concerned with damage to city streets rather than pricing. He stated he supports contract hauling. Councilmember O'Laughlin supported further research on this issue to help define a policy. Public Works Superintendent Fahey commented that there are a number of refuse haulers in the area.

Mike Fogarty, 208 Oakwood Circle, spoke in favor of open competition of waste haulers.

MOTION by Mayor Lies, second by Councilmember Underferth, to have the City Council review new refuse hauling applications and to determine approval or denial of the refuse hauling permit. ALL VOTED AYE. MOTION CARRIED.

It was the consensus of the Council to direct this issue to the Public Works Committee for further research.

8.8. Discussion on the Scheduling of Personnel Committee Meetings.

Mayor Lies referenced a memo dated January 4, 2010 from City Administrator Murphy regarding the scheduling of personnel committee meetings.

City Administrator Murphy explained that the idea of a personnel committee meeting has been brought forward at previous Council meetings.

Mayor Lies explained that it is appropriate to review the job performance of City Administrator Murphy.

It was the consensus to schedule a personnel committee meeting in February.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Interviews with Police Chief Candidates, Saturday, January 9.**
- 2. EDA, 5:00 p.m., Monday, January 11.**
- 3. Planning Commission, 7:00 p.m., Monday, January 11.**
- 4. Park Board, 5:00 p.m., Tuesday, January 12.**
- 5. Martin Luther King, Jr. Day – Offices Closed – January 18.**
- 6. HRA, 5:30 p.m., Tuesday, January 19.**
- 7. City Council, 6:00 p.m., Tuesday, January 19.**

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Lange, second by Councilmember Underferth, to adjourn at 8:11 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary