

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
JANUARY 19, 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 Tuesday, January 19, 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, Attorney Linda Thompson filling in for City Attorney Bob Vose and Video Recording Operator Beth Dempsey.

3. APPROVAL OF AGENDA.

MOTION by Councilmember Coop, second by Councilmember Underferth, to approve the agenda as presented. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of January 4, 2010.

4.2. Work Session Minutes of December 28, 2009.

4.3. Resolution 10-008 Correcting Legal Description for Right-of-Way Plat No. 3.

4.4. Resolution 10-009 Authorizing the 2010 Annual Recycle/Clean Up Day.

MOTION by Councilmember Underferth, second by Councilmember O'Laughlin, to approve the consent agenda as follows: 4.1. Regular Session Minutes of January 4, 2010, 4.2. Work Session Minutes of December 28, 2009, 4.3. Resolution 10-008 Correcting Legal Description for Right-of-Way Plat No. 3 and 4.4. Resolution 10-009 Authorizing the 2010 Annual Recycle/Clean Up Day. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

Ridgeview Ambulance Manager Doug Sweeney was present. Protocol questions or any other information that is requested by the City Council can be directed to City Administrator Murphy, who will then forward the requests to Mr. Sweeney. The Council acknowledged receipt of the Ambulance Department report.

5.2. Fire Department.

Fire Chief Randy Koeppe was present. The Council acknowledged receipt of the Fire Department report.

5.3. Police Department.

Councilmember Trost requested staffing information for the Belle Plaine Police Department. City Administrator Murphy will supply the information. The Council acknowledged receipt of the Police Department report.

5.4. Community Development Department.

Community Development Director Trisha Rosenfeld was present and explained the Chamber of Commerce members will be invited to the EDA meeting on February 8, 2010 to discuss roles and responsibilities. The Council acknowledged receipt of the Community Development Department report.

5.5. City Administration Report.

City Administrator David Murphy was present. Councilmember Trost recommended that staff meet with the utility companies, particularly Xcel Energy and Minnesota Valley Electric Co-operative, regarding service contracts. This issue will be placed on a future Public Works Committee meeting agenda. The Council acknowledged receipt of the City Administration report.

6. PUBLIC FORUM.

No one spoke at the public forum.

7. PUBLIC HEARINGS.

7.1. Variance – Sign. The City Council will accept public comment on a request by Brett DeWitt, Allen Industries, 4100 Sheraton Ct, Green Shore, NC, for a variance from Section 1107.20, Subd. 8, of the Zoning Ordinance to allow the installation of an electronic message sign that does not include a public service announcement at the Belle Plaine Dairy Queen, 325 South Walnut Street, in the B-2, Highway Commercial District.

Mayor Lies referenced a memo dated January 19, 2010 from Community Development Director Rosenfeld regarding a request for a sign variance from the owners of the Belle Plaine Dairy Queen.

Community Development Director Rosenfeld explained that Brett Dewitt, Allen Industries, is requesting review of a variance to install an electronic message sign at the property of 325 South Walnut Street, Belle Plaine Dairy Queen site. Flashing signs, motion signs, illuminated revolving beacons, zip flashers, neon lights or similar devices are prohibited in any district, with the exception of public service informational signs. The applicant has indicated they will not be displaying the temperature or time on the proposed sign, and therefore it cannot be classified as a public service informational sign. This has resulted in the variance request. The proposed sign will be located in the same location as the current, vertical freestanding sign. A photo of the current sign was attached with Community Development Director Rosenfeld's memo. Community Development Director Rosenfeld further explained that in May of 2007, the Planning Commission and City Council granted a variance for the installation of a similar sign, not classified as a public service informational sign at 235 Ash Street South, the Borough Bowl site. The applicant for 235 Ash Street South also specified a hardship indicating the sign is needed to regain lost business as a result of TH 169 construction. If this type of sign will be allowed by approval of a variance, staff requests changing the ordinance language. This was discussed with the previous variance approval for Borough Bowl also. The Planning Commission recommended approval of the variance contingent upon the following conditions: 1) The sign is compliant with all aspects of the zoning ordinance, 2) The applicant provides a general summary of information to be displayed on the proposed sign (i.e. promotional programs, specials, etc...) for City staff approval prior to installation, and 3) No illumination created from the proposed sign shall cast glare or flash in an unreasonable distracting manner to vehicular traffic on the adjacent right-of-way.

Mayor Lies opened the public hearing at 6:14 p.m.

Tony Jewitt, co-owner of the Belle Plaine Dairy Queen, requested approval of the variance and explained that the franchise agreement requires compliance with Dairy Queen standards and the signage at the site needs updating.

MOTION by Councilmember Lange, second by Councilmember Coop, to close the public hearing at 6:16 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 10-010 Granting Approval of Variance to Allow Electronic Signage at Belle Plaine Dairy Queen.

MOTION by Councilmember Lange, second by Councilmember Coop, to approve Resolution 10-010 Granting Approval of Variance to Allow Electronic Signage at Belle Plaine Dairy Queen. ALL VOTED AYE. MOTION CARRIED.

7.2. Ordinance 10-01. The City Council will accept public comment on proposed Ordinance 10-01, amending Section 1107.20, Subd. 3 (5) of the Zoning Ordinance by amending language allowing perpendicular signs in the B-3, Central Business District. (The Planning Commission tabled action Ordinance 10-01.)

Mayor Lies referenced a memo dated January 19, 2010 from Community Development Director Rosenfeld regarding proposed Ordinance 10-01.

Community Development Director Rosenfeld explained that a recommendation from the Design Committee, the Planning Commission, and City Council have called for public hearings to propose new language to the City's current sign ordinance. Currently the language in the Belle Plaine Design Manual conflicts with the zoning ordinance. The current language in the zoning ordinance reads as follows: Section 1107.20 Subd 3. Prohibited Signs: All Districts (5) Projecting signs perpendicular to the building shall not be permitted in any district. Attached with Community Development Director Rosenfeld's memo was proposed Ordinance 10-01, providing details of the language regarding allowing projecting signs in the B-3, Central Business District. The Planning Commission discussed the prohibition of product advertising on the signs. The Planning Commission tabled action until they receive a recommendation from the Design Committee regarding the allowance of perpendicular signs in the commercial and industrial districts as well as the B-3, Central Business District.

Mayor Lies opened the public hearing at 6:22 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Underferth, second by Councilmember Coop, to continue the public hearing and table action on Ordinance 10-01, amending Section 1107.20, Subd. 3 (5) of the Zoning Ordinance by amending language allowing perpendicular signs in the B-3, Central Business District, until a recommendation is received from the Planning Commission. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

MOTION by Councilmember O'Laughlin, second by Councilmember Coop, to approve the Presentation of Claims, including the additional list of payments as presented by the Finance Department. ALL VOTED AYE. MOTION CARRIED.

8.2. Resolution 10-011 Granting Approval of the Final Plat for Diversified Business Park Second Addition.

Mayor Lies referenced a memo dated January 19, 2010 from Community Development Director Rosenfeld regarding the final plat for Diversified Business Park Second Addition and the site plan for Coborns Superstore at 1010 East Enterprise Drive.

Community Development Director Rosenfeld provided a Power Point presentation and explained that Oppidan Inc. is requesting the review of the final plat and site plan application for the Coborn's SuperStore. The zoning classification proposed for the site is I-C, Industrial Commercial. The extension of Enterprise Drive (South Frontage Road) will be constructed in 2010 by the City. The developer is requesting three access points from Enterprise Drive into the development. The first proposed entrance into the development is a shared access aisle between Lot 1, Block 1 (Coborns), Outlot A (future retail center), and future development to the east (Les Buesgens property). A temporary easement will be necessary for construction grading. A permanent access easement will be necessary for access to the adjacent properties. Comments from both Scott County and Mn/DOT were attached with Community Development Director Rosenfeld's memo.

The traffic impact study has been completed and reviewed by both City staff and Scott County staff. The study prepared indicated this development does not trigger the necessity for additional improvements to County Road intersections (CSAH 5/CR 64). The City and County recommend this development participates financially in future intersection improvement upgrades at an appropriate percentage.

This development has 10 fueling service stalls, and 39,645 square feet of retail floor area space. The site currently represents a total of 201 standard parking spaces, 10 service stall spaces, and 7 handicap spaces. The applicant received a reduction to the requirements in the CUP approval. The number of stalls represented on the site plan is sufficient. Grading is necessary in Scott County right-of-way on the south side of CR 64 to allow for a future trail. A permit from Scott County will be necessary, and received prior to construction. A signage plan has been received and is currently being reviewed. Building elevations have been received and are currently being reviewed with the signage plan.

A color board for the texture and accurate representation of the color of the building, and additional dimensional and height information, was presented. The building elevations submitted indicate the amount of Class I materials for all sides of the building total nearly 25% of the exterior material types. The type of Class I materials represented are EIFS (stucco) and glass. The remainder of the exterior is Class II materials, consisting of painted rock-face and smooth block. The Design Committee will be reviewing the Site Plan for suggested recommendations at the upcoming meeting.

The landscaping plan submitted has been reviewed and is compliant with the zoning ordinance requirements. The applicant has indicated they will pay the fee, in lieu of the park land dedication. The current fee is \$2,935/acre. Total acreage to be charged for park fees is 5.75 acres. This does not include the one acre pond the developer is planning to deed to the City. Total park land fees due at time of final plat approval are \$16,876.25. This will be outlined in the Developer's Agreement and payable prior to construction.

The City Engineer has prepared comments enclosed, dated December 7, 2009 for the preliminary plat and CUP applications. The development will need to comply with all comments in the correspondence as a condition of the approvals. Recent correspondence, dated January 7, 2010, has been received. As no proposed changes have been made at the time of this report, additional review will be necessary by engineering once revised plans are received. Mn/DOT indicates a drainage permit will be required from them for this project. Building permits will not be issued until the drainage permit has been approved from Mn/DOT. Easements need to be corrected for all lots in the preliminary plat. The developer's agreement is being drafted and will be a condition of final plat approval. The Planning Commission reviewed the final plat and site plan and recommended conditional approval.

Councilmember Trost asked whether the issue regarding underground utilities at the site has been resolved. Community Development Director Rosenfeld explained yes, that the City is responsible for the design of infrastructure and the issues have been addressed with the developer.

The City Engineer had recommended the bump out be extended for the purpose of better traffic flow and improved safety for cross traffic. It would reduce the interior access from 65 feet to approximately 25 feet.

Pat Barrett, Oppidan, commented that he believes the curb line at the west entrance does not need to be extended. Mr. Barrett explained that he has done design for other Coborns and has found the design has worked in other cities. He asked that Oppidan proceed with the design as presented and that language be added to the developer's agreement that identifies the triggers and the mechanism for the bump out extension. Councilmember Trost stated he supported the curb extension when it initially was proposed. He asked how the triggers will be determined. City Engineer Duncan expressed concern for determining the specifics of requiring the extension at a future date. Mayor Lies inquired as to whether language such as this can be included in the developer's agreement. Community Development Director Rosenfeld explained that Oppidan has made the request. Councilmember Trost commented that it may be difficult to extend the curb at a future date because the members of the City Council and staff change over the years. Paul Tucci, Oppidan, stated that he believes the City Attorney and City Engineer can prepare specific language in the developer's agreement that would require Oppidan to extend the curb at a future date, if warranted, based upon certain criteria. City Engineer Duncan stated that criteria would relate to vehicular conflict. The opening is shown at approximately 65 feet on the site plan and he recommended a reduction to approximately 25 to 30 feet. Councilmember Trost commented that perhaps a compromise can be reached between the developer and staff. Mayor Lies recommended proceeding with granting approval, with stipulation that additional discussions among the developer, legal counsel and staff regarding the bump out extension at the Coborn's site.

MOTION by Councilmember Coop, second by Councilmember Underferth, to approve Resolution 10-011 Granting Approval of the Final Plat for Diversified Business Park Second Addition. ALL VOTED AYE. MOTION CARRIED.

8.3. Resolution 10-012 Granting Approval of a Site Plan for Coborns Superstore at 1010 East Enterprise Drive.

MOTION by Councilmember Lange, second by Councilmember Coop, to approve Resolution 10-012 Granting Approval of a Site Plan for Coborns Superstore at 1010 East Enterprise Drive. ALL VOTED AYE. MOTION CARRIED.

8.4. Resolution 10-015 Awarding the Sale of G.O. Improvement Refunding Bonds, Series 2010A, in the Aggregate Amount of \$3,375,000, Fixing Their Form and Specifications, Directing Their Execution and Delivery, and Providing for Their Payment.

Mayor Lies referenced a memo dated January 19, 2010 from Finance Director Meyer regarding refunding bonds.

Finance Director Meyer explained that on November 16, 2009, the City Council authorized the calling for the sale of G.O. Improvement Bonds for the purpose of refunding and restructuring several bond issues. The City proceeded with a bond rating from Standard & Poor, the conference call was held on January 11, 2010. Staff will update the Council on the outcome of the rating call at the Council meeting. Bids were taken on January 19, 2010.

Todd Hagen, financial consultant, Ehlers and Associates, was present. He provided a summary of the refunding bonds and restructuring bonds which will align with the assessments for past improvement projects. The restructured bonds will also provide a predictable cash flow and is financially favorable, saving the City money. Mr. Hagen announced that the City's financial management practices have been raised from "good" to "strong" and complimented the council and staff on their success.

Councilmember Lange asked Finance Director Meyer about the outcome of the bond sale and restructuring and its impact to the City. Finance Director Meyer stated that the bond sale had a very good outcome, and the interest savings is favorable for the City. She explained the recent financial decisions of the City have contributed to the rating upgrade.

MOTION by Councilmember Coop, second by Councilmember Underferth, to approve Resolution 10-015 Awarding the Sale of G.O. Improvement Refunding Bonds, Series 2010A, in the Aggregate Amount of \$3,375,000, Fixing Their Form and Specifications, Directing Their Execution and Delivery, and Providing for Their Payment. ALL VOTED AYE. MOTION CARRIED.

The Council recessed at 7:01 p.m. and reconvened at 7:06 p.m.

8.5. Resolution 10-013 Directing City Administrator to Make an Offer of Employment to Thomas Stolee as Belle Plaine Police Chief Contingent Upon Terms and Conditions.

Mayor Lies referenced a memo dated January 19, 2010 from City Administrator Murphy regarding the appointment of Police Chief.

City Administrator Murphy explained that interviews were held on Saturday, January 9, 2010 in the Rose Room at the Library. The consensus of the Council was to review the material over the week and to make a decision at the January 19, 2010 council meeting. The appointment is subject to successful psychological testing, background investigation, drug testing and the rules of the City's Personnel Policy. The comprehensive psychological testing will be completed by Gary Fischler & Associates at a flat rate of \$750. City Administrator Murphy recommended the background investigation be completed by Richard Setter and Associates at a cost of \$2,000 to \$2,200. Richard Setter and Associates is the most highly recommended background investigator for police officers. City Administrator Murphy explained that clients have indicated that Setter and Associates provide a thorough investigation, including financial stability, potential substance abuse, and other potential red flags. The starting pay step is to be determined by the council.

Mayor Lies explained the council needs to finalize the decision for the appointment of Police Chief. Councilmember Trost commented that both candidates are highly qualified. He recommended the appointment of Tom Stolee. Councilmember Trost suggested that Tom Stolee's wage be set at Step 1 of the wage scale. Councilmember Lange disagreed and recommended Step 3 of the wage scale. Councilmember Trost then agreed, referencing Mr. Stolee's past experience as Sergeant with the Belle Plaine Police Department.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Resolution 10-013 Directing City Administrator to Make an Offer of Employment to Thomas Stolee as Belle Plaine Police Chief, at Step 3 of the City's wage scale. ALL VOTED AYE. MOTION CARRIED.

Councilmember Trost suggested that the background investigation be done in house, rather than hiring a consultant. Mayor Lies concurred, citing cost savings.

MOTION by Councilmember Trost, second by Mayor Lies, to direct staff to perform an in-house background investigation for the appointment of Tom Stolee as Police Chief. ALL VOTED AYE. MOTION CARRIED.

8.6. Resolution 10-016 Awarding Bid for the 2010 TH169 South Frontage Road Project.

Mayor Lies referenced a memo dated January 19, 2010 from City Administrator Murphy regarding the award of bid.

City Administrator Murphy explained that bids were opened on January 12, 2010 in the Belle Plaine Council Chambers. Five bids were received and Chard Tiling and Excavating was the low bid at \$1,821,531.98. The Engineer's estimate was \$2,336,139.50.

City Engineer Duncan suggested that language be added to the resolution regarding the concurrence with the MnDOT and the Minnesota Office of Human Rights.

Councilmember Lange asked whether the City's cost will be reduced as a result of a favorable bid. City Engineer Duncan explained that the MnDOT funds have been capped, so the City's cost participation is reduced.

MOTION by Councilmember Lange, second by Councilmember Coop, to approve Resolution 10-016 Awarding Bid for the 2010 TH169 South Frontage Road Project. ALL VOTED AYE. MOTION CARRIED.

8.7. Resolution 10-014 Supporting Traffic Control at the Intersection of East Commerce Drive and TH25.

Mayor Lies referenced a memo dated January 19, 2010 from City Administrator Murphy regarding traffic control.

City Administrator Murphy explained that the need for additional traffic control at the intersection of East Commerce Drive and TH25 was discussed at the January 4, 2010 City Council Meeting. The wait times at peak hours have become significant and it was discussed to request that MnDOT perform a traffic study. It is anticipated that the problem will only become worse with the additional traffic the Coborns development will produce. The Resolution points out that the City is looking to the future to alleviate a problem in advance. This resolution requests that MnDOT perform an Intersection Control Evaluation (ICE) to correct the problem.

MOTION by Councilmember Trost, second by Councilmember Underferth, to approve Resolution 10-014 Supporting Traffic Control at the Intersection of East Commerce Drive and TH25. ALL VOTED AYE. MOTION CARRIED.

8.8. Public Works Facility Expansion Recommendation.

Mayor Lies referenced a memo dated January 19, 2010 from City Administrator Murphy regarding the public works facility expansion project.

City Administrator Murphy explained that the Public Works Facility Committee has reviewed the needs for the public works facility and has made a recommendation to the Council. The Committee recommends that public works facility be expanded at its current site. A proposed layout was included with City Administrator Murphy's memo. Option A provides for a 10,800 square foot vehicle storage addition to the West of the existing building. It also calls for the demolition of the "old fire hall" with construction of a new building on that site. The new building would consist of 2,570 square feet of office and locker area for public works and a 1,200 square foot, three stall garage for the Police Department. The architect's estimate for construction of the new facilities is \$1,900,000.00. This estimate does not include costs for demolition of the old fire hall. If the Council concurs with the Public Works Facility Committee recommendation, the next step would be to analyze the financing of the project. The Finance Department would, along with our financial advisors, research and analyze the best finance option to produce the least tax impact and report the findings back to Council.

Mayor Lies questioned the advantage of this site rather than the site at the Laredo/South Street intersection. Councilmember Trost stated that it is for financial reasons. Councilmember Trost commented that purchasing a vacant industrial building on East Commerce Drive to serve as the police station may be a viable option. Councilmember Lange commented that the proposed expansion project at the current site is very limited and questioned the high cost for the small return on investment. He also noted that it will be difficult to have any future expansions due to the private ownership of the adjacent lot. Public Works Superintendent Fahey explained that expansion on the current site is only a short-term fix and this expansion option does not address long-term needs. Mayor Lies commented on the drawback for lack of future expansion. Councilmember Coop said it is not fond of either site. He is opposed to expansion at the current site due to lack of future expansion and the high cost of the expansion for such a

small amount of additional storage space. He said the site across Highway 169 will eventually be centrally located as growth occurs in the city. Councilmember Coop stated that expansion at the current site does not make any sense and that it would be only a political decision to vote in favor of that site. Councilmember O'Laughlin commented that he has participated in the discussion on the public works facility expansion project and has found it to be a difficult decision to determine the best option for the city. Councilmember Underferth commented that there is expansion availability and prefers the Laredo/South Street site. Mayor Lies commented that he would like to see a detailed summary, such as cost analysis, risks and advantages as too many questions remain unanswered. Councilmember Lange requested the council vote on the proposed expansion at the current site.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve the current site of 420 East Main Street as the site for the expansion of the public works facility. Councilmember Trost VOTED AYE. ALL OTHERS VOTED NAY. MOTION FAILED 1-5.

It was the consensus of the Council to ask the Public Works Facility Committee to bring an option forward at a future meeting for expansion at an alternative site. Also, the council directed staff to provide data on financial impact of various costs, \$2M, \$2.5M and \$3M for the public works facility expansion project.

8.9. Schedule Personnel Committee Meeting.

It was the consensus of the council to schedule a personnel committee meeting for 6:00 p.m. on Thursday, February 11, 2010 for the performance evaluation of City Administrator Murphy. City Administrator Murphy acknowledged a closed meeting.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Interviews with Candidates for Boards, 5:30 p.m., Monday, January 25.**
- 2. Work Session, 6:00 p.m., Monday, January 25.**
- 3. City Council, 6:00 p.m., Monday, February 1.**
- 4. EDA, 5:00 p.m., Monday, February 8.**
- 5. Planning Commission, 7:00 p.m., Monday, February 8.**
- 6. Park Board, 5:00 p.m., Tuesday, February 9.**

The council was reminded of the upcoming meetings as listed.

10. ADJOURN.

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

Respectfully submitted,

Patricia Krings
Recording Secretary