

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
SEPTEMBER 4, 2007**

1. PLEDGE OF ALLEGIANCE.

Mayor Meger led those present in the Pledge of Allegiance.

2. CALL TO ORDER. 1.1. Roll Call.

The Belle Plaine City Council met in Regular Session on Monday, September 4, 2007 at 6:00 p.m. at the Government Center, 218 North Meridian Street, Belle Plaine, MN. Mayor Tom Meger called the meeting to order with Councilmembers Tim Lies, Tim O'Laughlin, Jim Lange and Peter Anderly present. Councilmember Dawn Underferth was not present.

Also present were City Administrator David Murphy, Finance Director Dawn Meyer, City Engineer Joe Duncan and City Attorney Bob Vose.

3. APPROVAL OF AGENDA.

MOTION by Councilmember O'Laughlin, second by Councilmember Lies, to approve the agenda as presented. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of August 20, 2007.

4.2. Resolution 07-096 Adopting Assessment for Delinquent Fire Bill.

4.3. Resolution 07-099 Adopting 2008 Preliminary Budget and Levy.

4.4. Authorizing the Purchase of WP3100 Roller for the Public Works Department at a cost of \$13,911.00 plus tax.

MOTION by Councilmember O'Laughlin, second by Councilmember Lange, to approve the consent agenda as presented: 4.1. Regular Session Minutes of August 20, 2007, 4.2. Resolution 07-096 Adopting Assessment for Delinquent Fire Bill, 4.3. Resolution 07-099 Adopting 2008 Preliminary Budget and Levy and 4.4. Authorizing the Purchase of WP3100 Roller for the Public Works Department at a cost of \$13,911.00 plus tax. ALL VOTED AYE. MOTION CARRIED.

5. Reports.

5.1. Fire Department.

Fire Chief Chris Meyer was present. The Council acknowledged receipt of the Fire Department report.

5.2. Community Services Department.

Community Services Director Nelson Ladd was not present. The Council acknowledged receipt of the Community Services Department report.

5.3. Public Works Department.

Public Works Director Al Fahey was not present. The Council acknowledged receipt of the Public Works Department report.

5.4. Engineer Report.

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

5.5. City Administration Report.

City Administrator David Murphy was present. The Council acknowledged receipt of the City Administration report.

6. VISITOR'S REQUEST.

1. Laurie Mueller, 127 South Cedar Street. – Fire Bill Appeal.

Ms. Laurie Mueller was not present.

There was no further action from the City Council and the fire bill will remain as is.

2. Carolyn Bandel, 214 West Main Street – Planning Issues.

Mayor Meger welcomed Carolyn Bandel.

Ms. Bandel distributed a letter regarding her issues with the building permit process. She explained that she applied for a variance for a screened porch to encroach the side yard setback. The variance was approved by the City Council on August 20, 2007. When she applied for a building permit, she was informed that she would need a fire wall on the screened porch. She expressed frustration with the delays caused by the fire wall requirement. She asked why this information was not provided to her prior during the variance process.

Councilmember O'Laughlin commented that he believed the City was at fault for the lack of communication with the applicant and suggested that information be provided in an upcoming issue of the City's newsletter, The Bridge, to avoid similar situations in the future.

7. PUBLIC HEARINGS – NONE SCHEDULED.

8. BUSINESS.

8.1. Presentation of Claims. 1. Pay Request No. 2 by Chard Tiling for \$305,016.85 for the 2007 Street Improvement Project.

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to approve the Presentation of Claims and Pay Request No. 2 by Chard Tiling for \$305,016.85 for the 2007 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

8.2. Resolution 07-097 Providing for the Sale of \$2,910,000 General Obligation Improvement and Utility Revenue Bonds for the 2007 Street Improvement Project and North Sanitary Sewer Project.

Mayor Meger referenced a memo dated September 4, 2007 from Finance Director Meyer for providing for the sale of bonds.

Finance Director Meyer explained that previously the City Council awarded the bid for construction on the 2007 Street Reconstruct Project and the North Sanitary Sewer Interceptor Project. It is appropriate to call for the sale of the bonds.

Todd Hagen, Ehlers and Associates, presented the pre-sale report for the \$2,910,000 General Obligation Improvement and Utility Revenue bonds. The sale has been scheduled for September 17, 2007.

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to approve Resolution 07-097 Providing for the Sale of \$2,910,000 General Obligation Improvement and Utility Revenue Bonds for

the 2007 Street Improvement Project and North Sanitary Sewer Project. ALL VOTED AYE. MOTION CARRIED.

8.3. Resolution 07-098 Calling for a Public Hearing Regarding the Issuance of Revenue Refunding Bonds for the Lutheran Home.

Mayor Meger referenced a memo dated September 4, 2007 from Finance Director Meyer for the calling for a public hearing on revenue bonds.

Finance Director Meyer explained that The Lutheran Home Association has approached the City of Belle Plaine requesting that the City issue Private Activity Revenue Refunding Bonds. The City has issued Health Care Facilities Revenue Bonds for The Lutheran Home Association in the past. The Lutheran Home Association is proposing that the City issue Private Activity Revenue Bonds in the amount not to exceed \$7,500,000. The proceeds from this bond issuance will be used to: 1) finance the construction and equipping of improvements to the Skilled Care Facility, including the construction of kitchen and laundry facilities, a renovation of existing resident rooms to allow for additional private rooms, increased therapy space, updated dining facilities, and upgrading the physical plant infrastructure (the "Project"); 2) fund required reserves; 3) fund the payment of interest on the Series 2007 Bonds during the construction of the Project; and 4) pay the costs of issuing the Series 2007 Bonds. Following the completion of the Project, the Skilled Care Facility will have 97 beds licensed for skilled nursing care. The City's Private Activity Policy was approved in 2005. This policy ensures that the City has the proper information and guidelines for issuing or denying requests for these types of bonds. Staff recommends that the City Council call for the public hearing on October 1, 2007.

Julie Eddington of Kennedy and Graven, further explained the proposed Lutheran Home expansion project and the details of bank qualified bonding.

MOTION by Councilmember Lies, second by Councilmember Anderly, to approve Resolution 07-098 Calling for a Public Hearing Regarding the Issuance of Revenue Refunding Bonds for the Lutheran Home. ALL VOTED AYE. MOTION CARRIED.

8.4. Water Treatment Facility – Bolton and Menk Construction Services Contract.

Mayor Meger referenced a memo dated September 4, 2007 from City Administrator Murphy regarding the Bolton and Menk contract for the water treatment facility.

City Administrator Murphy explained that prior to bidding the project, the City requested that the deadline for the completion of the Water Treatment Facility be extended from June 2007 to December 2007. The time extension was requested in order to keep both wells operational during the summer peak use time period. The time extension will require that Bolton & Menk site supervisors will need to remain on site longer than anticipated. The per-hour rate for on-site supervision was negotiated prior to the contract and is the same as what is proposed for the extension. Bolton & Menk has estimated the on-site time needed and has provided a not to exceed cost of \$25,000. The Public Works Committee has discussed this issue and made a recommendation to the Council that it be approved.

City Engineer Duncan further explained that originally, the water treatment facility was going to have a substantial completion date of June, 2007. Just prior to the bid, the date was revised to December, 2007. The original agreement was negotiated prior to the completion date modification. City Engineer Duncan explained that the increased cost is not to exceed \$25,000.

MOTION by Councilmember Lange, second by Councilmember Lies, to authorize the City Administrator and Mayor to modify the construction services contract with Bolton and Menk for the water treatment facility for an increased cost not to exceed \$25,000. ALL VOTED AYE. MOTION CARRIED.

8.5. Utility Connection for the Belle Plaine School Concession Stand.

Mayor Meger referenced a memo dated September 4, 2007 from City Administrator Murphy regarding utility connection to the concession stand at the Belle Plaine High School Athletic Complex.

City Administrator Murphy explained that there was concern regarding having a concession stand with no sanitary services (water and sewer). The School District has dug in the water and sewer lines to the concession stand site, however they are not connected to City services at this time. The building permit for the concession stand has been modified to include allowing the connection of sanitary services. The modification requires that the School District pay the sewer and water connection fees and water meter charge prior to connection. The City has received a check for the connection fees and meter charge. This change will not require an amendment to the Developers Agreement. The Developers Agreement states that the area charges are due when the High School is to be constructed.

MOTION by Councilmember Lies, second by Councilmember Anderly, to approve the utility connection for the Belle Plaine High School concession stand located at the athletic complex. ALL VOTED AYE. MOTION CARRIED.

8.6. Construction of the South Street Trail.

Mayor Meger referenced a memo dated September 4, 2007 from City Administrator Murphy regarding the South Street Trail.

City Administrator Murphy explained that the South Street Trail is ready to be constructed and is scheduled to be concrete as part of the 2007 Street Improvement Project. Several residents have requested that the trail be constructed with bituminous rather than concrete. The Public Works Committee has investigated the request and made a recommendation to the Council that the trail be constructed with bituminous rather than concrete.

MOTION by Councilmember Lange, second by Councilmember Lies, to authorize staff to proceed with a change order to the 2007 Street Improvement Project to change the construction material from concrete to bituminous for the trail along South Street. ALL VOTED AYE. MOTION CARRIED.

8.7. Review of City Code Chapter 2, Boards and Commissions.

Mayor Meger referenced a memo dated September 4, 2007 from City Administrator Murphy regarding Chapter 2 of the City Code.

City Administrator Murphy explained that modifications have been proposed for Chapter 2, Boards and Commissions, as noted in the document.

Councilmember O'Laughlin noted discrepancies with the proposed language and requested that the City Attorney review the document.

It was the consensus of the Council to have the City Administrator and City Attorney further review Chapter 2 and make recommendations at the next City Council meeting.

In other business, the Council noted that electrical service outlets are necessary for the operation of the Councilmember's new computers.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Planning Commission, Meeting at 6:00 p.m. Joint Training at 7:00 p.m. Wednesday, September 5.**
- 2. EDA, 5:30 p.m., Monday, September 10.**

- 3. Council/Dept Head Workshop, 7:00 a.m., Friday, September 14.**
- 4. City Council, 6:00 p.m., Monday, September 17.**
- 5. Public Works Committee, 9:30 a.m., Friday, September 21.**

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Lies, second by Councilmember O'Laughlin, to adjourn at 6:47 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary