

**BELLE PLAINE CITY COUNCIL  
REGULAR SESSION  
OCTOBER 1, 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, October 1, 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, Dawn Underferth, Tim O'Laughlin, Jim Lange and Peter Anderly 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 and City Attorney Bob Vose.

**3. APPROVAL OF AGENDA.**

Mayor Meger requested that consent agenda items "Resolution 07-110 Adopting Assessments for Delinquent Bills" and "Resolution 07-111 Adopting Assessments for Delinquent Water Bills" be moved to the business portion of the agenda. City Administrator Murphy requested that business item "Authorizing the Mayor and City Administrator to Execute Amendment to Scott WMO Cost- Share Assistance Contract" be added to the business portion of the agenda.

MOTION by Councilmember Lies, second by Councilmember O'Laughlin, to approve the agenda with consent agenda items "Resolution 07-110 Adopting Assessments for Delinquent Bills" and "Resolution 07-111 Adopting Assessments for Delinquent Water Bills" moved to the business portion of the agenda, and the addition of business item "Authorizing the Mayor and City Administrator to Execute Amendment to Scott WMO Cost- Share Assistance Contract." ALL VOTED AYE. MOTION CARRIED.

**4. APPROVAL OF CONSENT AGENDA.**

**4.1. Regular Session Minutes of September 17, 2007.**

**4.2. Accepting Resignation of Corey Hansen as an EMT with the Belle Plaine Ambulance Service.**

**4.3. Resolution 07-112 Calling for Public Hearing on Final Assessment for the 2007 Street Improvement Project.**

**4.4. Resolution 07-114 Appointing Michael Herrmann as Assistant Public Works Superintendent.**

**4.5. Resolution 07-115 Ordering Appraisal for the RALF Program for Property at 706 South Meridian Street.**

**4.6. Authorization to Replace the 1991 Dodge Flatbed Pickup Truck with a 2003 F350 Ford Flatbed Truck and Hoist.**

**4.7. Resolution 07-116 Appointing Richard L. Olson as a Volunteer Emergency Medical Technician with the Belle Plaine Ambulance Service.**

MOTION by Councilmember Lange, second by Councilmember Underferth, to approve the consent agenda as follows: 4.1. Regular Session Minutes of September 17, 2007, 4.2. Accepting Resignation of Corey Hansen as an EMT with the Belle Plaine Ambulance Service, 4.3. Resolution 07-112 Calling for Public Hearing on Final Assessment for the 2007 Street Improvement Project, 4.4. Resolution 07-114 Appointing Michael Herrmann as Assistant Public Works Superintendent, 4.5. Resolution 07-115 Ordering Appraisal for the RALF Program for Property at 706 South Meridian Street, 4.6. Authorization to Replace the 1991 Dodge Flatbed Pickup Truck with a 2003 F350 Ford Flatbed Truck and Hoist and 4.7. Resolution 07-116 Appointing Richard L. Olson as a Volunteer Emergency Medical Technician with the Belle Plaine Ambulance Service. 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 present. The Council acknowledged receipt of the Community Services Department report.

### **5.3. Public Works Department.**

Public Works Director Al Fahey was 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. Tracy Johnson, Billing Issue.**

Mayor Meger welcomed Tracy Johnson, 147 South Cedar Street.

Ms. Johnson explained that she has received a letter from the City regarding the past due amount of her account and proposed assessment notice. Ms. Johnson stated that she did not feel it necessary for the City to send out this letter in her situation. She also commented that she believed a letter of this type is not necessary and a waste of taxpayer's money.

No action was taken by the Council.

## **7. PUBLIC HEARINGS.**

**7.1. Health Care Facilities Revenue Bonds. The City Council will accept public comment on Private Activity Revenue Bonds not to exceed \$7,090,000, and Taxable Health Care Facilities Revenue Bonds not to exceed \$150,000, under Minnesota Statutes, Sections 469.152 through 469.1651, as amended. The Bonds are proposed to be issued to finance the construction and equipping of improvements to and renovation of a skilled nursing facility, owned and operated by The Lutheran Home: Belle Plaine, LLC, at 611 West Main Street, Belle Plaine.**

Mayor Meger referenced a memo dated October 1, 2007 from Finance Director Meyer regarding preliminary approval of revenue bonds.

Finance Director Meyer explained that The Lutheran Home Belle Plaine, LLC has requested that the City issue Private Activity Revenue Bonds in an amount not to exceed \$7,090,000 and Taxable Health Care facilities Revenue Bonds in an estimated aggregate principal amount not to exceed \$150,000. The proceeds from this bond issuance used for construction and equipping 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. A policy for the application and issuance or denial in regards to Private Activity Revenue Bonds was adopted in 2005. This policy ensures that the City has the proper information and guidelines for issuing or denying requests for these types of bonds. The Lutheran Home Belle Plaine, LLC has met the requirements and guidelines of the City's policy.

Ms. Julie Eddington, Bond counsel with Kennedy Graven, was present. She anticipates that the final bond will be presented to the City for approval in approximately two weeks.

Mayor Meger opened the public hearing at 6:15 p.m. and asked for public comment.

Michael Klatt, CEO, The Lutheran Home, thanked the Council for their support in the bonding process. Mr. Klatt stated that the expansion project will be an excellent asset for the community.

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

#### **7.1.1. Resolution 07-113 Giving Preliminary Approval to the Proposed Issuance of Revenue Bonds Under Minnesota Statutes, Sections 469.152 through 469.1651.**

MOTION by Councilmember Anderly, second by Councilmember O'Laughlin, to approve Resolution 07-113 Giving Preliminary Approval to the Proposed Issuance of Revenue Bonds Under Minnesota Statutes, Sections 469.152 through 469.1651. ALL VOTED AYE. MOTION CARRIED.

### **8. BUSINESS.**

#### **8.1. Presentation of Claims.**

- 1. Pay Request No. 1 by Heselton Construction, LLC, for \$20,567.50 for the North Inceptor Sewer Project.**
- 2. Pay Request No. 3 by Chard Tiling for \$234,009.86 for the 2007 Street Improvement Project.**
- 3. Pay Request No. 10 by Chard Tiling for \$10,621.50 for the 2006 West Commerce Drive Project.**

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to approve the Presentation of Claims and Pay Request No. 1 by Heselton Construction, LLC, for \$20,567.50 for the North Inceptor Sewer Project, Pay Request No. 3 by Chard Tiling for \$234,009.86 for the 2007 Street Improvement Project and Pay Request No. 10 by Chard Tiling for \$10,621.50 for the 2006 West Commerce Drive Project. ALL VOTED AYE. MOTION CARRIED.

#### **8.2. Authorize Staff to Negotiate Contract with Ridgeview Medical for Ambulance Management Services.**

Mayor Meger referenced a memo dated October 1, 2007 from City Administrator Murphy regarding ambulance management services.

City Administrator Murphy explained that the Ambulance Research Committee met on September 19, 2007 to discuss the draft contract and make a recommendation to the Council. After considerable discussion on the merits of the three proposals, the committee reached a majority consensus. The Ambulance Research Committee voted 6-2 to recommend to the Council that the City pursue a contract with Ridgeview Medical for Ambulance Management Services. The Ambulance Research Committee and our legal representation will meet on Tuesday, October 2, 2007 at 6:00 p.m. to discuss the contract with Ridgeview Representatives. After the discussion staff will finalize the contract language based on the discussion and bring the contract forward at the October 15, 2007 Council Meeting for approval.

MOTION by Councilmember Anderly, second by Councilmember Underferth, to authorize staff to negotiate contract with Ridgeview Medical for ambulance management services for the Belle Plaine Ambulance Service. ALL VOTED AYE. MOTION CARRIED.

### **8.3. Request for the Purchase of a Generator by the Belle Plaine Fire Department.**

Mayor Meger referenced a memo dated October 1, 2007 from Fire Chief Meyer regarding the purchase of a generator.

Fire Chief Meyer explained that the Fire Department obtained an army surplus generator in 2006 from the Minnesota Department of Natural Resources. Electrical work was performed for the generator. The generator did not work and was returned to the DNR. Fire Chief Meyer explained that the purchase was included on the 2006 CIP and requested approval of the purchase of a new generator at a cost of \$17,046.73.

Councilmember O'Laughlin commented that he supports the purchase of the generator and that it is necessary for emergency response. Councilmember Lies inquired about requirements of Homeland Security for enclosure of the generator. Finance Director Meyer explained that funds that were allocated for the generator were utilized for the purchase of two vehicles for the Fire Department in 2006. Councilmember Lange inquired about participation by the Rural Fire Association. Fire Chief Meyer explained that the Rural Fire Association does not participate in purchases related to the building.

MOTION by Councilmember O'Laughlin, second by Councilmember Anderly, to authorize the Fire Department to proceed with the purchase of a \$17,046.73 generator and vinyl fencing enclosure, with funds expended from the Capital Improvement fund. ALL VOTED AYE. MOTION CARRIED.

### **8.4. Resolution 07-110 Adopting Assessments for Delinquent Bills.**

Mayor Meger referenced a memo dated October 1, 2007 from Finance Director Meyer regarding proposed assessments for delinquent bills.

Finance Director Meyer explained that property owners have been mailed notice of the past due accounts and were notified of pending assessment.

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to approve Resolution 07-110 Adopting Assessments for Delinquent Bills. ALL VOTED AYE. MOTION CARRIED.

### **8.5. Resolution 07-111 Adopting Assessments for Delinquent Water Bills.**

Mayor Meger referenced a memo dated October 1, 2007 from Finance Director Meyer regarding proposed assessments for delinquent water bills.

Finance Director Meyer explained that property owners have been mailed notice of the past due accounts and were notified of pending assessment.

MOTION by Councilmember Lange, second by Councilmember Lies, to approve Resolution 07-111 Adopting Assessments for Delinquent Water Bills. ALL VOTED AYE. MOTION CARRIED.

### **8.6. Authorizing the Mayor and City Administrator to Execute Amendment to Scott WMO Cost-Share Assistance Contract.**

Mayor Meger referenced a memo dated October 1, 2007 from City Administrator Murphy regarding the amendment to Scott WMO Cost- Share Assistance Contract.

City Administrator Murphy explained that the Council previously approved a contract with Scott WMO for \$27,000 for correcting the deficiencies in South Creek Ravine. Due to the scope of the deficiencies, the engineer's estimate is now \$41,700. Scott WMO would continue the cost share agreement and has submitted the contract amendment to reflect the new amount.

Public Works Superintendent Al Fahey explained that the proposed work will not alter the natural water way. The repair will be for the City's storm water and sanitary sewer drainage.

MOTION by Councilmember Lies, second by Councilmember Lange, to authorize the Mayor and City Administrator to Execute Amendment to Scott WMO Cost- Share Assistance Contract. ALL VOTED AYE. MOTION CARRIED.

City Attorney Vose requested the addition of Attorney/Client Discussion on West Commerce Drive Litigation be added to the Closed Session. The Council concurred.

Mayor Meger announced a Council recess of the regular session at 6:51 p.m.

### **8.7. CLOSED SESSION.**

Mayor Meger convened the Closed Session at 7:02 p.m. with Councilmembers Lange, O'Laughlin, Anderly, Underferth and Lies present. Also present were City Attorney Bob Vose, City Administrator David Murphy, Community Development Director Trisha Rosenfeld, Public Works Superintendent Al Fahey, Finance Director Dawn Meyer and City Engineer Joe Duncan.

MOTION by Councilmember Lies, second by Councilmember Underferth, to add Attorney/Client Discussion on West Commerce Drive Litigation to the agenda of the Closed Session. ALL VOTED AYE. MOTION CARRIED.

#### **8.7.1. Discussion on Real Estate Acquisition.**

The Council and staff discussed options for the expansion of the City facilities.

MOTION by Councilmember Lange, second by Councilmember Anderly, to direct staff to explore options for the acquisition of lands for the future expansion of City facilities. ALL VOTED AYE. MOTION CARRIED.

#### **8.7.2. Attorney/Client Discussion on West Commerce Drive Litigation.**

City Attorney Vose provided a status report on the West Commerce Drive litigation process. The Council directed staff to proceed with contact with the opposing attorney.

### **8.8. Adjourn Closed Session and Reconvene Regular Session.**

MOTION by Councilmember Underferth, second by Councilmember Lies, to adjourn the closed session at 7:55 p.m. ALL VOTED AYE. MOTION CARRIED.

Mayor Meger reconvened the regular session at 7:55 p.m.

## **9. ADMINISTRATION.**

### **9.1. Upcoming Meetings.**

- 1. Ambulance Research, 6:00 p.m., Tuesday, October 2.**
- 2. Planning Commission, 6:00 p.m. Wednesday, October 3.**
- 3. EDA, 5:30 p.m., Monday, October 8, 2007.**
- 4. Council/Dept. Head Workshop, 7:00 a.m., Friday, October 12.**

**5. Park Board, 5:30 p.m., Monday, October 22.**

The Councilmembers were reminded of the upcoming meetings as listed.

**10. ADJOURN.**

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to adjourn at 7:56 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings  
Recording Secretary