

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
NOVEMBER 16, 2009**

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, November 16, 2009 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, Police Chief Dave Lanning, City Engineer Joe Duncan, City Attorney Bob Vose and Video Recording Operator Shawn Vossen.

3. APPROVAL OF AGENDA.

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

4. APPROVAL OF CONSENT AGENDA.

- 4.1. Regular Session Minutes of November 2, 2009.**
- 4.2. Resolution 09-111 Adopting Special Assessment for Delinquent Code Enforcement Bills.**
- 4.3. Resolution 09-112 Adopting Special Assessment for Delinquent Utility Bills.**
- 4.4. Resolution 09-113 Adopting Special Assessment for Delinquent Fire Bill.**
- 4.5. Resolution 09-114 Appointing Steve Rost and Chris Herrmann as Temporary Seasonal Employees with the Public Works Department.**
- 4.6. Calling for a Public Hearing for an Ordinance Amendment to Amend the Zoning Ordinance by Amending Language Pertaining to Section 1102.00 Non Conforming Lots, Uses and Structures; Section 1105.14 Public Institutional District; Section 1105.15 Planned Unit Developments (Overlay); and Section 1107.12 Off Street Parking.**
- 4.7. Calling for a Public Hearing for an Ordinance Amendment to Rezone Property to Maintain Consistency between the Comprehensive Plan's Future Land Use and the Official Zoning Map.**
- 4.8. Resolution 09-107 Approving Plat Filing Extension for Farmers Ridge Third Addition.**
- 4.9. Resolution 09-108 Approving Plat Filing Extension for Farmers Ridge Fourth Addition.**
- 4.10. Authorizing Staff to Proceed with Advertising to Seek Candidates for City Commissions.**

In reference to authorizing staff to proceed with advertising to seek candidates for City commissions, City Administrator Murphy reported that due to a recent resignation, there is one vacancy on the Design Committee as well. Councilmember Trost commented on the lengthy delay in obtaining payments for delinquent water and sewer bills for homes in foreclosure.

MOTION by Councilmember O'Laughlin, second by Councilmember Lange, to approve the consent agenda as follows: 4.1. Regular Session Minutes of November 2, 2009, 4.2. Resolution 09-111 Adopting Special Assessment for Delinquent Code Enforcement Bills, 4.3. Resolution 09-112 Adopting Special Assessment for Delinquent Utility Bills, 4.4. Resolution 09-113 Adopting Special Assessment for Delinquent Fire Bill, 4.5. Resolution 09-114 Appointing Steve Rost and Chris Herrmann as Temporary Seasonal Employees with the Public Works Department, 4.6. Calling for a Public Hearing for an Ordinance Amendment to Amend the Zoning Ordinance by Amending Language Pertaining to Section 1102.00 Non Conforming Lots, Uses and Structures; Section 1105.14 Public Institutional District; Section

1105.15 Planned Unit Developments (Overlay); and Section 1107.12 Off Street Parking, 4.7. Calling for a Public Hearing for an Ordinance Amendment to Rezone Property to Maintain Consistency between the Comprehensive Plan's Future Land Use and the Official Zoning Map, 4.8. Resolution 09-107 Approving Plat Filing Extension for Farmers Ridge Third Addition, 4.9. Resolution 09-108 Approving Plat Filing Extension for Farmers Ridge Fourth Addition and 4.10. Authorizing Staff to Proceed with Advertising to Seek Candidates for City Commissions. 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 Dave Lanning 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 and reported that Mediacom Cablevision is in the process of making necessary connections between the Government Center and the Belle Plaine Junior High School. Connection to Oakcrest Elementary will occur in the near future. The Council acknowledged receipt of the City Administration report.

6. PUBLIC FORUM.

No one spoke at the public forum.

7. PUBLIC HEARINGS.

7.1. Final Assessment – 2009 Street Improvement Project. The City Council will accept public input on the final assessments for the 2009 Street Improvement Project.

Mayor Lies referenced a memo dated November 16, 2009 from City Administrator Murphy regarding the final assessment for the 2009 Street Improvement Project.

City Administrator Murphy explained that the 2009 Street Improvement Project is nearing completion and the City Engineer feels confident that the costs can be accurately assessed. The bid came in under engineer's estimate and the majority of properties are assessed an amount less than the preliminary assessment shown. The Council will accept public comment on the final assessments for the project. After the close of the public hearing, the Council will adopt the final assessment. The payment period is for seven (7) years at an interest rate of 4.25% per annum. The property owners have the option of submitting payment to the City by December 15, 2009 to avoid interest charges.

City Engineer Duncan provided a brief summary of the 2009 Street Improvement Project. He explained that a few of the property owners received an increased assessment from the preliminary assessment amount due to service lines being added. The purpose of tonight's hearing is to accept testimony from property owners regarding their assessment amount and to set the terms of the assessment.

Mayor Lies opened the public hearing at 6:20 p.m. and asked for public comment.

Ralph Malz, representing the Trinity Lutheran Church and School, questioned the increase from the preliminary assessment. City Engineer Duncan explained that water and sewer lines were extended and a parking lane and parking lot improvements were added. Ralph Malz requested a written summary of the increased charges. City Engineer Duncan stated he will provide written documentation accordingly. Councilmember Trost requested that information regarding the removal of a portion of sidewalk be included in the documentation.

Dave Watkins, 201 West Church Street, inquired as to the foot frontage assessment versus per lot assessment. City Engineer Duncan explained that the City's Assessment Policy outlines the foot frontage assessment based upon the Council's determination that it is the most equitable and fair way to assess.

Steve Lorenz, 301 West Church Street, commented that he believes the street improvement project has not increased the value of his property. He also noted that there is a sub-standard home in the neighborhood, causing further reduction in his home value. Steve Lorenz inquired as to the procedure if he refuses to pay the assessment amount. Mayor Lies explained that an appeal process is in place. City Attorney Vose explained that property owners may submit a written notice of opposition to the assessment. The written notice reserves the property owner's right to appeal and challenge the City on the assessment amount.

Chris German, 116 West Church Street, inquired about the assessment policy. City Engineer Duncan explained that the City's Assessment Policy outlines the procedure regarding assessments.

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to close the public hearing at 6:31 p.m. ALL VOTED AYE. MOTION CARRIED.

City Engineer Duncan explained that property owner Daniel Neisen has requested additional sidewalk replacement, therefore there is an increase of \$400 to PID 200015280. Also, the Trinity Lutheran Church assessment for PID 200011430 was revised to exclude the sanitary service line paid privately to the contractor.

7.1.1. Resolution 09-115 Adopting Final Assessment for the 2009 Street Improvement Project.

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to approve Resolution 09-115 Adopting Final Assessment for the 2009 Street Improvement Project, with an increase of \$400 to PID 200015280 for additional sidewalk at property owner's request and a revision to the Trinity Lutheran Church assessment for PID 200011430 due to the exclusion of the sanitary service line that was paid privately to the contractor. ALL VOTED AYE. MOTION CARRIED.

The Council recessed at 6:36 p.m. and reconvened at 6:42 p.m.

8. BUSINESS.

8.1. Presentation of Claims.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve the Presentation of Claims. ALL VOTED AYE. MOTION CARRIED.

8.2. Resolution 09-116 Providing for the Sale of \$3,375,000 General Obligation Improvement Refunding Bonds, Series 2010A.

Mayor Lies referenced a memo dated November 16, 2009 from Finance Director Meyer regarding the pre-sale report.

Finance Director Meyer explained that as part of the City's annual review of outstanding debt, it is apparent that there is an opportunity for interest savings by refunding several current issues. It is also noted that due to circumstance and court orders a restructure for one of the current outstanding bonds is necessary.

Mark Ruff of Ehlers and Associates, Inc., the City's Financial Advisor, was present to answer questions of the Council.

Councilmember Lange inquired about the cash contribution. Finance Director Meyer explained that assessments that were paid early are applied towards the fund.

MOTION by Councilmember Trost, second by Councilmember Underferth, to approve Resolution 09-116 Providing for the Sale of \$3,375,000 General Obligation Improvement Refunding Bonds, Series 2010A. ALL VOTED AYE. MOTION CARRIED.

8.3. Request from Chamber of Commerce for Assistance with Holiday Lighting.

Mayor Lies referenced a memo dated November 16, 2009 from City Administrator Murphy regarding holiday lighting.

Sandy Johnson, Chamber of Commerce Executive Director, was present, and requested financial assistance from the City towards the cost of holiday decorating.

City Administrator Murphy explained that the City has received a request from the Chamber of Commerce to assist with the costs of holiday lighting. The Chamber currently contracts with a local resident who owns a bucket truck to assist with holiday lighting. The Chamber has indicated that they have incurred \$3,010 in expenses last year for holiday decorating.

Public Works Superintendent Fahey explained that the Public Works Department puts up the green sprays in the commercial district and explained that because the City does not have a bucket truck, the elevated holiday decorating must be contracted. Councilmember Lange recommended the City contribute one-half of the cost of the contracted services for holiday lighting. Councilmember Trost commented that volunteers should do the holiday decorating. He was a member of the Chamber of Commerce years ago and the volunteers did all the decorating. Ms. Johnson explained that it is difficult to depend on volunteers. Councilmember O'Laughlin concurred, explained that volunteerism has changed significantly over the years. Finance Director Meyer cautioned the City on unbudgeted expenses and the impact on the budget. Councilmember O'Laughlin suggested that each council member consider sacrificing their meeting per diem to help offset the cost of the holiday decorating.

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to authorize the expenditure of up to \$1,800 to financially assist the Belle Plaine Chamber of Commerce with contracted services for holiday lighting for calendar year 2009. Councilmember Trost VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Financial Workshop, 7:00 p.m., Monday, November 16.**
(Immediately following the close of the Regular Session.)
- 2. Public Works Facility Committee, 4:30 p.m., Wednesday, November 18.**
- 3. Council Work Session, 6:00 p.m., Monday, November 23.**
- 4. Thanksgiving Holiday – City Offices Closed November 26 and 27.**
- 5. Truth in Taxation, 6:00 p.m., Monday, December 7.**
- 6. City Council, 6:30 p.m. Monday, December 7.**
- 7. EDA, 5:00 p.m. Monday, December 14.**
- 8. Planning Commission, 7:00 p.m., Monday, December 14.**
- 9. Park Board, 5:00 p.m., Tuesday, December 15.**

The Council was reminded of the upcoming meetings as listed, as well as the financial workshop that will immediately follow the close of the Regular Session.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Underferth, to adjourn at 7:02 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary