

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
DECEMBER 17, 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, December 17, 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 and Jim Lange present. Councilmember Peter Anderly was not 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.

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 December 3, 2007.

4.2. Truth in Taxation Hearing Minutes of December 3, 2007.

4.3. Authorizing Amendment to the International Union of Operating Engineers Local Union No. 49.

4.4. Resolution 07-137 Adopting the Final 2008 Budget and Levy.

4.5. Adopting the City's 5-Year Capital Improvement Plan.

4.6. Resolution 07-138 Adopting the 2008 Wages and Salaries for City Employees.

4.7. Resolution 07-141 Appointing Mickey Semantel as a Part-Time Police Officer with the Belle Plaine Police Department.

4.8. Authorize the Purchase of Lights for the Skating Rinks.

4.9. Authorize the Purchase of Barricades.

4.10. Accepting Donation of \$8,180.00 from the Belle Plaine Fire Relief Association and Authorizing Expenditure of a Bauer Self Contained Breathing Apparatus Fill Station.

MOTION by Councilmember Underferth, second by Councilmember Lange, to approve the consent agenda as follows: 4.1. Regular Session Minutes of December 3, 2007, 4.2. Truth in Taxation Hearing Minutes of December 3, 2007, 4.3. Authorizing Amendment to the International Union of Operating Engineers Local Union No. 49, 4.4. Resolution 07-137 Adopting the Final 2008 Budget and Levy, 4.5. Adopting the City's 5-Year Capital Improvement Plan, 4.6. Resolution 07-138 Adopting the 2008 Wages and Salaries for City Employees, 4.7. Resolution 07-141 Appointing Mickey Semantel as a Part-Time Police Officer with the Belle Plaine Police Department, 4.8. Authorize the Purchase of Lights for the Skating Rinks, 4.9. Authorize the Purchase of Barricades, 4.10. Accepting Donation of \$8,180.00 from the Belle Plaine Fire Relief Association and Authorizing Expenditure of a Bauer Self Contained Breathing Apparatus Fill Station. ALL VOTED AYE. MOTION CARRIED.

5. REPORTS.

5.1. Ambulance Department.

Councilmember O'Laughlin asked if the area townships have been informed about the recent changes in the Belle Plaine Ambulance Service. City Administrator Murphy replied that there will be a meeting held

in January. The Council acknowledged receipt of the Ambulance Department report as prepared by City Administrator David Murphy.

5.2. Police Department.

Police Chief Steve Rost was present. The Council acknowledged receipt of the Police Department report.

5.3. Community Development Department.

Community Development Director Trisha Rosenfeld was present. Councilmember Lies requested information about the committee entitled Belle Plaine Believers. Community Development Director Rosenfeld stated she would provide information to Councilmember Lies. The Council acknowledged receipt of the Community Development Department report.

5.4. Building Inspection Department.

Building Official Scott McCarty was present. The Council acknowledged receipt of the Building Inspection Department report.

5.5. City Administration Report.

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

6. CERTIFICATES OF MERIT – Medical Emergency Response.

Kelly Raddatz, Stephen Byrne, Robert Wewers, Janet Bradach, Jeff Heine, Kathy Koepp, Suzanne Kuzemchak and Steve Rost.

Mayor Meger presented Certificates of Merit to Kelly Raddatz, Stephen Byrne, Robert Wewers, Janet Bradach, Jeff Heine, Kathy Koepp, Suzanne Kuzemchak and Steve Rost for their life-saving efforts in a medical emergency. Also present were Dr. Brian Clarkowski of St. Francis Medical Center, Dr. Charlie Lick of Allina Medical Transportation, and Bill Snoke, Director, Allina Medical Transportation.

Rock Olson of Avery, Wisconsin, suffered a heart attack in Emma Krumbes Restaurant on October 31, 2007. He attended the presentation and thanked everyone involved in the life-saving measures.

Mayor Meger recessed the meeting at 6:18 p.m. and reconvened at 6:29 p.m.

7. PUBLIC HEARINGS.

7.1. Conditional Use Permit. The City Council will accept public comment on a request by Elizabeth Washington and Cheryl Green for a conditional use permit to allow adult foster care at the home at 932 South Cedar Street, R-1, Single Family District.

Mayor Meger referenced a memo dated December 17, 2007 from Community Development Director Rosenfeld regarding a request for a conditional use permit for adult foster care at 932 South Cedar Street.

Community Development Director Rosenfeld explained that Elizabeth Washington, the primary resident and owner at 932 South Cedar in Belle Plaine, is requesting the review of a Conditional Use Permit to allow for foster care of adult women in her place of residence. Co-applicant, Cheryl Green, will be assisting Ms. Washington in the application process and residential care at the residence, but is not an employee to Ms. Washington. The zoning classification for this property is designated as R-1: Residential Single Family District. Within the R-1 zoning district a conditional use permit is required in

order to allow for foster homes licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons. Foster care is also considered a permitted home occupation under City Code Chapter 11, Section 1107.16. Under the provisions of this section, the applicant has indicated the following characteristics specific to this request: There will be no change to the residential character which results in disturbance to the surrounding residential uses, there will be no exterior signs or interior signs that are visible to the outside of the dwelling, there will be no additional employees at the residence and there will be no additional parking demand in excess to that which can be accommodated in an existing driveway. The Planning Commission recommends that approval be based upon a home occupation license being obtained prior to additional residents residing on the premise.

Mayor Meger opened the public hearing at 6:31 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to close the public hearing at 6:32 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Lange asked in the conditional use permit will automatically renew each year. Community Development Director Rosenfeld explained yes, the conditional use permit perpetuates with the property. However, the home occupation permit is renewable for the specific applicant only. City Attorney Vose clarified that the applicant will need to provide a State of Minnesota Foster Care license as a condition of the approval process.

7.1.1. Resolution 07-139 Conditional Use Permit to Allow Adult Foster Case at the Home at 932 South Cedar Street.

MOTION by Councilmember Lange, second by Councilmember Underferth, to approve Resolution 07-139 Conditional Use Permit to Allow Adult Foster Case at the Home at 932 South Cedar Street. ALL VOTED AYE. MOTION CARRIED.

7.2. Preliminary Assessment Hearing – 2008 Street Improvement Project. The City Council will accept public comment on the proposed 2008 Street Improvement Project, for the improvement of Chestnut Street from Main Street to Court Street, Cedar Street from Main Street to 150 feet north of Court Street and Church Street from 70 feet west of Chestnut Street to Walnut Street and East Main Street sidewalk from Ash Street west to connect to existing walk.

Mayor Meger referenced a memo dated December 17, 2007 from City Administrator Murphy regarding the preliminary assessment hearing for the 2008 Street Improvement Project.

City Administrator Murphy explained that the Public Works Committee discussed the street reconstruction needs for the 2008 project and directed the City Engineer to prepare a feasibility report. A feasibility report was completed and on November 19, 2007 and the Council received the report and called for a public hearing on the project. City Administrator Murphy further explained that the City is required to hold a public hearing to give any and all interested parties an opportunity to express their concerns and/or opinions on the proposed project. After the close of the public hearing, if the Council feels the project is necessary and feasible, the Council would be in order to approve Resolution 07-140 Ordering the improvement and directing the preparation of final plans and specifications.

City Engineer Joe Duncan provided a PowerPoint presentation regarding the proposed 2008 Street Improvement Project. The proposed areas for improvement are Church Street from east of Meridian to Walnut Street; Chestnut Street from Main Street to Court Street; Cedar Street from Main Street to Court Street; parking area for Court Square Park and the sidewalk on Main Street from Ash Street to between Elm Street and Linden Street. Sidewalks are included in the project. The Public Works Committee had met with representatives of Our Lady of the Prairie Church to discuss the possibility of widening portions of Chestnut and Church Streets to accommodate angle parking. The estimated project cost is \$1,232,550 and proposed assessments were based on the City's Assessment Policy.

Mayor Meger opened the public hearing at 6:49 p.m. and asked for public comment.

Mayor Meger acknowledged receipt of a letter dated December 14, 2007 from Lynette Koepp, 300 East Main Street. Ms. Koepp had questions about the sidewalk and water service.

Paul Keup, 108 Oakwood Circle, on behalf of Our Lady of the Prairie Church, explained that it will be difficult for the church congregation to pay for the \$94,000 assessment. He inquired about the interest rate and amortization schedule. Finance Director Meyer explained the interest rate calculation and the 7-year term. Mr. Keup commented that the water and sewer service is adequate and questioned why the church should be assessed for these items if they are working properly. City Engineer Duncan explained that the water and sewer mains have been televised and it shows that the mains are aged. Mr. Keup also asked if there is a hardship exemption for the church. Staff replied there are no such exemptions.

Mark Johnson, 325 North Chestnut Street, asked for clarification on his assessment. City Engineer Duncan explained the responsibility of the City's cost.

Scott Koepp, 329 East Church Street, commented that he believes the reconstruction of Church Street is necessary. He inquired about the road tonnage. City Engineer Duncan replied that 7-ton roads are standard in residential districts and that Church Street is proposed to remain at a 40-foot width.

Emily Conley, 315 North Chestnut Street, was opposed to the project. She said that homeowners cannot afford to fund every project and that the Council should set priorities. She does not believe that the street needs to be reconstructed as there is very little traffic and two vacant houses on the block. She stated that it will be difficult for those houses to sell with the added burden of a street assessment. Ms. Conley was opposed to the sidewalk. She does not want to lose the mature trees on her lot and along the boulevard. She said she cannot afford the proposed assessment to her property.

Ms. Conley then read a letter from her husband, Edward Conley. He was also opposed to the street assessment and that it will be a financial hardship. Mayor Meger acknowledged receipt of the letter of opposition written by Edward Conley, 315 North Chestnut Street.

Janel Stock, 200 East Street, was opposed to the assessment. She said that the proposed assessment is a financial hardship. She was opposed to having the mature trees destroyed as part of the street and sidewalk reconstruction project. Ms. Stock commented that she did not feel the assessment would increase her property value. Ms. Stock commented that she should not be assessed for sidewalk as a precedent was set when the City installed a sidewalk on the 200 block of West Park Street in 1998.

Ruth Effertz, 311 North Chestnut Street, was opposed to the assessment. She said that she cannot afford the assessment. She was also opposed to the sidewalk and believed a sidewalk is not necessary.

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to close the public hearing at 7:12 p.m. ALL VOTED AYE. MOTION CARRIED.

City Engineer Duncan clarified that if properties are serviced by mains other than what is assumed in the project, the assessments will be adjusted accordingly. Councilmember Lies stated he would like to further discuss the sidewalk issue due to the comments expressed by the homeowners. Councilmember Lange questioned whether a sidewalk is necessary on the 300 block of North Chestnut Street. It was the consensus of the Council to direct the issue of sidewalks to the Public Works Committee for further review and recommendation. Councilmember Lies also inquired if there was a program to financially assist homeowners with assessment payments. Finance Director Meyer explained that the State has guidelines for elderly deferment of assessments.

7.2.1. Resolution 07-140 Ordering Improvements and Directing Preparation of Final Plans and Specifications for the 2008 Street Improvement Project.

MOTION by Councilmember Lies, second by Councilmember Lange, to approve Resolution 07-140 Ordering Improvements and Directing Preparation of Final Plans and Specifications for the 2008 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

7.3. Proposed Ordinance 07-11, Fees. The City Council will accept public comment on proposed Ordinance 07-11, Amending the City Code by Amending the Fee Schedule.

Mayor Meger referenced a memo dated December 17, 2007 from Finance Director Meyer regarding proposed fees for 2008.

Finance Director Meyer explained that the Council and staff reviewed fees during the budget workshop. It is appropriate to conduct a public hearing to amend the City's fee schedule.

Mayor Meger opened the public hearing at 7:28 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Lies, second by Councilmember O'Laughlin, to close the public hearing at 7:29 p.m. ALL VOTED AYE. MOTION CARRIED.

7.3.1. Ordinance 07-11, Amending the City Code by Amending the Fee Schedule.

MOTION by Councilmember Lies, second by Councilmember O'Laughlin, to approve Ordinance 07-11, Amending the City Code by Amending the Fee Schedule. ALL VOTED AYE. MOTION CARRIED.

7.3.2. Resolution 07-142 Authorizing Summary Publication of Ordinance 07-11.

MOTION by Councilmember Lies, second by Councilmember Underferth, to approve Resolution 07-142 Authorizing Summary Publication of Ordinance 07-11. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

8.1.1. Pay Request No. 18 by ABE Construction for \$173,000.00 for the Water Treatment Facility.

Councilmember O'Laughlin inquired about the status of the City's budget. He questioned the recent expense of painting and the purchase of new furniture for the Government Center. Councilmember O'Laughlin explained that he was not aware of these improvements. Finance Director Meyer explained that an up-to-date budget status has just been distributed to each of the Councilmembers. City Administrator Murphy explained that the painting and furniture are items that are included in the budget and that he authorized the purchase.

MOTION by Councilmember Lies, second by Councilmember Underferth, to approve the Presentation of Claims and Pay Request No. 18 by ABE Construction for \$173,000.00 for the Water Treatment Facility. ALL VOTED AYE. MOTION CARRIED.

In other business, City Engineer Duncan provided a status report on the North Sanitary Sewer Interceptor Project. The contractor has experienced unexpected rock formations during the excavation process.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

1. Primary Election, Tuesday, December 18.

- 2. City Offices close at noon on Monday, December 24. Closed Tuesday, December 25.**
- 3. City Offices close at noon on Monday, December 31. Closed Tuesday, January 1.**
- 4. Special State Election, Thursday, January 3.**
- 5. City Council, 6:00 p.m., Monday, January 7.**
- 6. Planning Commission, 6:00 p.m., Wednesday, January 9.**

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Lange, second by Councilmember Underferth, to adjourn at 7:40 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary