

**BELLE PLAINE CITY COUNCIL  
REGULAR SESSION  
APRIL 6, 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, April 6, 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 and Cary Coop present. Councilmember Tim O'Laughlin was not present.

Also present were City Administrator David Murphy, Community Development Director Trisha Rosenfeld, Finance Director Dawn Meyer, Police Chief Dave Lanning, City Engineer Joe Duncan, Attorney Mac LeFevre filling in for City Attorney Bob Vose and Video Recording Operator Bill Kruschke. Public Works Superintendent Al Fahey was not present.

**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 March 16, 2009.**
- 4.2. Committee-of-the-Whole Meeting Minutes of March 19, 2009.**
- 4.3. Special Session Minutes of March 20, 2009.**
- 4.4. Work Session Minutes of March 23, 2009.**
- 4.5. Large Assembly Permit for German Days.**
- 4.6. Arbor Day Proclamation.**
- 4.7. Approving the Joint Facilities Agreement with the Belle Plaine School District and Authorizing the Mayor and City Administrator to Execute the Agreement.**
- 4.8. Approving the Joint Agreement with the Belle Plaine School District for the Community Services Director Employment Contract for 2008-2010 and Authorizing the Mayor and City Administrator to Execute the Agreement.**
- 4.9. Authorizing Staff to Proceed with Advertising to Seek Candidates for the Patrol Officer Position.**
- 4.10. Resolution 09-038 Authorizing Staff to Proceed with Application for COPS Grant.**
- 4.11. Authorizing the Sale of Police Department Vehicle.**
- 4.12. Authorizing the City Administrator to Attend Annual City Managers Conference.**
- 4.13. Resolution 09-037 Appointing Matt Schultz, Chris Herrmann, Michael Dunham, and Robert Stier as Public Works Seasonal Employees.**
- 4.14. Authorizing the Mayor and City Administrator to Execute Safe Assure Agreement and Approving Payment of \$4,500.00.**
- 4.15. Authorizing Staff to Proceed with Purchase of 2009 Chevrolet Impala from GSA Auto Choice.**

Councilmember Trost requested that consent agenda items Work Session Minutes of March 23, 2009, Authorizing the Sale of Police Department Vehicle and Authorizing Staff to Proceed with Purchase of 2009 Chevrolet Impala from GSA Auto Choice, be moved to the business portion of the agenda.

MOTION by Councilmember Lange, second by Councilmember Coop, to move Work Session Minutes of March 23, 2009, Authorizing the Sale of Police Department Vehicle and Authorizing Staff to Proceed with

Purchase of 2009 Chevrolet Impala from GSA Auto Choice, to the business portion of the agenda and to approve the consent agenda as follows: 4.1. Regular Session Minutes of March 16, 2009, 4.2. Committee-of-the-Whole Meeting Minutes of March 19, 2009, 4.3. Special Session Minutes of March 20, 2009, 4.4. Large Assembly Permit for German Days, 4.5. Arbor Day Proclamation, 4.6. Approving the Joint Facilities Agreement with the Belle Plaine School District and Authorizing the Mayor and City Administrator to Execute the Agreement, 4.7. Approving the Joint Agreement with the Belle Plaine School District for the Community Services Director Employment Contract for 2008-2010 and Authorizing the Mayor and City Administrator to Execute the Agreement, 4.8. Authorizing Staff to Proceed with Advertising to Seek Candidates for the Patrol Officer Position, 4.9. Resolution 09-038 Authorizing Staff to Proceed with Application for COPS Grant, 4.10. Authorizing the City Administrator to Attend Annual City Managers Conference, 4.11. Resolution 09-037 Appointing Matt Schultz, Chris Herrmann, Michael Dunham, and Robert Stier as Public Works Seasonal Employees, and 4.12. Authorizing the Mayor and City Administrator to Execute Safe Assure Agreement and Approving Payment of \$4,500.00. ALL VOTED AYE. MOTION CARRIED.

## **5. DEPARTMENT REPORTS.**

### **5.1. Fire Department.**

Fire Chief Randy Koepp was present. He reported that the Fire Department is seeking candidates to fill two vacancies as a result of retiring members. The Council acknowledged receipt of the Fire Department report.

### **5.2. Community Services Department.**

Community Services Director Nelson Ladd was present. Councilmember Trost inquired about the increased fees for the upcoming pool season and programs sponsored by the Community Services department. The Council acknowledged receipt of the Community Services Department report.

### **5.3. Public Works and Parks Department.**

Public Works Director Al Fahey was unable to attend. Mayor Lies asked City Engineer Duncan about the status of the sanitary sewer televising project. City Engineer Duncan replied that it was his understanding that there were some collapsed mains along West Church Street. The Council acknowledged receipt of the Public Works and Parks Department report.

### **5.4. Engineer Report.**

City Engineer Joe Duncan was present. He provided a verbal update on the April 3<sup>rd</sup> meeting with Scott County representatives regarding the CSAH 3 interchange. The County has requested an analysis of re-aligning County Road 3 to the west and the placement of the interchange at the base of the hill along Highway 169, near Oakcrest Elementary. The Council acknowledged receipt of the Engineer Report.

### **5.5. City Attorney Report.**

Attorney John (Mac) LeFevre, filling in for City Attorney Bob Vose, provided an update of the recent Scott County judgment on the Otto assessment appeal for the 2006 West Commerce Drive improvement project. Judge Carol Hooten's decision upholds the \$615,000 assessment in full and also awards the City its costs and disbursements incurred by the Otto appeal. Attorney LeFevre explained that the Ottos have 60 days to appeal the decision.

### **5.6. City Administration Report.**

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

**6. PUBLIC FORUM.**

**7. PUBLIC HEARINGS – NONE SCHEDULED.**

**8. BUSINESS.**

**8.1. Presentation of Claims.**

Finance Director Meyer noted two changes to the Presentation of Claims. Claim No. 1 to Access Communications in the amount of \$1,305.53 is to be removed and Claim # 30 to Economic Development Services has been changed from \$14,199.92 to \$8,533.87.

MOTION by Councilmember Trost, second by Councilmember Underferth, to approve the Presentation of Claims with the following changes: the removal of Claim No. 1 to Access Communications in the amount of \$1,305.53 and Claim # 30 to Economic Development Services changed from \$14,199.92 to \$8,533.87. ALL VOTED AYE. MOTION CARRIED.

**8.2. Resolution 09-036 Ordering the Preparation of the Preliminary Report for the 2009 Street Improvement Project.**

Mayor Lies referenced a memo dated April 6, 2009 from City Administrator Murphy regarding the proposed 2009 Street Improvement Project.

City Administrator Murphy explained that at the March 23, 2009 Council Work Session, the 2009 Street Improvement Project was discussed. Two options were discussed and the Committee recommended Option 1, the West Church Street project. If the Council concurs, it would be in order to authorize the preparation of the preliminary report for the project. Once the preliminary report is completed and the Council wishes to continue with the project, a resolution calling for a public hearing will be presented to the Council.

Mayor Lies commented on the collapsed sanitary sewer mains on West Church Street and would like the Council to further discuss this issue as part of the 2009 Street Improvement project. It was the consensus to add discussion on the 2009 Street Improvement Project to the work session agenda on April 27, 2009.

MOTION by Councilmember Lange, second by Councilmember Underferth, to approve Resolution 09-036 Ordering the Preparation of the Preliminary Report for the 2009 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

**8.3. Boards and Commissions.**

**1. Appointing Member to the Safety Committee.**

Mayor Lies referenced a memo dated April 6, 2009 from City Administrator Murphy regarding the appointment to the Safety Committee, EDA membership and Resolution 09-002A, modifying the committee appointments by adding the name of Mayor Tim Lies.

City Administrator Murphy explained that the Council is encouraged to have an elected official on the Safety Committee. The Safety Committee is typically held during working hours and as such it should be someone who would be available during those hours.

Councilmember Trost volunteered to serve on the Safety Committee. The appointment will be added to Resolution 09-002A, Committee Appointments.

## **2. Review EDA Membership.**

City Administrator Murphy explained that the appointment of Tim Lies as Mayor has caused a vacancy on the EDA. Also, a member of the EDA has moved out of the required area for membership, causing a second vacancy on the EDA.

Councilmember Trost suggested that the Council consider appointments from the list of candidates that applied in January. He preferred that all appointments to the boards and commissions be residents of the City, rather than allowing membership for residents of the school district. It was the consensus of the Council to further discuss the EDA appointments from the list of applicants from January 2009 at the work session scheduled for April 27, 2009.

## **3. Resolution 09-002A Modifying Resolution 09-002 Committee Appointments.**

City Administrator Murphy explained that with the appointment of Tim Lies as Mayor, the resolution for committee appointments needs to be modified and to replace Mayor Krick with Mayor Lies.

MOTION by Councilmember Underferth, second by Councilmember Lange, to approve Resolution 09-002A Modifying Resolution 09-002 Committee Appointments. ALL VOTED AYE. MOTION CARRIED.

## **8.4. Discussion on Council Meal Policy.**

Mayor Lies referenced a memo dated April 6, 2009 from City Administrator Murphy regarding the council meal policy. A copy of the council meal policy was attached with City Administrator Murphy's memo.

Councilmember Coop explained that he has requested that this issue be placed on the agenda. He would like the council meal policy repealed as he believes it is unnecessary for the City to provide meals for council members.

Finance Director Meyer explained that meal policy was developed to provide guidelines regarding the ordering of food for City meetings and the policy allows for continuity. She noted that food is ordered at the determination of the mayor. Mayor Lies and Councilmember Trost supported the policy as it does provide guidance regarding the ordering of food. Mayor Lies commented that ordering food will be done judicially.

MOTION by Councilmember Coop, second by Councilmember Underferth, to repeal the council meal policy. Councilmember Coop VOTED AYE. ALL OTHERS VOTED NAY. MOTION FAILED.

## **8.5. Highway 25 Trail Extension and Retaining Wall – MnDOT.**

Mayor Lies referenced a memo dated April 6, 2009 from Community Development Director Rosenfeld and Assistant Planner Villella regarding the retaining wall along the east side of the 400 block of North Walnut Street.

Community Development Director Rosenfeld reported that City staff has been working with representatives from the Minnesota Department of Transportation (Mn/DOT) to find a solution for reconstruction of the retaining wall located on the east side of MN HWY 25 between Court Street and Forest Street. Mn/DOT is willing to reconstruct a retaining wall that will allow enough room between the road and wall for installation of trail with the condition the City provide \$35,000 in 2010 to pay for added costs to the project. Without this type of retaining wall, which allows room for a trail on the east side of MN HWY 25, the MN HWY 25 trail would require users to cross MN HWY 25 twice in order to get from the

trail at Main Street to the existing Minnesota River trail which currently ends just after the bridge (on the east side of MN HWY 25). Providing this retaining wall in 2010 gives the City the opportunity to install a continuous trail on the east side of MN Hwy 25 in the future. The Park Board has recommended in the past that the trail be installed on the east side of MN HWY 25, which is estimated to be constructed in 2015 according to the Park and Trail Long Term Budget. If this is to remain so, the retaining wall will need to be rebuilt by MN/DOT accordingly in 2010. Attached with Community Development Director Rosenfeld and Assistant Planner Vilella's memo were maps showing the existing retaining wall and the proposed path of a continuous trail on the east side of MN HWY 25 and also the detour path. The 2008 Comprehensive Plan forecasts the section of MN HWY 25 from Main Street, north to the Minnesota River Bridge will be periodically congested and the increased traffic volumes may create unsafe conditions for crosswalks on this section of MN HWY 25 in the future. It is also unknown at this time if MN/DOT will allow for these types of crosswalks on MN HWY 25 due to the amount of traffic and functionality of the roadway. In order for a future trail to be installed on the east side of MN HWY 25, it is necessary for MN/DOT to reconstruct the retaining wall between Forest Street and Court Street that allows enough right-of-way for a trail. If City Council chooses to fund \$35,000 of the cost of the retaining wall, it will be built accordingly in 2010 leaving enough right-of-way for a future trail connection on MN HWY 25. At their meeting on March 30, 2009, the Park Board recommended that the Council take necessary action to allow MnDOT to reconstruct the retaining wall to allow for the future construction of the trail. The Park Board also recommended that the material, design and color of the new retaining wall complement the materials of the river bridge.

Councilmember Coop further explained the proposed retaining wall project. He explained the difficulty with having the trail on the west side of Highway 25 due to the dangers of pedestrian crossing. Councilmember Coop explained that he has studied the trail system to find an alternate path, but has been unsuccessful in his attempts.

City Engineer Duncan further described the options proposed by MnDOT for the retaining wall. The preferred method, which is the most cost-efficient, is to add new, segmented blocks, 18" X 30" in size. However, the blocks would impinge on the future trail location. The second option would be to construct a sheet-pile wall with decorative block as a façade. This option would allow for a narrower wall. According to MnDOT, there is an increased cost of \$85,000 for this method. If the City prefers this option, MnDOT has requested that the City contribute \$35,000 to help offset the cost. City Engineer Duncan also reported that the retaining wall on the west side will be removed as well as some of the soil, causing a lowering of the elevation. He also stated that the City will be applying for federal grants for trails.

Councilmember Underferth asked if MnDOT plans to widen Highway 25. City Engineer replied he has not received any indication that the road will be widened. Councilmember Trost was opposed to the request for funds by MnDOT. He said that the City of Shakopee and other cities have received money from the State for trails. Mayor Lies commented that Highway 25 is a gateway to the City and should be aesthetically pleasing. He questioned whether the thickness of the retaining wall would impact the trail location. City Engineer Duncan replied that the trail area would not meet MnDOT standards for trails if the improved retaining wall was installed. It was the consensus of the Council to direct City Engineer Duncan to obtain scale drawings from MnDOT of the proposed options for the retaining wall.

The Council recessed at 7:10 p.m. and reconvened at 7:15 p.m.

#### **8.6. Work Session Minutes of March 23, 2009.**

Councilmember Trost noted that reference to "Blakeley Township" needs to be replaced with "Belle Plaine Township" regarding the road improvements to Belle Plaine Trail in the work session minutes of March 23, 2009. Councilmember Trost also noted that he voted nay in the recommendation for the purchase of a new police squad and requested a correction.

MOTION by Councilmember Trost, second by Councilmember Lange, to approve the Work Session Minutes of March 23, 2009 with the following changes: reference to Blakeley Township changed to Belle Plaine Township regarding the improvement of Belle Plaine Trail, and correction that Councilmember Trost voted nay on the recommendation to purchase a 2009 Chevrolet Impala for the Police Department. ALL VOTED AYE. MOTION CARRIED.

**8.7. Authorizing Staff to Proceed with Purchase of 2009 Chevrolet Impala from GSA Auto Choice.**

Mayor Lies referenced a memo dated April 6, 2009 from Police Chief Lanning regarding the purchase of a 2009 Chevrolet Impala for the Police Department.

Police Chief Lanning explained that staff sought quotes for a 2009 Chevrolet Impala from Belle Plaine Chevrolet-Buick, New Prague Chevrolet and GSA AutoChoice (1122 program). All vehicles were bid with the same equipment. The results of the quotes were: New Prague Chevrolet - \$22,397.00; Belle Plaine Chevrolet - \$22,071.80 and GSA AutoChoice - \$19,297.06, (in cooperation with Belle Plaine Chevrolet). Police Chief Lanning explained the status of the current fleet of Police vehicles, including the mileage. The vehicle purchased from GSA AutoChoice will be delivered to Belle Plaine Chevrolet. At the time of delivery, staff will confirm that it meets the specifications as ordered and payment will be released to GSA/General Motors.

Mayor Lies asked about the consequences if the Police Department vehicle is not purchased. Police Chief Lanning explained that the high mileage and maintenance repairs on the vehicles necessitate the purchase. Finance Director Meyer explained that the purchase of the vehicle was included in the 2009 budget.

Councilmember Trost commented that most cities are cutting back on purchases and he believes the City should not approve the purchase of a new vehicle due to the proposed cutbacks by the State LGA. Councilmember Trost asked about the extra costs associated with the purchase. Police Chief Lanning explained that it is estimated to cost approximately \$700 for paint and striping, and between \$2,000 and \$3,000 for equipment. Councilmember Trost said that in the past, the Public Works employees installed the equipment. Councilmember Trost asked if the surcharge was included in GSA's quote. Police Chief Lanning said yes, that the amount of \$19,297.06 includes all costs and it is the delivered price. Councilmember Trost explained that when the City purchased a 2007 Chevrolet Impala from Iowa, it resulted in a higher price due to unexpected charges of interest on the loan while the vehicle was stored on the lot. The result was a higher cost than the next lowest bid. He does not want to see that happen again.

MOTION by Councilmember Lange, second by Councilmember Underferth, to authorize staff to proceed with the purchase of a 2009 Chevrolet Impala from GSA Auto Choice, in cooperation with Belle Plaine Chevrolet, at a cost of \$19,297.06. Councilmember Trost VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

**8.8. Authorizing the Sale of Police Department Vehicle.**

Mayor Lies referenced a memo dated April 6, 2009 from Police Chief Lanning regarding the sale of the 2002 Chrysler PT Cruiser.

Police Chief Lanning explained that currently the Police Department has utilized the Chrysler PT Cruiser as a school resource officer vehicle. The school resource officer responds to calls for service at times and is not dedicated to school at all times during his shift. This vehicle does not meet the requirements for a "patrol vehicle". The vehicle came in to the possession of the Police Department as drug forfeiture. The vehicle will be sold to public at a Fahey auction along with other forfeited vehicles. The proceeds will be divided between the Police Department, Scott County Joint Prosecution and the State of Minnesota.

Seventy percent will be allocated back to the Police Department forfeiture fund, twenty percent to Scott County Joint Prosecution and the remaining ten percent to the State of Minnesota.

MOTION by Councilmember Lange, second by Councilmember Coop, to authorize the sale of the 2002 Chrysler PT Cruiser at public auction and to place the allocated proceeds into the Police Department forfeiture fund. ALL VOTED AYE. MOTION CARRIED.

**9. ADMINISTRATION.**

**9.1. Upcoming Meetings.**

- 1. EDA, 5:00 p.m., Monday, April 13.**
- 2. Planning Commission, 7:00 p.m., Monday, April 13.**
- 3. Park Board, 5:00 p.m., Tuesday, April 14.**
- 4. Board of Appeal and Equalization, 5:30 p.m., Monday, April 20.**
- 5. City Council, 6:00 p.m., Monday, April 20.**
- 6. Work Session, 5:30 p.m., Monday, April 27 (Meet at Episcopalian Church).**

The Council was reminded of the upcoming meetings as listed.

**10. ADJOURN.**

MOTION by Councilmember Underferth, second by Councilmember Lange, to adjourn at 7:35 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings  
Recording Secretary