

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
MAY 4, 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, May 4, 2009 at 6:18 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 Bill Kruschke.

3. APPROVAL OF AGENDA.

Councilmember Lange requested that consent item "Authorizing Pipe Services to Root Cut and Televiser Certain Sanitary Sewer Lines" be moved to the business portion of the agenda. Mayor Tim Lies requested that discussion of right-of-way acquisition be added to the closed session.

MOTION by Councilmember Coop, second by Councilmember Underferth, to approve the consent agenda with consent item "Authorizing Pipe Services to Root Cut and Televiser Certain Sanitary Sewer Lines" moved to the business portion of the agenda and "Discussion of Right-of-Way Acquisition" added to the Closed Session. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of April 20, 2009.

4.2. Board of Appeal and Equalization Minutes of April 20, 2009.

4.3. Special Session Minutes of April 27, 2009.

4.4. Resolution 09-040 Appointing Rick Krant and Gary Crosby as Members of the Belle Plaine Economic Development Authority.

4.5. Authorizing the Demolition of Basement on City Property at 706 South Meridian Street.

4.6. Resolution 09-041 Amending the City's Fee Schedule Pertaining to Park Kitchen Rental.

4.7. Authorizing Staff to Proceed with Grant Applications for Improvements to the Episcopalian Church.

4.8. Authorizing the Purchase and Installation of Four Park Benches.

MOTION by Councilmember Coop, second by Councilmember Underferth, to approve the consent agenda as follows: 4.1. Regular Session Minutes of April 20, 2009, 4.2. Board of Appeal and Equalization Minutes of April 20, 2009, 4.3. Special Session Minutes of April 27, 2009, 4.4. Resolution 09-040 Appointing Rick Krant and Gary Crosby as Members of the Belle Plaine Economic Development Authority, 4.5. Authorizing the Demolition of Basement on City Property at 706 South Meridian Street, 4.6. Resolution 09-041 Amending the City's Fee Schedule Pertaining to Park Kitchen Rental, 4.7. Authorizing Staff to Proceed with Grant Applications for Improvements to the Episcopalian Church and 4.8. Authorizing the Purchase and Installation of Four Park Benches. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Community Services Department.

Community Services Director Nelson Ladd was present. The Council acknowledged receipt of the Community Services Department report.

5.2. Public Works and Parks Department.

Public Works Director Al Fahey was present. The Council acknowledged receipt of the Public Works and Parks Department report.

5.3. Engineer Report.

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

5.4. City Administration Report.

City Administrator David Murphy was present. He explained that the Police Department forfeiture vehicles will be sold at a local public auction in early June. The Council acknowledged receipt of the City Administration report.

7. PUBLIC HEARINGS – NONE SCHEDULED.

8. BUSINESS.

8.1. Presentation of Claims.

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

8.2. 2008 Audit Report – Steve McDonald and Brad Falteysek, Abdo, Eick & Meyers.

Mayor Lies welcomed Steve McDonald of Abdo, Eick & Meyers, LLP.

Mr. Steve McDonald presented the City's 2008 Audit Report and management letter. He noted that comments about the segregation of duties have now been eliminated with the re-alignment of staff duties. Mr. McDonald reviewed each of the funds and advised on the GAZB requirements. The City has a healthy fund balance.

MOTION by Councilmember Lange, second by Councilmember Underferth, to accept the 2008 Audit Report and the management letter as presented by Abdo, Eick & Meyers, LLP. ALL VOTED AYE. MOTION CARRIED.

8.3. Large Assembly Permit for Jimmy's Classic Rod and Custom Event.

Wayne LaRoche of Jimmy's Classic Rod and Custom Cars was present.

Mayor Lies noted the street closing as requested by Jimmy's CRC. He asked staff to provide information about open bottle/container on public streets during community events and report back at a future meeting. Councilmember Lange questioned why the streets have to be closed so early in the morning as

it is a detriment to downtown businesses. Councilmember Trost did not agree as he believed community events bring more people to the downtown area.

MOTION by Councilmember Trost, second by Councilmember Underferth, to approve the Large Assembly Permit for Jimmy's Classic Rod and Custom Event. ALL VOTED AYE. MOTION CARRIED.

8.4. Resolution 09-042 Accepting Report and Calling for Public Hearing on the 2009 Street Improvement Project.

Councilmember Trost explained that he had voted against proceeding with the 2009 Street Improvement Project at the work session on April 27, 2009. He has now changed his mind and believes the City should proceed with a public hearing to allow input from affected property owners. Councilmember Trost also requested that property owners be informed of their preliminary assessment amount.

MOTION by Councilmember O'Laughlin, second by Councilmember Lange, to approve Resolution 09-042 Accepting Report and Calling for Public Hearing on the 2009 Street Improvement Project. Councilmember Coop VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.5. Discussion on Establishing a Ward System for Election.

Councilmember Coop explained that he is unsure of the criteria to establish a ward system in the City for elections and would like to obtain information as to the process. Councilmember Coop noted that he is referring to wards regarding candidacy, not precincts for polling. City Attorney Vose explained that in order to establish a ward system, a city must become a charter city. It was the consensus of the Council to direct staff to provide information on the process of becoming a charter city.

8.6. Discussion on Establishing a Sub-Committee for Public Works Facility.

Councilmember Coop explained that he would like to obtain the research associated with the public works facility. It was the consensus of the Council to direct staff to provide research information on the public works facility.

8.7. Authorizing Pipe Services to Root Cut and Televisе Certain Sanitary Sewer Lines.

Councilmember Lange explained that perhaps the root cutting is not necessary if the 2009 Street Improvement Project proceeds. Public Works Superintendent Fahey explained that it is pertinent that the root cutting project proceed.

MOTION by Councilmember Lange, second by Councilmember Coop, to authorize Pipe Services to proceed with root cutting certain sewer lines at a cost not to exceed \$5,460.00. ALL VOTED AYE. MOTION CARRIED.

Recess Regular Session.

Prior to the recess of the Regular Session, City Attorney Vose explained that the Council will be discussing the right-of-way acquisition for the following properties: PID 200730020, 200710010 and 200710030.

Mayor Lies recessed the Regular Session at 7:18 p.m.

CLOSED SESSION – Attorney-Client Privilege.

- 1. Heselton and Ellingson Arbitration Agreement.**
- 2. Right-of-Way Acquisition.**

Mayor Lies convened the closed session at 7:23 p.m. 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 and City Attorney Bob Vose.

City Attorney Vose summarized the proposed arbitration agreement between Heselton and Ellingson regarding the north sanitary sewer interceptor project. Also discussed was right-of-way acquisition regarding portions of PID 200730020, 200710030 and 200710010.

MOTION by Councilmember O'Laughlin, second by Councilmember Underferth, to adjourn the closed session at 8:25 p.m. ALL VOTED AYE. MOTION CARRIED.

Mayor Lies reconvened the regular session at 8:26 p.m.

8.8. Heselton and Ellingson Arbitration Agreement.

MOTION by Councilmember O'Laughlin, second by Councilmember Coop, to approve the Heselton and Ellingson Arbitration Agreement as presented by legal counsel and authorizing the Mayor and City Administrator to execute agreement. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Episcopalian Sub-Committee, 3:30 p.m., Tuesday, May 5.**
- 2. EDA, 5:00 p.m., Monday, May 11.**
- 3. Planning Commission, 7:00 p.m., Monday, May 11.**
- 4. Park Board, 5:00 p.m., Tuesday, May 12.**
- 5. City Wide Garage Sales, Saturday, May 16.**
- 6. German Day, Saturday, May 16.**

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Lange, to adjourn at 8:28 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary