

**BELLE PLAINE CITY COUNCIL
SPECIAL SESSION
JUNE 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 Special Session on Thursday, June 4, 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, City Engineer Joe Duncan and Video Recording Operator Shawn Vossen.

3. APPROVAL OF THE AGENDA.

Councilmember O'Laughlin requested the addition of business item 2.3., Passage of a Letter.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve the agenda with the addition of business item 4.3., Passage of a Letter. ALL VOTED AYE. MOTION CARRIED.

4. BUSINESS.

4.1. Resolution 09-044 Authorizing Summary Publication of Ord. 09-02.

MOTION by Councilmember Coop, second by Councilmember Underferth, to approve Resolution 09-044 Authorizing Summary Publication of Ord. 09-02. ALL VOTED AYE. MOTION CARRIED.

4.2. PUBLIC HEARING - CONTINUED.

4.2.1. 2009 Street Improvement Project - Preliminary Assessment Continuation Hearing. The City Council will accept public comment on the preliminary assessments for the 2009 Street Improvement Project.

Mayor Lies announced the continuation of the 2009 Street Improvement Project preliminary assessment hearing at 6:03 p.m. and asked for public comment.

Eric Miller, 300 West Church Street, was opposed to the proposed assessment. He explained that he lived in his house for five years and that property taxes have doubled within that time frame. Meanwhile, the market value of his home has decreased. The proposed assessment of \$14,701 will cause a financial hardship. He asked that the Council take this into consideration.

Dave Watkins, 201 West Church Street, was opposed to the proposed assessment of nearly \$16,000 against his property. He asked that the Council consider postponing the street improvement project until there are better economic times. He cited that there are many houses in foreclosure and jobs are insecure at this time. He also commented that contractors still need to meet their expenses when bidding a project, therefore, bids will always remain competitive, not just in poor economic times. He asked for a delay in the project.

Larry Busch, 320 West Church, supported the project. He stated that the street needs to be reconstructed and that the Council should consider doing it now.

Chris German, 116 West Church Street, was opposed to the proposed assessment of approximately \$16,000. He stated that he and his family cannot afford this assessment.

Mike Breeggemann, 216 North Market Street, spoke in favor of the project and explained that he is a City public works employee and he is aware of the poor condition of the sanitary sewer lines in this area. He explained that the sewer lines are very brittle, causing concern for routine maintenance. He also explained that that City spends a lot of time and expense with patching potholes in this area. Mr. Breeggemann believes the project should proceed.

Mark Hartman, 400 West Church Street, spoke in favor of the project. He explained that the Public Works Superintendent and the City Engineer commented on the seriousness of the poor condition of the sanitary sewer lines. Mr. Hartman stated he researched liability issues with the League of Minnesota Cities. He cautioned the City on its responsibility to address the substandard sewer lines before disaster occurs. Mr. Hartman acknowledged a favorite saying of Councilmember O'Laughlin: He who fails to prepare, is prepared to fail.

Jay Schmit, 220 West Church Street, spoke in favor of the project. He commented that he had spoken with a former homeowner at 216 West Church Street, Curt Johnson, who explained that the sanitary sewer lines were in extremely poor condition when he built his home over 17 years ago. Mr. Schmit asked that the Council proceed with the project.

Eric Miller, 300 West Church Street, again expressed concern for proceeding with the project due to financial reasons. He does not agree with the argument that the City will receive favorably bids for the project due to poor economic times as contractors must always bid competitively. Mr. Miller asked for a delay in the reconstruction project.

MOTION by Councilmember Lange, second by Councilmember Coop, to close the public hearing at 6:18 p.m. ALL VOTED AYE. MOTION CARRIED.

Mayor Lies asked Finance Director Meyer to provide a summary of the financial process associated with the street improvement project. Finance Director Meyer explained that preliminary assessment figures tend to be very close to the actual assessment amounts. The City obtains a bond for the project and the interest rate and term of payments are set at that time. Residents can apply for deferment based on age and income requirements. There is also an appeal process.

Councilmember Trost inquired about specific assessment amounts for certain property owners and said there appears to be a discrepancy in the amounts of the adjusted front footage. City Engineer Duncan explained that the difference stems from corner lot properties. The shortest side is considered the front side of the lot for assessment purposes. This allows a savings to the property owner when calculating front and side yard assessments. Councilmember Trost believed that portions of the project that do not include utilities, such as Market, Grove and Eagle, should not be fully reconstructed. He suggested that the streets have mill and overlay only, thus reducing costs. City Engineer Duncan explained that streets are reconstructed according to City standards. Councilmember Trost inquired about the location of sidewalks. He noted some sidewalks are being removed and others added. Councilmember Trost suggested that the sidewalk remain along Market Street. City Engineer Duncan explained that sidewalks are assessed at 50% of the cost. Mayor Lies suggested that discussion on sidewalks be held at a workshop session. Councilmember O'Laughlin suggested that the Park Board review sidewalks. Councilmember Trost inquired about the replacement of sidewalks at the library and State Bank.

City Engineer Duncan explained only the portion of sidewalk will be removed that is necessary for the replacement of the storm catch basin.

Tom Meger, 520 West Main Street, inquired about the reconstruction of the alley in Block 103. He asked why the bituminous failed to perform. Public Works Superintendent Fahey explained that the alley was damaged from a result of improper storm water drainage.

City Administrator Murphy received a letter dated June 1, 2009 from Michael and Nancy McCarty, 400 West Main Street, opposing the assessment to their property. They requested that the project be reduced in scale or delayed for a number of years until the economy improves.

4.2.2. Resolution 09-047 Ordering Improvements and Directing Preparation of Final Plans and Specifications for the 2009 Street Improvement Project.

MOTION by Councilmember Lange, second by Councilmember Underferth, to approve Resolution 09-047 Ordering Improvements and Directing Preparation of Final Plans and Specifications for the 2009 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

4.3. Passage of Letter.

Councilmember O'Laughlin explained that he and each of the Councilmembers received an unsigned letter in the mail. He commented that it is appropriate for the Council to acknowledge receipt of the letter and that the author of the letter should contact he, one of the Councilmembers, or City Administrator Murphy so that the Council may act on it in an appropriate manner.

Councilmember Trost noted the letter was unsigned and the Council should not act on it. Councilmember Coop concurred and believed the letter was slander. Tom Meger, former Mayor and a member of audience, commented that the letter is now a matter of public record due to this issue being added as an agenda item.

No further action or comment was taken.

4. ADJOURN.

MOTION by Councilmember Underferth, second by Councilmember Trost, to adjourn at 6:59 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary