

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
AUGUST 3, 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, August 3, 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 Jim Lange, Gary Trost, Tim O'Laughlin and Cary Coop present. Councilmember Dawn Underferth arrived at 6:08 p.m.

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 Attorney Linda Thompson filling in for City Attorney Bob Vose. There was no Video Recording Operator present.

3. APPROVAL OF AGENDA.

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

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of July 20, 2009.

4.2. Work Session Minutes of July 27, 2009.

4.3. Authorizing City Participation in the DNR River Valley Clean Up Project.

4.4. Resolution 09-074 Approving Concept Plan for Veterans Park.

4.5. Resolution 09-075 Authorizing Revised Pay Rate for Video Operators for School Events.

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to approve the consent agenda as follows: 4.1. Regular Session Minutes of July 20, 2009, 4.2. Work Session Minutes of July 27, 2009, 4.3. Authorizing City Participation in the DNR River Valley Clean Up Project, 4.4. Resolution 09-074 Approving Concept Plan for Veterans Park and 4.5. Resolution 09-075 Authorizing Revised Pay Rate for Video Operators for School Events. ALL VOTED AYE. MOTION CARRIED.

5. 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. Councilmember Lange inquired about the Public Facilities Authority's low interest loan for approved projects. City Engineer Duncan explained that the reverse osmosis component of the water treatment plant would be a consideration under the PFA loan program after comparison of City bond costs. Public Works Superintendent Fahey explained that potential projects would be associated with the City's capital improvement plan. It was the consensus of the Council to add discussion on the PFA loan program to the work session agenda of August 24, 2009. The Council acknowledged receipt of the Engineer Report.

5.4. City Administration Report.

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

6. PUBLIC FORUM.

No one spoke at the public forum.

7. PUBLIC HEARINGS – NONE SCHEDULED.

8. BUSINESS.

8.1. Presentation of Claims.

Councilmember O'Laughlin inquired about four invoices that were included in the folio. Staff provided details on the bills in question.

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

8.2. Resolution 09-073 Award Bid for the 2009 Street Improvement Project.

Mayor Lies referenced a memo dated August 3, 2009 from City Administrator Murphy regarding the award of bid for the 2009 Street Improvement Project.

City Administrator Murphy explained that the bid opening for the 2009 Street Improvement Project was held on Thursday, July 30, 2009. Five bids were received. The apparent low bidder is Chard Tiling and Excavating at \$1,191,879.05.

City Engineer Joe Duncan provided a brief summary of the bid abstract and recommended the award of the bid to the low bidder, Chard Tiling.

MOTION by Councilmember Trost, second by Councilmember Underferth, to approve Resolution 09-073 Award Bid for the 2009 Street Improvement Project to Chard Tiling for \$1, 191,879.05. ALL VOTED AYE. MOTION CARRIED.

8.3. Resolution 09-076 Negative Determination on the Need for an Environmental Assessment Worksheet (EAW) for the TH169 South Frontage Road Project.

Mayor Lies referenced a memo dated August 3, 2009 from City Administrator Murphy regarding an environmental assessment worksheet.

City Administrator Murphy explained that the threshold for an EAW according to Minnesota Rules, Part 4410.4300, Subp. 22 is one mile of roadway constructed on or in a new location. The City Engineer has determined that there is .64 miles of new alignment and therefore an EAW is not required.

City Engineer Duncan explained that the proposed resolution will document the steps taken to determine that an EAW is not necessary. He further explained that an environmental review is required as part of the Federal stimulus funding for the TH169 South Frontage Road project, which is similar to an EAW. The proposed resolution documents why the threshold for an EAW has not been met. The affected agencies have been notified and no comments have been received.

MOTION by Councilmember Lange, second by Councilmember Coop, to approve Resolution 09-076 Negative Determination on the Need for an Environmental Assessment Worksheet (EAW) for the TH169 South Frontage Road Project. ALL VOTED AYE. MOTION CARRIED.

8.4. Social Host Ordinance.

Mayor Lies referenced a memo dated August 3, 2009 from Police Chief Lanning.

Police Chief Lanning explained that the proposed Social Host Ordinance would hold individuals ("social hosts") criminally responsible for hosting or allowing an event on private or public property where persons under the age of 21 possess or consume alcohol, regardless of who supplied the alcohol to the minor/s. Under this ordinance, the social host does not have to be present at the party, event, or gathering to be held criminally responsible. The intent of this ordinance is that, by imposing criminal responsibility on hosts, this will have a deterrent effect and reduce the number of underage drinking parties as well as the rate of underage drinking. The Cities of Jordan and Shakopee have passed a slightly different version of this ordinance than did Scott County. The changes that Chief Malz of Jordan made under Section 4. (a) (4) by removing the language of "or reasonably should know" and under Section 4, (a) (5) by adding "after observing or being alerted to illegal activity" remove much of the ambiguity from this ordinance. The public safety committee has made a recommendation to the full council to adopt this ordinance.

Councilmember Coop asked Police Chief Lanning to explain a misdemeanor charge. Police Chief Lanning replied that the violator would receive a summons to appear in court. Councilmember Trost was opposed to the ordinance. He believes the current liquor laws protect public safety. He asked about an anniversary party in which underage people are consuming alcohol and whether the host could be charged. City Administrator Murphy replied, yes, if the host is aware of underage drinking. Councilmember Trost stated that there is public drinking on sidewalks and commented that the City does not enforce liquor laws. He referenced St. Patrick's Day and German Day. Mayor Lies explained that the City Council issues a large assembly permit for those celebrations. Councilmember Trost commented that he did not know that a large assembly permit and road closure permits drinking on a public street.

Councilmember Underferth stated that she supports the language that the City of Jordan has adopted and explained that a social host can be charged if they are aware that an underage person is drinking alcohol. Councilmember Trost commented that a parent can provide liquor to an underage child. He stated that he does not want to see a person to experience an extreme financial loss as a result of charges for an underage drinking incident.

Mayor Lies explained that the Scott County cities have been asked to adopt the social host ordinance. City Administrator Murphy explained that Scott County adopted the social host ordinance on a 3-2 vote. Councilmember Coop suggested that the Scott County Attorney and Sheriff attend an upcoming Council meeting to explain the social host ordinance. Councilmember Trost provided a scenario about underage drinking and asked if the parents are liable. City Attorney Thompson explained yes, if they knowingly allowed underage drinking. Councilmember Coop asked whether parents who are in violation of the social host ordinance and convicted, could be charged with child neglect and child abuse. City Attorney Thompson explained yes, it would contribute to the delinquency of a minor.

Councilmember Trost stated that Elko/New Market tabled action on the social host ordinance for one year to allow time for observation of the effects of the social host ordinance in the Scott County court system.

MOTION by Councilmember Trost, second by Councilmember Coop, to table action on the proposed social host ordinance for one year to allow time to observe the effects of the social host ordinance in the Scott County court system. Councilmembers Trost, Coop and Lange VOTED AYE. Mayor Lies and Councilmembers Underferth and O'Laughlin VOTED NAY. MOTION FAILED.

MOTION by Mayor Lies, second Councilmember O'Laughlin, to direct staff to invite the Scott County Attorney and Sheriff to an upcoming Council meeting to further discuss the proposed social host ordinance and to direct staff to prepare the ordinance for adoption. Mayor Lies and Councilmembers O'Laughlin, Lange and Underferth VOTED AYE. Councilmembers Trost and Coop VOTED NAY. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. EDA, 5:00 p.m. Monday, August 10.**
- 2. Planning Commission, 7:00 p.m., Monday, August 10.**
- 3. Park Board, 5:00 p.m., Tuesday, August 11.**
- 4. Budget Workshop, 5:30 p.m., Wednesday, August 12.**
- 5. City Council, 6:00 p.m., Monday, August 17.**
- 6. Council Work Session, 6:00 p.m., Monday, August 24.**
- 7. Design Committee, 6:00 p.m., Thursday, September 3.**

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Trost, second by Councilmember Coop, to adjourn at 6:48 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary