

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
AUGUST 6, 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, August 6, 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 O'Laughlin, Jim Lange and Peter Anderly present. Councilmember Dawn Underferth arrived at 6:08 p.m. Councilmember Tim Lies was not present.

Also present were City Administrator David Murphy, Community Development Director Trisha Rosenfeld, Public Works Superintendent Al Fahey, Finance Director Dawn Meyer and City Engineer Joe Duncan. City Attorney Bob Vose was not present.

3. APPROVAL OF AGENDA.

Mayor Meger requested the addition of business item 8.3., Approving the Letter of Understanding with Scott County for CSAH 8 Frontage Road Refinement Study.

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to approve the agenda with the addition of business item 8.3., Approving the Letter of Understanding with Scott County for CSAH 8 Frontage Road Refinement Study. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of July 23, 2007.

4.2. Workshop Session Minutes of July 17, 2007

4.3. Resolution 07-077 Authorizing Execution of Agreement for the Project Entitled Safe and Sober.

4.4. Resolution 07-078 Appointing Suzanne Kuzemchak, Johnathan McClellan, Janet Bradach, Pamela Eyrich and Michelle Alt as Volunteer Emergency Medical Technicians with the Belle Plaine Ambulance Service.

4.5. Resolution 07-079 Appointing Arletta Appelhof, Lisa Kaczor, Lynn Landmark, Amy Milinkovich, Nate Miller, and Bill VanCura as Part-Time Emergency Medical Technicians with the Belle Plaine Ambulance Service.

4.6. Resolution 07-081 Identifying the Need for Funding to Complete its 2008 Comprehensive Plan Update and Authorizing an Application for Grant Funds to the Metropolitan Council.

4.7. Resolutions 07-082, 07-083, 07-084 and 07-085 Authorizing the Acquisition of Tax Forfeited Properties.

MOTION by Councilmember Anderly, second by Councilmember O'Laughlin, to approve the consent agenda as follows: 4.1. Regular Session Minutes of July 23, 2007, 4.2. Workshop Session Minutes of July 17, 2007, 4.3. Resolution 07-077 Authorizing Execution of Agreement for the Project Entitled Safe and Sober, 4.4. Resolution 07-078 Appointing Suzanne Kuzemchak, Johnathan McClellan, Janet Bradach, Pamela Eyrich and Michelle Alt as Volunteer Emergency Medical Technicians with the Belle Plaine Ambulance Service, 4.5. Resolution 07-079 Appointing Arletta Appelhof, Lisa Kaczor, Lynn Landmark, Amy Milinkovich, Nate Miller, and Bill VanCura as Part-Time Emergency Medical Technicians with the Belle Plaine Ambulance Service, 4.6. Resolution 07-081 Identifying the Need for Funding to Complete its 2008 Comprehensive Plan Update and Authorizing an Application for Grant Funds to the Metropolitan Council and 4.7. Resolutions 07-082, 07-083, 07-084 and 07-085 Authorizing the Acquisition of Tax Forfeited Properties. ALL VOTED AYE. MOTION CARRIED.

5. Reports.

5.1. Fire Department.

Fire Chief Chris Meyer was present and asked for consideration to discuss the expansion of the parking lot at the Fire Hall during the upcoming budgeting process. The Council acknowledged receipt of the Fire Department report.

5.2. Community Services Department.

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

5.3. Public Works Department.

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

5.4. Engineer Report.

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

5.5. City Administration Report.

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

Mayor Meger acknowledged the efforts of Community Development Director Trisha Rosenfeld and staff in the preparation of the City's newly-formatted website, www.belleplainemn.com.

6. VISITOR'S REQUEST.

1. Chris and LaVonne Moore, 220 Oakwood Circle – Request for second driveway.

Mayor Meger welcomed Chris and LaVonne Moore.

Ms. Moore addressed the Council regarding the proposed closure of their second driveway access due to the 2007 Street Improvement Project that is in process. She explained that she was unaware there was any problem with two driveways as they had the horseshoe design driveway for over 17 years. During that time, no one from the City indicated that they were in violation of the City Ordinance. Mr. Moore noted that the combined access width of their driveway is less than the maximum 24-foot width allowed by the Ordinance. Ms. Moore asked the Council to allow the two driveways to remain as their yard is landscaped for the horseshoe driveway design. One driveway would diminish their landscaping design and reduce their property value, Ms. Moore stated. Chris Moore concurred with Lavonne Moore's request, and suggested that the two driveways be "grandfathered in" to allow them to remain.

Mayor Meger referenced a 1990 drawing of the site plan of the Moore residence. The drawing indicated one driveway. Public Works Superintendent Fahey explained that South Street was a rural design road but will become an urban street as a result of the current reconstruction project. The Ordinance allows only one driveway per lot. Councilmember Anderly commented that South Street is being improved at only a 36-foot width and he was opposed to allowing two driveway accesses for safety reasons. Chris Moore responded that he believes that backing out into the street, due to only one driveway access, will be more dangerous.

City Engineer Joe Duncan explained that the street reconstruction project was uniformly designed, consistent with the policies and ordinances of the City. A conditional use permit would need to be applied

for by the Moores, in the event two driveway accesses are to be considered. City Engineer Duncan did note, however, that the contractor expects to install the curb and gutter within the next two weeks and would not allow time for the conditional use permit process. Mayor Meger concurred with City Engineer Duncan's comments. Chris Moore commented that he believed he was being penalized now because the City did not do its job previously. He stated that it will be expensive to remove the asphalt and re-sod for a new driveway design. Mr. Moore also inquired as to how many homes in Belle Plaine have two driveway accesses. Public Works Superintendent Fahey replied that he was unsure of the number, but realized there are a few.

Mayor Meger directed this issue to the Public Works Committee for further review and recommendation. Public Works Superintendent Fahey asked for specific direction. Councilmember O'Laughlin explained that the City cannot perpetuate past mistakes and favored adherence to the City's Ordinance. Councilmember Lange noted the urgency of a decision due to the planned installation of curb and gutter within the next two weeks. Mr. Moore asked to be allowed in the decision-making as he was opposed to having a 24-foot width driveway. Councilmember Anderly stated that he was opposed to two driveways and believed that the Council should give direction accordingly to the Public Works Committee.

MOTION by Councilmember Anderly, to recommend that the Public Works Committee consider only one driveway access for the Moore residence, not to exceed 24 feet in width.

City Administrator Murphy explained that the Public Works Committee is not empowered to make decisions as they are a recommending body only. The Public Works Committee must find compliance with the City's ordinances.

Councilmember Anderly withdrew his motion.

Mayor Meger reiterated that this issue will be referred to the Public Works Committee. A meeting will be scheduled and the Moores will be notified of the meeting time and date.

7. PUBLIC HEARINGS.

7. 1. 2007 East Main Sidewalk Improvement Project - Preliminary Assessment Hearing. The City Council will accept public comment on the proposed 2007 East Main Sidewalk Improvement Project. The area to be assessed for such improvements are the properties adjacent to the north side of East Main Street from Old Highway 169 Boulevard to Elm Street. The City Council proposes to proceed under the authority granted by Minnesota State Statute Chapter 429.

Mayor Meger referenced a memo dated August 6, 2007 from City Administrator Murphy regarding the 2007 East Main Sidewalk Improvement Project.

City Administrator Murphy explained that the feasibility report for the 2007 East Main Sidewalk Improvement Project was received on July 9, 2007 by the City Council. A public hearing has been scheduled and notices to the affected property owners have been sent. A preliminary estimate of the proposed assessments were included in the feasibility report.

Mayor Meger opened the public hearing at 6:52 p.m. and asked for public comment.

Dan Schmitt, 624 East Main Street, was opposed to the sidewalk project and the proposed assessment. He stated that the 600 block of East Main Street was not designed for a sidewalk and that it will be too close to the existing houses and will cause an invasion of privacy. He said that the sidewalk project will also interfere with parking in his driveway. Mr. Schmitt stated that during the winter months, the City and State plow snow into his yard, which will cause blockage of the sidewalk. He also commented about the large amount of snow that is banked at the corner of Main and Ash Streets during the winter season.

Dale J. Otto, property owner on the 700 block of East Main Street, provided written opposition to the assessment. He asked as to whom determined the need for a sidewalk in this area. City Administrator

Murphy responded that the Public Works Committee recommended the sidewalk. Public Works Superintendent Fahey explained that there is no pedestrian access for residents on the northeast side of town and that he was approached about the sidewalk extension. Mr. Otto questioned why he is burdened with the financial responsibility of a sidewalk. Mr. Otto stated that he objected to the assessment, that it is unjust, there is no personal benefit, and asked that the assessment be removed from his property. Mayor Meger acknowledged receipt of the written opposition to the assessment by Dale and Lori Otto.

Chris Stang, 620 East Main Street, objected to the sidewalk project and proposed assessment. The sidewalk project will prohibit him from parking in his driveway and will cause him to park in the street. City Engineer Duncan explained that the sidewalk installation will be in the public right-of-way.

Chuck Valek, Manager of the Belle Plaine Cooperative, explained that he was not opposed to the sidewalk project, only to the assessment amount. He noted that there was a sidewalk installed along Old Highway 169 Boulevard and Main Street recently and that the Belle Plaine Cooperative was not assessed for that sidewalk. He questioned why there is a proposed assessment for this project. Mr. Valek stated that it was his understanding that the sidewalk extension was in the interchange project, but apparently was removed. Mr. Valek commented that if the sidewalk was part of the TH25 interchange project, then it would have been a project cost rather than assessment.

Lori Otto, property owner along the 700 block of East Main Street, asked whether there was a sidewalk in the plans for the interchange project. City Administrator Murphy replied that there was no sidewalk planned along East Main Street. Ms. Otto commented as to why there was a sidewalk installed along Old Highway 169 Boulevard and why there wasn't a sidewalk along East Main Street. Ms. Otto replied that she believed there was a sidewalk in the original plans and that it would have been a project cost, that a mistake was made and now, as a taxpayer, she is expected to pay. She stated that she was adamantly opposed to the assessment.

Amy Zink, 512 East Main Street, inquired why only two property owners on the 500 block of East Main Street are being assessed. Ms. Zink said that she has about 30 feet of sidewalk. She also asked whether she could install the sidewalk on her own, rather than being assessed for it under the project. Mayor Meger briefly explained that the project is being constructed as a 429 project, allowing for assessments. City Engineer Duncan explained that final plans for the sidewalk project have not been done, but the preliminary report indicates some existing sidewalk and the project would be for the installation for those areas where no sidewalk exists. City Engineer Duncan said that the assessment would be for the amount of sidewalk footage.

Mayor Meger recessed the public hearing at 7:07 p.m., to allow information to be presented by the City Engineer.

City Engineer Duncan explained that exact sidewalk footages will not be known until the final plans. The purpose of tonight's meeting is to discuss the merits of the proposed concrete sidewalk project. The actual amount of the assessments and the final design will not be known until the project proceeds further.

Councilmember Underferth inquired as to whether there was a continuous sidewalk along East Main Street previously. Public Works Superintendent Fahey replied that he was not aware of any removal of sidewalk from this area.

Mayor Meger reconvened the public hearing at 7:14 p.m.

Dan Schmitt inquired whether trees will be removed and also about liability issues. City Engineer Duncan explained that it has been City policy to avoid the removal of trees and that the final design will determine the location and width of the sidewalk. City Engineer Duncan said that he was unable to speak about liability issues.

Brad Krick, 211 North Linden Street, commented that there have been no sidewalks along Main Street east of Linden Street since 1968.

Mayor Meger acknowledged receipt of the written objection dated August 2, 2007 to the sidewalk from Margaret Morrison, 518 East Main Street.

MOTION by Councilmember Anderly, second by Councilmember Underferth, to close the public hearing at 7:18 p.m. ALL VOTED AYE. MOTION CARRIED.

Mayor Meger recessed the Council meeting at 7:19 p.m. and reconvened at 7:28 p.m.

Councilmember Anderly asked about the assessment process for this project. Finance Director Meyer explained that assessments for the sidewalk project follow the 429 process, whether the sidewalks were included in the TH25 interchange project or as its own project. She referenced the TH25 Utilities Project in which the City's cost of the project were assessed according to the 429 process and the City's Assessment Policy. She explained that sidewalk assessments are based on lineal footage.

Councilmember Lange commented on the sidewalk width so as to match up with the current width of sidewalk. City Engineer Duncan explained that the current City policy is to have 6 foot concrete sidewalks along major routes. Councilmember O'Laughlin noted that the City policy requires a sidewalk on both sides of a collector and that the mistakes of past City Councils should not be perpetuated by the current City Council. Councilmember Lange noted the importance of keeping pedestrian traffic off of the street as a matter of public safety.

7.1.1. Resolution 07-080 Ordering Improvement and Preparation of Final Plans and Specifications for the 2007 East Main Sidewalk Improvement Project.

MOTION by Councilmember O'Laughlin, second by Councilmember Anderly, to approve Resolution 07-080 Ordering Improvement and Preparation of Final Plans and Specifications for the 2007 East Main Sidewalk Improvement Project. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

- 1. Pay Request No. 1 by Chard Tiling for \$109,343.48 for the 2007 Street Improvement Project.**
- 2. Pay Request No. 13 by ABE Construction for \$176,600.00 for the Water Treatment Project.**

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to approve the Presentation of Claims, Pay Request No. 1 by Chard Tiling for \$109,343.48 for the 2007 Street Improvement Project and Pay Request No. 13 by ABE Construction for \$176,600.00 for the Water Treatment Project. ALL VOTED AYE. MOTION CARRIED.

8.2. Administration Cell Phones.

Mayor Meger referenced a memo dated August 6, 2007 from City Administrator Murphy regarding administrative cell phones.

Councilmember Lange inquired whether staff will carry two phones, or whether there will be a reimbursement. Councilmember O'Laughlin stated he had no objections as long as there is no personal use of the City's phones. He suggested limitations on the amount of minutes. Mayor Meger inquired about cell phones for the Council. Councilmember Anderly stated that he uses his personal cell phone for City business and would appreciate compensation for those minutes used accordingly. City Administrator Murphy explained that some department heads do not want to use their personal phone for City business. Others prefer using only one phone. City Administrator Murphy suggested that staff prepare a policy to address these issues.

8.3., Approving the Letter of Understanding with Scott County for CSAH 8 Frontage Road Refinement Study. Approving Letter of Understanding for the CSAH 8 Frontage Road Study.

City Administrator Murphy explained that Scott County has submitted a Letter of Understanding for the CSAH 8 frontage road refinement study. Attached to the letter was a scope of services for the study from Bolton and Menk. The City would be responsible for one-half of the cost of the \$31,552.00 study, or \$15,776.00. Because this was not a budgeted item, Scott County offered to bill the City after January 1, 2008 for the City's portion.

City Engineer Duncan explained that the purpose of the study is to provide configurations for the connections to the TH25 interchange.

MOTION by Councilmember Lange, second by Councilmember Underferth, to approve the Letter of Understanding for the CSAH 8 frontage road refinement study and to authorize up to \$15,776.00 for the City's portion of the study. Furthermore, this expense shall be considered in the 2008 budget. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Planning Commission, 6:00 p.m., Wednesday, August 8.**
- 2. EDA, 5:30 p.m., Monday, August 13.**
- 3. Personnel Committee 5:30 p.m., Budget Workshop, 6:00 p.m. Thursday, August 16.**
- 4. Council/Staff Workshop, 7:00 a.m., Friday, August 17.**
- 5. City Council, 6:00 p.m., Monday, August 20.**

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Lange, second by Councilmember Underferth, to adjourn at 7:59 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary