

**BELLE PLAINE CITY COUNCIL  
REGULAR SESSION  
SEPTEMBER 8, 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 Tuesday, September 8, 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, Finance Director Dawn Meyer, Police Chief Dave Lanning, City Engineer Joe Duncan and City Attorney Bob Vose. Public Works Superintendent Al Fahey was not present. There was no Video Recording Operator available for this meeting.

**3. APPROVAL OF AGENDA.**

MOTION by Councilmember Lange, 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 August 17, 2009.**
- 4.2. Special Closed Session Minutes of August 12, 2009.**
- 4.3. Budget Workshop Minutes of August 24, 2009.**
- 4.4. Resolution 09-085 Appointing Chris T. Parmelee as a Member of the Belle Plaine Fire Department.**
- 4.5. Authorizing the Re-Roofing of the Carriage House at Court Square.**
- 4.6. Authorizing the Police Department to Proceed with Citizens Academy.**
- 4.7. Resolution 09-084 Adopting Assessment for Delinquent Utility Bill.**
- 4.8. Authorizing Funds for the DNR Minnesota River Clean Up Project.**

MOTION by Councilmember Coop, second by Councilmember O'Laughlin, to approve the consent agenda as follows: 4.1. Regular Session Minutes of August 17, 2009, 4.2. Special Closed Session Minutes of August 12, 2009, 4.3. Budget Workshop Minutes of August 24, 2009, 4.4. Resolution 09-085 Appointing Chris T. Parmelee as a Member of the Belle Plaine Fire Department, 4.5. Authorizing the Re-Roofing of the Carriage House at Court Square, 4.6. Authorizing the Police Department to Proceed with Citizens Academy, 4.7. Resolution 09-084 Adopting Assessment for Delinquent Utility Bill and 4.8. Authorizing Funds for the DNR Minnesota River Clean Up Project. ALL VOTED AYE. MOTION CARRIED.

**5. REPORTS.**

**5.1. Community Services Department.**

Community Services Director Nelson Ladd was unable to attend. The Council acknowledged receipt of the Community Services Department report.

**5.2. Public Works and Parks Department.**

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

### **5.3. Engineer Report.**

City Engineer Joe Duncan was present. Councilmember Trost inquired about the status of Eagle Street during the street reconstruction period. The Council acknowledged receipt of the Engineer Report.

### **5.4. City Administration Report.**

City Administrator David Murphy was present. He reported that the Police Department will assist with the opening and closing of the council chambers for the health seminar on October 7, 2009. The Council acknowledged receipt of the City Administration report.

## **6. PUBLIC FORUM.**

No one spoke at the public forum.

## **7. PUBLIC HEARINGS – NONE SCHEDULE.**

## **8. BUSINESS.**

### **8.1. Presentation of Claims. 1. Pay Request No. 1 by Chard Tiling for \$208,802.91 for the 2009 Street Improvement Project.**

MOTION by Councilmember Trost, second by Councilmember O'Laughlin, to approve the Presentation of Claims and Pay Request No. 1 by Chard Tiling for \$208,802.91 for the 2009 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

### **8.2. Resolution 09-080 Awarding the Sale of \$1,535,000 General Obligation Improvement Bonds, Series 2009A, for the 2009 Street Improvement Project.**

Mayor Lies referenced a memo dated September 8, 2009 from Finance Director Meyer regarding the awarding the sale of \$1,535,000 general obligation improvement bonds, Series 2009A, for the 2009 street improvement project.

Finance Director Meyer explained that on August 17, 2009, the City Council authorized the calling for the sale of G.O. Improvement Bonds for the purpose of financing the 2009 street construction project. The City proceeded with a bond rating from Standard & Poor and the conference call was held on August 31, 2009. Bids were taken on September 8, 2009 and will be presented this evening.

Mark Ruff, Ehlers and Associates, provided an overview of the results of the bids taken and summarized the Standard and Poor's rating report. The City will maintain the AA- bond rating, which is very favorable for the City. Mr. Ruff congratulated the City Council on their budgetary work of the past years.

Councilmember Trost commented on the increased growth of the tax base. Mr. Ruff explained that it was rated on a Bell Curve, not 2010 figures only. Through 2005 and 2009, Belle Plaine experienced stable tax base. Councilmember Trost inquired about the City's net debt burden as compared to other cities. Mr. Ruff explained that Belle Plaine has an acceptable debt ratio.

MOTION by Councilmember Lange, second by Councilmember Coop, to approve Resolution 09-080 Awarding the Sale of \$1,535,000 General Obligation Improvement Bonds, Series 2009A, for the 2009 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

### **8.3. Resolution 09-081A Adopting 2010 Preliminary Budget and Levy.**

Mayor Lies referenced a memo dated September 8, 2009 from Finance Director Meyer regarding the 2010 Preliminary Budget and Levy.

Finance Director Meyer explained that on August 24, 2009 the City Council and Department Heads held a second budget workshop to address the 2010 Preliminary Budget and Levy. After discussion it was recommended to the City Council to approve the Preliminary 2010 Levy set at \$3,733,572.00. The 2010 Preliminary Levy must be certified to the county by September 15, 2009. Once the Preliminary Levy has been certified, the City Council and Department Heads will need to schedule additional Budget Workshops in September, October or November to review, and make additional recommendations prior to final adoption. The Preliminary 2010 Levy may be reduced prior to finalizing, but it may not be increased.

Councilmember Coop distributed a modified resolution regarding the 2010 Preliminary Budget and Levy indicated a net levy of \$3,825,479. Finance Director Meyer provided information about the changes in the proposed resolution that reflect a higher tax impact. Councilmember Coop indicated that the proposed resolution was his choice and explained that it contains an increase in the tax levy. He explained that the Council can reduce the tax levy prior to the adoption of the final budget and levy in December. He explained that the Council may want to conduct workshops prior to the final budget and levy to determine where budget cuts are to be made. Councilmember Coop preferred the increase as it allows the City to balance its budget.

Councilmember Trost explained that he requested a reduction in the tax levy and was disappointed that an increase is being proposed. He recommended that the budget cuts be made immediately, not later. Councilmember O'Laughlin commented that the budget should be reduced now, concurring with Councilmember Trost. Mayor Lies commented that budget cuts should be done with careful review to assess the impact. He suggested a workshop to further discuss the budget. Councilmember Lange inquired about the employee pay increases that are included in the resolution. Finance Director Meyer explained that the wages were calculated based on the labor union contracts. In discussion, Councilmember Trost stated that if this resolution is passed, property taxes will increase by 30%.

MOTION by Councilmember Coop, second by Councilmember Lange, to approve Resolution 09-081A Adopting 2010 Preliminary Budget and Levy. Mayor Lies and Councilmembers Lange, Coop and Underferth VOTED AYE. Councilmembers Trost and O'Laughlin VOTED NAY. MOTION CARRIED.

### **8.4. Resolution 09-086 Authorizing the Deferral of Assessments for the 2006 West Commerce Drive Project.**

Mayor Lies referenced a memo dated September 8, 2009 from City Administrator Murphy regarding a request for deferral of assessments.

City Administrator Murphy explained that Ewald and Adella Gruetzmacher have submitted a formal request for an additional four year deferment. The Committee as a Whole discussed the issue and had two recommendations fail on 3-3 votes. Staff was then directed to place the item on the September 8, 2009 City Council agenda for discussion. As discussed at the workshop, there is another property that is in similar circumstances.

MOTION by Councilmember Trost, second by Councilmember Lange, to approve Resolution 09-086 Authorizing the Deferral of Assessments for the 2006 West Commerce Drive Project, with a deferral of up to four years. ALL VOTED AYE. MOTION CARRIED.

### **8.5. Belle Plaine Fire Relief Association.**

**8.5.1. Resolution 09-082 Modifying Schedules and Municipal Contribution for Belle Plaine Fire Relief Association.**

MOTION by Councilmember Trost, second by Councilmember Underferth, to approve Resolution 09-082 Modifying Schedules and Municipal Contribution for Belle Plaine Fire Relief Association. ALL VOTED AYE. MOTION CARRIED.

**8.5.2. Resolution 09-083 Adopting By-Laws for the Belle Plaine Fire Relief Association.**

Mayor Lies referenced a memo dated September 8, 2009 from City Administrator Murphy regarding amended by-laws for the Fire Relief Association.

Kevin Soller, Vice President, Belle Plaine Fire Relief Association, explained that the by-laws were rewritten over the years. The Fire Relief Association reviewed the by-laws of other associations and compiled the by-laws for adoption. Kevin Soller explained that if a firefighter leaves the Association after ten years of service, sixty (60%) of the qualifying benefit is appropriated to the retiree. Brian Sieckman of the Relief Association commented that the language pertaining to disability was also changed.

City Attorney Vose explained that he had spoken with Mr. Sieckman about the pension and State law changes. City Attorney Vose explained that vesting procedure have changed and recommended that the proposed resolution reflect the changes.

MOTION by Councilmember Trost, second by Councilmember Underferth, to approve Resolution 09-083 Adopting By-Laws for the Belle Plaine Fire Relief Association, subject to review by the City Attorney. ALL VOTED AYE. MOTION CARRIED.

**8.6. Public Works Facility.**

**8.6.1. Expansion at Current Site – 420 East Main Street.**

Mayor Lies referenced a memo dated September 8, 2009 from City Administrator Murphy regarding the expansion at 420 East Main Street.

City Administrator Murphy explained that the public works facility was discussed at the work session on August 24, 2009. It was the consensus to direct staff to prepare cost estimates to expand at this site, including, but not limited to, site demolition, off-campus cold storage, future relocation of the police and ambulance services. The public works facility committee met on September 3, 2009. They have made the following recommendation:

Expansion at Current Site – 420 East Main Street

Short Term Needs: 5 to 10 years

Additional 9,000 to 10,000 square feet. (The old fire hall has 4,000 square feet).

Current public works building has 3,750 square feet.

Proposed new building

Approx. 14,000 sq. ft. total for vehicle storage and materials

Approx. 2,950 sq. ft. for office/restrooms/conference/lunch room/lockers

16,950 x \$110.00 sq. ft = \$1,864,500\* est. cost

\*This cost does not include:

Office furniture/phones/computers/etc.

Relocation of police and ambulance

Building removal

Councilmember Trost commented that Oertel Architects estimated a cost of \$88 per square foot. He explained that the committee recommended that the City does not pursue the acquisition of the auto repair shop (John's Mobil) at 400 East Main Street.

The Council discussed the proposed expansion of the public works facility. Councilmember Lange inquired as to the size and design of the new facility. He questioned whether there is adequate room at the current site to serve the needs of the public works department for the next 20 years. Councilmember Trost explained that it will include an office and heated storage. He said that the public supports the expansion at the current site, rather than on the south side of Highway 169. Councilmember Coop explained that it is understood that the police department will be re-located at a future date. Councilmember Trost noted that the ambulance may need to be re-located in the future as well.

Councilmember Underferth commented on the many unknown costs associated with the current site. Councilmember Lange inquired about cold storage. Councilmembers Coop and Trost explained that these decisions will be made at a future time. The Council discussed whether to design-build or hire an architect. It was the consensus to have the committee make a recommendation on the design-build or architectural services.

MOTION by Councilmember Coop, second by Councilmember Trost, to select the current site as the most favorable option for the expansion of the public works facility. Councilmembers Coop, Trost, Underferth and O'Laughlin VOTED AYE. Mayor Lies and Councilmember Lange VOTED NAY. MOTION CARRIED.

#### **8.6.2. Authorizing Request for Proposals for Environmental Study at 400 E. Main St.**

There was no action taken.

Mayor Lies recessed the Regular Session at 7:10 p.m.

#### **8.7. SPECIAL CLOSED SESSION - Attorney-Client Privilege. Police Related Issue.**

Mayor Lies reconvened the Closed Session at 7: 21 p.m.

Present were Mayor Lies and Councilmembers Dawn Underferth, Jim Lange, Gary Trost, Tim O'Laughlin and Cary Coop. Also present were City Administrator David Murphy, Finance Director Dawn Meyer, Police Chief Dave Lanning and City Attorneys Bob Vose and Bob Alsop.

City Attorney Alsop explained the purpose of the closed session was to discuss further options regarding the Veterans Preference Decision regarding Richard Olsen. City Attorney Alsop presented options for the City.

The closed session was adjourned at 8:06 p.m.

#### **Reconvene Regular Session.**

Mayor Lies reconvened the Regular Session at 8:07 p.m.

#### **8.8. Police-Related Appeal.**

MOTION by Councilmember Lange, second by Councilmember Coop, to dismiss the City's appeal regarding the Veterans Preference Decision for Richard Olsen and to implement an integration plan. ALL VOTED AYE. MOTION CARRIED.

#### **9. ADMINISTRATION.**

**9.1. Upcoming Meetings.**

- 1. EDA, 5:00 p.m. Monday, September 14.**
- 2. Planning Commission, 7:00 p.m., Monday, September 14.**
- 3. Park Board, 5:00 p.m., Tuesday, September 15.**
- 4. City Council, 6:00 p.m., Monday, September 21.**
- 5. Council Work Session, 6:00 p.m., Monday, September 28.**

The Council was reminded of the upcoming meetings as listed.

**10. ADJOURN.**

MOTION by Councilmember Coop, second by Councilmember Underferth, to adjourn at 8:07 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Dawn Meyer and Trisha Rosenfeld  
Recording Secretary