

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
SEPTEMBER 3, 2013**

1. PLEDGE OF ALLEGIANCE.

Mayor Michael Pingalore 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 3, 2013 at 6:00 p.m. in the council chambers of City Hall, 218 North Meridian Street, Belle Plaine, MN. Mayor Michael Pingalore called the meeting to order with Councilmembers Gary Trost, Cary Coop, Scott Schneider and Paul Chard present.

Also present were Interim City Administrator Dawn Meyer, Police Chief Tom Stolee and City Engineer Joe Duncan. City Attorney Bob Vose arrived at 6:45 p.m. Zachary Schoenecker served as the video recording operator.

3. APPROVAL OF AGENDA.

Mayor Pingalore requested the addition of Resolution 13-104, Reconsidering Authorization to Contract with Architecture Design for the Library and Ambulance Garage Projects to the consent agenda.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the agenda with the addition of Resolution 13-104, Reconsidering Authorization to Contract with Architecture Design for the Library and Ambulance Garage Projects to the consent agenda. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of August 19, 2013.

4.2. Closed Session Summary Minutes of August 19, 2013.

4.3. Resolution 13-096 Approving Employment Separation Agreement of City Administrator.

4.4. Resolution 13-097 Modifying Authorized Signatures at State Bank of Belle Plaine.

4.5. Authorize Repairs at the Historical Hillstrom House Site.

4.6. Resolution 13-101 Accepting Cash Donation from the Belle Plaine Historical Society.

4.7. Resolution 13-102 Accepting Cash Donation from the State Bank of Belle Plaine.

4.8. Resolution 13-103 Adopting Special Assessment for Delinquent Utility Bill for 753 Shannon Lane.

4.9. Resolution 13-104, Reconsidering Authorization to Contract with Architecture Design for the Library and Ambulance Garage Projects.

Mayor Pingalore read aloud the Closed Session Summary Minutes of August 19, 2013 pertaining to the performance evaluation of City Administrator David Murphy and recommendation on the employment separation agreement.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve the consent agenda as follows: 4.1. Regular Session Minutes of August 19, 2013, 4.2. Closed Session Summary Minutes of August 19, 2013, 4.3. Resolution 13-096 Approving Employment Separation Agreement of City Administrator, 4.4. Resolution 13-097 Modifying Authorized Signatures at State Bank of Belle Plaine, 4.5. Authorize Repairs at the Historical Hillstrom House Site, 4.6. Resolution 13-101 Accepting Cash Donation from the Belle Plaine Historical Society, 4.7. Resolution 13-102 Accepting Cash Donation from the State Bank of Belle Plaine, 4.8. Resolution 13-103 Adopting Special Assessment for Delinquent Utility Bill for 753 Shannon Lane and 4.9. Resolution 13-104, Reconsidering Authorization to Contract with Architecture Design for the Library and Ambulance Garage Projects. 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 Department.

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

5.3. City Engineer Report.

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

5.4. Administration Report.

Interim City Administrator Dawn Meyer was present. The Council acknowledged receipt of the Administration report.

6. PUBLIC FORUM.

No one spoke at public forum.

CERTIFICATES OF APPRECIATION.

Belle Plaine Historical Society – Cash Donation.

Mayor Pingalore Mayor Pingalore presented Gerry Meyer, Chris Meyer and Rick Krant, members of the Belle Plaine Historical Society, with a certificate of appreciation for the donation of \$4,800 for repairs at the Hillstrom Historical House.

State Bank of Belle Plaine – Cash Donation.

Mayor Pingalore acknowledged the certificate of appreciation for the State Bank for the donation of \$182 for pool amenities.

7. PUBLIC HEARING.

7.1. Preliminary Hearing. The City Council will consider public comment on the proposed 2014 Street Improvement Project.

Mayor Pingalore referenced a memo dated September 3, 2013 from Interim City Administrator Meyer regarding the proposed 2014 street improvement project.

Interim City Administrator Meyer explained the preliminary engineering report for the 2014 street improvement project has been completed and notices for the public hearing have been sent. The hearing will provide the residents the opportunity to discuss the merits and necessity of the project with the Council. After the public hearing has been completed, the next step in the process is to order the improvements and direct the City Engineer to prepare the final plans and specifications.

City Engineer Duncan provided a Power Point presentation on the proposed 2014 street improvement project. He provided an overview of the project, costs and assessment procedure, proposed sidewalks and trail, and the timeline for the project. He explained the Park Board recommended sidewalks on both sides of the 200 and 300 blocks of South Cedar Street and South Chestnut Street, and along the south side of East and West Raven Street.

Mayor Pingalore opened the public hearing at 6:31 p.m. and asked for public comment. He read an objection letter from P C Investment, Inc. for property at 351 East Raven Street. Mayor Pingalore also acknowledged receipt of a petition containing 39 signatures of property owners opposed to the installation of the sidewalks and trail.

Pat Krant, 316 South Cedar Street, stated she presented the petition in which property owners were opposed to the installation of sidewalks and trail. She questioned why sidewalks were being proposed for this street project and commented that no one walks on the sidewalks. The sidewalk would cause the loss of large trees and property owners would lose the use of their driveways. Ms. Krant stated it doesn't make any sense to add sidewalks as none were installed on a previous street project along State Street and Church Street. She said to use the taxpayers' money wisely by resurfacing the street rather than adding cement to the lawns.

Susan Windschitl, representing Betty Windschitl, 200 East Raven Street, was opposed to the sidewalks. She said her elderly mother would be responsible for clearing the sidewalk of snow, which would be a nearly impossible task. Ms. Windschitl said there are many elderly home owners who are on a fixed income in the project area and said sidewalks would be a huge expense for these owners. She commented that large trees will be negatively impacted by the sidewalk. She said only the pedestrians who would utilize the sidewalk are those persons heading to the Dairy Queen (located along East Commerce Drive). She was also opposed to the opening Raven Street at Walnut Street as a through street. She inquired whether there were federal or state funding to assist with the financial burden of the project. Ms. Windschitl also inquired about the service lines and what occurs in the service line if broken during construction.

City Engineer Duncan explained the property owner is responsible for the private service lines from the main to their house. It is the choice of the property owner as to whether to replace the service line at the time of construction.

Michael Reiter, 300 East Park Street, commented that he appreciates the wide streets of Belle Plaine and is opposed to the sidewalks. He said sidewalks are not used and suggested that a walk/bike lane be painted on the street.

Manley Vinkemeier, 206 East Raven Street, asked why the Park Board recommended sidewalks on both sides of the street. He noted that sidewalks were not installed on Eagle Street, which leads directly to the park. He asked how the council determines which streets are reconstructed. He stated he was opposed to constructing Raven Street as a through-street.

Mayor Pingalore explained that sidewalks were proposed for connectivity as students residing within a one-mile radius of school are not allowed bus transportation. The sidewalks are in keeping with the Safe Routes to School plan. He explained that streets are reconstructed based on need and a five-year budget plan.

Marie Blom, 344 South Chestnut Street, was opposed to the sidewalks and questioned why there is no crosswalk at Chestnut Street and Raven Street. She asked why a sidewalk was proposed for the south side of Raven Street. She inquired about assessment payment and interest, and where people will park during construction.

Ken Loescher, 315 South Chestnut Street, was opposed to the sidewalks and the maintenance responsibility. He inquired about the placement and storage of snow resulting from the removal. Mr. Loescher stated he contacted city hall recently and was told that his property was not slated for street reconstruction. He also said the street project has a huge impact to residents and the council should make the project better, not more expensive.

City Engineer Duncan explained that this project has been on the five-year capital improvement plan.

Rick Krant, 215 West Raven Street, was opposed to the trail on West Raven Street. He questioned the degree of the pedestrian public safety as there are two businesses with parking lots with driveways located on the south side. He also questioned why the trail is slated for the south side rather than the north side of Raven Street. He requested that a stop sign be re-installed at the corner of Raven and Market Streets. Mr. Krant also expressed concern for the existing landscaping and sod that will be affected by the sidewalk. He asked about the sidewalk schematic.

Mayor Pingalore explained the south side was proposed due to accessibility and the location of existing structures. Councilmember Coop explained that he surveyed traffic at the corner of Raven Street and Market Street while school was in session last spring. He said it would be safer for students to cross Market Street from the south side of Raven rather than the north side due to the traffic flow. City Engineer Duncan explained that the sidewalk would be located in the right-of-way. He explained the perpetual care of sod is of concern and the public works committee is discussing this issue. City Engineer Duncan said the final design will include the sidewalk configuration.

Scott Williams, 319 South Cedar Street, was opposed to the sidewalk. He said mature trees would die and also said the safety of children is the responsibility of the parents.

Jon Schuette, property owner at Meridian Street and Raven Street, was opposed to the trail. He said that West Raven Street is a poor choice to add a trail because of the high amount of vehicle traffic between 2:30 p.m. and 4:00 p.m. on school days.

Molly Brown, 311 South Cedar Street, was opposed to the sidewalk. She said there is a dangerously deep hole located on the trail on West Commerce Drive that has been neglected for some time and expressed concern for future trail maintenance. She also was opposed to changing Raven Street to a through street at Walnut.

Brady Hartmann, 323 South Chesnut Street, was opposed to the sidewalk. The sidewalk would impact his driveway. He commented that because there is no street light in close proximity, he was concerned about the possibility of increased vandalism.

Angie Teller, 315 South Cedar Street, was opposed to the sidewalk. She said sidewalks are not conducive for rollerblading. She also said there is no street light on her block and was concerned for a possible increase in vandalism. She was opposed to Raven Street as a through-street.

Tory Meyer, 311 South Chestnut Street, was opposed to the sidewalk that will be 10 to 15 feet away from his house. He said his block has no overhead lighting and was concerned for the possibility of increased vandalism. He said he contacted city hall as to the street improvement and was told it was not on the five-year plan. He then proceeded to install new sod and landscaping. He said he was opposed to the project.

Gail Vinkemeier, 206 East Raven Street, was opposed to the sidewalk on Raven Street. She requested the Raven Street sidewalk be included as part of the petition that was submitted to the Mayor earlier this evening.

MOTION by Councilmember Coop, second by Councilmember Chard, to close the public hearing at 7:16 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Chard explained that the reconstruction of Raven Street was on the capital improvement plan four years ago. The 100 and 200 blocks of South Eagle were in need of reconstruction due to low water pressure in that area. The city council and staff strive to inform residents of upcoming street reconstruction projects at the earliest time possible. Councilmember Chard explained that he is employed by a construction company for residential and commercial development that installs sidewalks on both sides of the streets. He said it is important for the safety of pedestrians and connectivity to install sidewalks. Councilmember Schneider noted that sidewalks are a discussion point on street reconstruction projects. He questioned whether sidewalks could be removed from the final plans, if so determined by the city council. City Engineer Duncan explained that sidewalk plans can be removed at a future date. Councilmember Schneider supported the cul de sac to remain on Raven Street based on the testimony by the area residents. Commissioner Coop concurred with leaving the configuration of Raven Street as it is currently. He supported a trail along Raven Street due to the close proximity to the school. He said he had spoken with apartment tenants and was informed they would like sidewalks. Mayor Pingalore agreed with keeping the cul de sac on Raven Street. Although he can sympathize with the comments expressed by home owners about the impact of the sidewalks, Mayor Pingalore strongly believes the sidewalks will provide increased the public safety for pedestrians, and particularly for the students who walk or bike to school. The sidewalks are also important for connectivity and increased safety to the area if the CSAH 3/Hwy 169 overpass is constructed. Mayor Pingalore suggested sidewalks installed on only one side of the street, rather than both sides. Councilmember Trost said that no sidewalks were required when the West Church Street project was constructed a few years ago and questioned why this project requires them. He said there appears to be no consistency. Councilmember Trost also commented that he is willing to wait on the installation of sidewalks until the CSAH 3/Hwy169 overpass is actually constructed. Interim City Administrator Meyer explained the special assessment process, age and income deferment, and repayment schedule in response to a question by a resident earlier this evening. City Attorney Vose explained that a 4/5ths majority vote is needed for the proposed resolution to move the project forward.

1. Resolution 13-099 Ordering Improvements and Directing the City Engineer to Prepare Final Plans and Specifications for the 2014 Street Improvement Project

MOTION by Mayor Pingalore, second by Councilmember Coop, to approve Resolution 13-099 Ordering Improvements and Directing the City Engineer to Prepare Final Plans and Specifications for the 2014 Street Improvement Project, with the cul de sac remaining at East Raven Street and sidewalk/trail along one side of the 200 and 300 blocks of Cedar Street and Chestnut Street, and the south side of East and West Raven Street. Councilmember Trost VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

Mayor Pingalore announced a recess at 7:48 p.m. and reconvened the meeting at 7:59 p.m.

8. BUSINESS.

8.1. Presentation of Claims.

1. Pay Request No. 6 by Chard Tiling for \$6,967.63 for the 2013 Street Improvement Project.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve the Presentation of Claims and Pay Request No. 6 by Chard Tiling for \$6,967.63 for the 2013 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

8.2. Resolution 13-098 Adopting 2014 Preliminary Budget and Levy.

Mayor Pingalore referenced a memo dated September 3, 2013 from Acting City Administrator Meyer regarding the proposed 2014 preliminary budget and levy.

Interim City Administrator Meyer explained that on August 26, 2013 the city council and department heads held a budget workshop to address the 2014 preliminary budget and levy. After discussion it was recommended that the preliminary 2014 budget and levy be approved by the city council. The 2014 preliminary budget and levy must be certified to the county by September 16, 2013. Once the preliminary budget and levy have been certified, the city council and department heads will need to schedule a final budget workshop in October or November to review, prior to final adoption. The preliminary 2014 budget and levy may be reduced prior to finalizing, but it may not be increased.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 13-098 Adopting 2014 Preliminary Budget and Levy. ALL VOTED AYE. MOTION CARRIED.

8.3. Resolution 13-100 Appointing Dawn Meyer as Interim City Administrator.

Mayor Pingalore referenced a memo dated September 3, 2013 from Acting City Administrator Meyer regarding the appointment as Interim City Administrator.

Finance Director Dawn Meyer explained that she has been appointed as the temporary Acting City Administrator for a term not to exceed two consecutive weeks. At their work shop on August 26, 2013, the Committee-of-the-Whole recommended that Dawn Meyer be appointed as the Interim City Administrator until such time a City Administrator is appointed. It is appropriate for the Council to determine the compensation for the Interim City Administrator position.

Councilmember Coop recommended Interim City Administrator Meyer be paid at the same wage scale as former City Administrator Murphy. The council concurred.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Resolution 13-100 Appointing Dawn Meyer as Interim City Administrator at Step 8 of the wage scale. ALL VOTED AYE. MOTION CARRIED.

8.4. Authorizing Staff to Proceed with Advertising to Seek Candidates for City Administrator Position.

Mayor Pingalore referenced a memo dated September 3, 2013 from Interim City Administrator Meyer regarding advertising to seek candidates for the City Administrator position.

Interim City Administrator Meyer explained that City Administrator David Murphy has separated employment with the City of Belle Plaine effective August 19, 2013. Due to the vacancy in the city administrator position it is appropriate for the city council to begin the process to fill the position. Staff recommends the advertisement be placed on the League of Minnesota Cities Website, the Minnesota City/County Management Association Website, the City of Belle Plaine website, cable channel, and the Star Tribune paper and website. An option for council to consider is to advertise with language indicating the review of applications begins on October 2nd. This would allow council and staff to keep the hiring process open until a successful candidate has been found. The second option would be for the application period to close October 2nd. Staff recommends that up to two council members be appointed to participate with the department heads in the initial review of all the applications, and initial interviews to screen for the top three candidates. The second interview with the top three candidates would be with the full council.

Councilmember Trost commented that consideration should be given to create the position as part-time. He indicated that he is aware of a local administrator that would be willing to share the city administrator position between two cities. Councilmember Coop commented the City of Belle Plaine is the third largest business in the city and believes the city administrator position should remain full-time. Councilmember Schneider concurred.

MOTION by Councilmember Coop, second by Councilmember Schneider, to authorize staff to proceed with advertising to seek candidates for city administrator position. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Public Works, 11:00 a.m., Wednesday, September 4.**
- 2. Public Safety, 4:30 p.m., Wednesday, September 4.**
- 3. EDA, 5:00 p.m., Monday, September 9.**
- 4. Planning Commission, 7:00 p.m., Monday, September 9.**
- 5. Fire Department Dance, Saturday, September 14.**
- 6. Design Committee, 5:00 p.m., Monday, September 16.**
- 7. City Council, 6:00 p.m., Monday, September 16.**

Interim City Administrator Meyer advised the cablevision sub-committee will meet at 4:15 p.m. on Monday, September 23, 2013. It was noted the Public Safety Committee has been canceled. The council was reminded of the remaining upcoming meetings as listed.

Councilmember Trost recommended the public safety committee consider the removal of the NO PARKING signs located along West Commerce Drive.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Chard, to adjourn at 8:17 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary