**BELLE PLAINE CITY COUNCIL**
**REGULAR SESSION**
**NOVEMBER 7, 2011**

**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, November 7, 2011 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 Gary Trost, Cary Coop, Scott Schneider and Michael Pingalore present. Councilmember Paul Chard 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 Tom Stolee and City Attorney Bob Vose. Beth Dempsey served as the Video Recording Operator.

**3. APPROVAL OF AGENDA.**

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

**4. APPROVAL OF CONSENT AGENDA.**

**4.1. Regular Session Minutes of October 17, 2011.**
**4.2. Resolution 11-110A Modifying Resolution 11-110 for Conditional Use Permit at 1062 East Enterprise Drive.**
**4.3. Authorizing the Purchase of Park Benches and Trash Receptacles.**
**4.4. Resolution 11-119 Authorizing Change Order No. 1 to the 2011 Street Improvement Project.**
**4.5. Resolution 11-123 Appointing Dyanne Curit, Kevin Sieben, and Nathan Bigaouette as Seasonal Employees with the Public Works Department.**
**4.6. Resolution 11-124 Accepting Donation of Vehicle Interior Upholstery Service from Rick's Classic Interiors.**
**4.7. Resolution 11-126 Authorizing the Mayor and City Administrator to Execute Grant Agreement for Towards Zero Deaths Project.**

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the consent agenda as follows: 4.1. Regular Session Minutes of October 17, 2011, 4.2. Resolution 11-110A Modifying Resolution 11-110 for Conditional Use Permit at 1062 East Enterprise Drive, 4.3. Authorizing the Purchase of Park Benches and Trash Receptacles, 4.4. Resolution 11-119 Authorizing Change Order No. 1 to the 2011 Street Improvement Project, 4.5. Resolution 11-123 Appointing Dyanne Curit, Kevin Sieben, and Nathan Bigaouette as Seasonal Employees with the Public Works Department, 4.6. Resolution 11-124 Accepting Donation of Vehicle Interior Upholstery Service from Rick's Classic Interiors, and 4.7. Resolution 11-126 Authorizing the Mayor and City Administrator to Execute Grant Agreement for Towards Zero Deaths Project. 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.**

Councilmember Pingalore inquired about motorists inadvertently using the shoulder as a traffic lane on eastbound East Main Street. Public Works Superintendent Al Fahey and Police Chief Stolee will discuss this matter. 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 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.

**CERTIFICATE OF APPRECIATION.**
**Rick Fries, Rick's Classic Interiors.**

Mayor Lies presented a certificate of appreciation to Rick Fries of Rick's Classic Interiors for his donation of upholstery services for a city-owned vehicle.

**7. PUBLIC HEARINGS – NONE SCHEDULED.**

**8. BUSINESS.**

**8.1. Presentation of Claims.**
1. **Pay Request No. 1 by Chard Tiling and Excavating, Inc. for $168,776.25 for the 2011 TH25/Main Street Lane Addition Project.**
2. **Pay Request No. 3 by Chard Tiling and Excavating, Inc. for $835,916.35 for the 2011 Street Improvement Project.**
3. **Pay Request No. 3 and Final by Schneider Excavating and Grading, Inc. for $13,787.33 for the 2010 Drainage Stabilization Project.**

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the Presentation of Claims, Pay Request No. 1 by Chard Tiling and Excavating, Inc. for $168,776.25 for the 2011 TH25/Main Street Lane Addition Project, Pay Request No. 3 by Chard Tiling and Excavating, Inc. for $835,916.35 for the 2011 Street Improvement Project, and Pay Request No. 3 and Final by Schneider Excavating and Grading, Inc. for $13,787.33 for the 2010 Drainage Stabilization Project. ALL VOTED AYE. MOTION CARRIED.

**8.2. Fire Bill Appeal by Belle Plaine School District.**

Mayor Lies referenced a memo dated November 7, 2011 from Finance Director Meyer regarding a fire bill appeal by the Belle Plaine School District.

Jeff Heine, School Custodian, was present.

Finance Director Meyer explained that on August 26, 2011, the Belle Plaine Fire Department was paged to respond to1101 Commerce Drive West, Oakcrest Elementary School, for an emergency. The City billed the School District (property owner) for the call per the City's policy and fee schedule. The property owner is appealing the charges to the City Council. The City does not reduce or dismiss fire bill charges unless there is a discrepancy regarding type of billing. The City charges property owners for fire department response in an effort to defer costs incurred for the emergency response; this reduces the burden on tax dollars.

Councilmember Pingalore suggested the school district seek payment from the motorist who reported the fire. Councilmembers Trost and Schneider disagreed. Jeff Heine explained the fire department initially responded to the high school and upon learning there was no fire, verified the location and then responded to Oakcrest Elementary. Mayor Lies asked if a precedent has been set regarding false alarms. Finance Director Meyer said the City has not had a prior situation as this. Councilmember Trost commented that the passing motorist assumed it was smoke but was actually dust from vehicles traveling on the gravel road.

MOTION by Councilmember Coop, second by Councilmember Chard, to dismiss the invoice for the fire department response at Oakcrest Elementary School on August 26, 2011. Councilmember Pingalore VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

**8.3. Authorize Purchase of Air Tank Upgrades for Fire Department.**

Mayor Lies referenced a memo dated November 7, 2011 from Fire Chief Randy Koepp.

Fire Chief Koepp explained the Belle Plaine Fire Department is need of six new SBA bottles for the air packs as the old bottles are expired by OSHA standards. The cost is $898.53 each, for a total of $5,391.18 plus shipping for the SBA bottles from Metro Fire. This is a budgeted item and the Belle Plaine Rural Fire Association supports the purchase of this capital equipment and agrees to the cost share of the purchase.

MOTION by Councilmember Pingalore, second by Councilmember Trost, to approve the purchase of the SBA bottles from Metro Fire at the cost of $5,391.18 plus shipping, and with a cost share of the purchase by the Belle Plaine Rural Fire Association. ALL VOTED AYE. MOTION CARRIED.

**8.4. Annual Renewal Liability Insurance – Jeff McDonald, Canopy Group.**

**1. Resolution 11-125 Establishing a $1,500,000 Per Occurrence Limit on Liability Insurance Coverage and Electing Group and Individual Open Meeting Law Insurance Coverage for the Mayor and City Council Members.**

Mayor Lies referenced a memo dated November 7, 2011 from Finance Director Meyer regarding the annual renewal of the City's liability insurance.

Jeff McDonald, Canopy Group, was present.

Finance Director Meyer explained the City's insurance coverage from the League of Minnesota Cities Insurance Trust must be renewed annually. The City Council must annually adopt a resolution establishing the per occurrence liability limit as well as elect open meeting law coverage for the entire Council. Staff recommends that the deductible remain set at $2,500. Finance Director Meyer reported the City does provide workers compensation for City volunteer workers.

Jeff McDonald provided a brief summary of the coverage and annual premium.

MOTION by Councilmember Trost, second by Councilmember Pingalore, to approve Resolution 11-125 Establishing a $1,500,000 Per Occurrence Limit on Liability Insurance Coverage and Electing Group and Individual Open Meeting Law Insurance Coverage for the Mayor and City Council Members. ALL VOTED AYE. MOTION CARRIED.

**8.5. Ordinance 11-10 Repealing and Replacing Chapter 8 of the City Code Pertaining to Animal Regulation and Licensing.**

**1. Reading and Adoption of Ordinance 11-10.**
**2. Resolution 11-121 Authorizing Summary Publication of Ordinance 11-10.**

Mayor Lies referenced a memo dated November 7, 2011 from Police Chief Stolee regarding proposed Ordinance 11-10.

Police Chief Stolee explained that the existing animal ordinances 800.00, 800.01 and 800.02 were adopted in November of 2003. The new ordinance takes all of the components of the old ordinance and puts them into one. Additions to the ordinance include clearer definitions of animals and enforcement procedures and the inclusion of information on potentially dangerous and dangerous animals. The owner of the animal has the right to file an appeal within 14 days to dispute the potentially dangerous animal designation. Current court decisions have stated that a City must provide the owner of a potentially dangerous or dangerous dog the opportunity to file this appeal. The new ordinance covers the process in which the City will follow for the appeal process. The new 800.00 ordinance was recommended to be brought forward to the Council from the Public Safety Committee.

City Attorney Vose explained that he has reviewed the proposed ordinance and it complies with State Statute.

MOTION by Councilmember Pingalore, second by Councilmember Coop, to adopt Ordinance 11-10 Repealing and Replacing Chapter 8 of the City Code Pertaining to Animal Regulation and Licensing. ALL VOTED AYE. MOTION CARRIED.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-121 Authorizing Summary Publication of Ordinance 11-10. ALL VOTED AYE. MOTION CARRIED.

**Recess Regular Session.**

Mayor Lies recessed the regular session at 6:29 p.m. and announced the closed session.

**8.6. Closed Session.**

Mayor Lies convened the closed session at 6:37 p.m. with Councilmembers Trost, Coop, Chard, Pinaglore and Schneider present. Also present were City Administrator Murphy, Finance Director Dawn Meyer, Public Works Superintendent Fahey, Community Development Director Rosenfeld, Police Chief Stolee and City Attorney Bob Vose.

**1. Proposed Property Acquisition.**

The council and staff discussed potential property acquisition.

**2. Law Enforcement Labor Services Union Negotiations.**

The council and staff discussed the Law Enforcement Labor Services Union proposal.

**Reconvene Regular Session.**

Mayor Lies reconvened the regular session at 7:35 p.m.

**9. ADMINISTRATION.**

**9.1. Upcoming Meetings.**
**1. EDA, 5:00 p.m., Monday, Nov. 14.**
**2. Planning Commission, 7:00 p.m., Monday, Nov. 14.**
**3. Design Committee, 5:00 p.m., Monday, Nov. 21.**
**4. City Council, 6:00 p.m., Monday, Nov. 21.**

The council was reminded of the upcoming meetings as listed.

**10. ADJOURN.**

MOTION by Councilmember Coop, second by Councilmember Chard, to adjourn at 7:36 p.m. ALL VOTED AYE. MOTION CARRIED. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary