BELLE PLAINE CITY COUNCIL
REGULAR SESSION
JANUARY 3, 2012

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, January 3, 2012 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 was not present.

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, City Engineer Joe Duncan and City Attorney Bob Vose. Finance Director Meyer also served as the video recording operator.

3. APPROVAL OF AGENDA.

MOTION by Councilmember Pingalore, second by Councilmember Schneider, to approve the agenda with the addition of consent agenda item 4.7., Tobacco Appeal by Cenex. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of December 19, 2011.
4.2. Resolution 12-001 Professional Appointments.
4.3. Resolution 12-002 Adopting Committee Appointments.
4.4. Resolution 12-003 Approving Retiree Monthly Insurance Benefit.
4.5. Resolution 12-004 Appointing Finance Director Dawn Meyer as Temporary Acting City Administrator in the Absence of the City Administrator.
4.6. Resolution 12-005 Declaring the Official Intent of the City of Belle Plaine to Reimburse Certain Expenditures from the Proceeds of Bonds to be Issued by the City.
4.7. Tobacco Appeal by Cenex.

Councilmember Pingalore requested consent item 4.7., Tobacco Appeal by Cenex, be moved to the business portion of the agenda.

MOTION by Councilmember Coop, second by Councilmember Pingalore, to move consent item 4.7. Tobacco Appeal by Cenex to the business portion of the agenda and approve the consent agenda as follows: 4.1. Regular Session Minutes of December 19, 2011, 4.2. Resolution 12-001 Professional Appointments, 4.3. Resolution 12-002 Adopting Committee Appointments, 4.4. Resolution 12-003 Approving Retiree Monthly Insurance Benefit, 4.5. Resolution 12-004 Appointing Finance Director Dawn Meyer as Temporary Acting City Administrator in the Absence of the City Administrator, and 4.6. Resolution 12-005 Declaring the Official Intent of the City of Belle Plaine to Reimburse Certain Expenditures from the Proceeds of Bonds to be Issued by the City. 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 present. 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.

7. PUBLIC HEARINGS – NONE SCHEDULED.

8. BUSINESS.

8.1 Presentation of Claims.

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

8.2. Appeal by Dog Owner to Allow More Than Two Dogs at 125 ½ North Meridian Street.

Mayor Lies referenced a memo dated January 3, 2012 from City Administrator Murphy regarding a request to allow more than two dogs at a residence.

City Administrator Murphy explained that on December 16, 2011 Christopher McNamar was issued a citation or falsely reporting a crime. During the police investigation it was discovered that the residents of 125 ½ N. Meridian St. #1, Belle Plaine, are in possession of three adult dogs. The residents were advised of City Ordinance 800.09 Subd. 2 limiting possession to no more than two dogs per household. Mr. McNamar has requested the opportunity to address the Council. McNamar has been informed that the ordinance would need to be amended and he is requesting that the amendment fee be waived.

Christopher McNamar, 125 ½ North Meridian Street, asked for consideration to allow him to keep the three dogs. He said one is approximately 13 years old and the other two are two years old. McNamar said only the older dog is allowed to go outside; the two young dogs stay inside. He said he has an invalid mother and the dogs are very important to her. Beverly McNamar, mother of Christopher McNamar, said she has congestive heart failure and the dogs provide stress relief and are helping her to heal. She asked permission to keep the dogs. She was not aware of the two-dog limit.

Councilmember Pingalore asked if there are special provisions to allow a third dog for health reasons if recommended by a health care professional. City Attorney Vose explained the city ordinance does not have such a provision. He explained the action tonight is to determine whether an ordinance amendment is in order and commented that it is the duty of the police department to enforce the ordinance as written.

Mayor Lies questioned whether action should be tabled to allow the scheduling of a closed session. City Attorney Vose explained the situation does not require a closed session.

MOTION by Councilmember Pingalore, second by Councilmember Trost, to deny the request by Christopher McNamar to amend the ordinance to allow more than two dogs at a residence. Councilmember Coop VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

MOTION by Councilmember Coop, second by Mayor Lies, to grant permission to Christopher McNamar, 125 ½ North Meridian Street, to have three dogs for up to one year.

Councilmember Pingalore requested a friendly amendment to the motion to clarify that no replacement dog is allowed in the event one of the dogs dies or is removed from the premise. Councilmember Schneider requested the three dogs be licensed by the owner.

The amended motion read as follows:

MOTION by Councilmember Coop, second by Mayor Lies, to grant permission to Christopher McNamar, 125 ½ North Meridian Street, to allow these three dogs to remain at the residence for up to one year, and that no replacement dog is allowed in the event one of the dogs dies or is removed from the premise. Furthermore, the owner is required to obtain city dog licenses for the three dogs. Staff is directed to do a follow-up on the dogs after the one-year period. Councilmember Schneider VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.3. Reading and Adoption of Ordinance 12-01, Amending Section 305 of the City Code Pertaining to Charitable Gambling Regulations.

Mayor Lies referenced a memo dated January 3, 2012 from City Administrator Murphy regarding proposed Ordinance 12-01.

City Administrator Murphy explained the Belle Plaine City Council discussed amending Section 305 regulating charitable gambling at the December 19, 2011 city council meeting. After debating the issue, the council directed staff to prepare an ordinance amendment clarifying the following items: 1) the procedure for reviewing applications, 2) what constitutes lawful expenditures and the list must be provided to the city annually, and 3) limits licensure to one permit per site. All requested wording changes discussed at the December 19, 2011 council meeting have been changed and the ordinance is now ready for adoption.

Mayor Lies referenced a document submitted by John Mahoney regarding the proposed gambling ordinance amendment. City Attorney Vose commented that although Mr. Mahoney has raised some issues, the proposed ordinance addresses the issues raised by the German Days premises permit application process.

MOTION by Councilmember Coop, second by Councilmember Pingalore, to approve the Reading and Adoption of Ordinance 12-01, Amending Section 305 of the City Code Pertaining to Charitable Gambling Regulations. ALL VOTED AYE. MOTION CARRIED.

8.4. Authorizing Purchase of Snow Plow Equipment.

Mayor Lies referenced a memo dated January 3, 2012 from Public Works Superintendent Fahey regarding snow plow equipment.

Public Works Superintendent Fahey explained the council authorized the purchase of a truck chassis to be used for the replacement of a plow truck. During the discussion on the truck purchase, members of the council wanted more information on the rear wing mount with the underbody plow. Members of the council and public works committee went to Cologne to test drive their new truck with a rear wing and underbody plow. The representatives from the city and staff recommend this style of plow system to be installed on the new truck chassis. Attached with Public Works Superintendent Fahey’s memo was the state contract pricing for this system.

MOTION by Councilmember Schneider, second by Councilmember Coop, to authorize the purchase of a Towmaster front plow, rearwing mount wing plow, underbody scraper and sander at a total cost of $88,836.64. Councilmember Trost VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.5. Acquisition of Zamboni.

Mayor Lies referenced a memo dated January 3, 2012 from City Administrator Murphy regarding the acquisition of the Zamboni.

City Administrator Murphy explained the public works committee discussed the Zamboni and the requirements for the Zamboni at their December 13, 2011 meeting and the city council discussed the acquisition at their December 19, 2011 meeting. The council directed staff to obtain estimated labor and fuel costs for operating the Zamboni during a skating season. For purposes of budgeting a skating season running from December 1 to February 15 was used and it was assumed that no inclement weather occurs during this period. The estimated costs were: initial repairs - $1,500, trailer - $3,000, operators - $1,700, fuel (propane) - $500, yearly maintenance - $500, for a total estimate of $7,200. It is important to note that the initial repairs and trailer expenses will be one-time occurrences with yearly operating costs estimated at $2,700. If council concurs that this is an acceptable amount for rink maintenance, council will need to authorize staff to prepare a resolution to acquire the Zamboni and also direct staff to advertise to seek candidates for the position of Zamboni operator.

Mayor Lies explained that he spoke with a few rink users and learned that they were favorable to the use of the Zamboni for making quality ice, and that the rinks are popular during the winter season. Councilmember Schneider expressed concern for the costly operation for the rink maintenance.

MOTION by Councilmember Coop, second by Councilmember Pingalore, to direct staff to proceed with the preparation of a resolution for the next council meeting to accept the donation of the Zamboni from the Belle Plaine Lions Club. Furthermore, staff is authorized to advertise to seek candidates for the Zamboni operators. Councilmember Schneider VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.6. Resolution 12-006 Accepting Report and Calling for Public Hearing on 2012 Street Improvement Project.

Mayor Lies referenced a memo dated January 3, 2012 from City Administrator Murphy regarding the proposed 2012 street improvement project.

City Administrator Murphy explained that the council has reviewed the preliminary report for the 2012 street improvement project. The next step in the process is to call for a public hearing where affected individuals will have an opportunity to review the proposed project and to address any concerns they have regarding the project with the city council and staff. The hearing is scheduled for Monday, February 6, 2012 at 6:05 in the city council chambers. The hearing is about the validity and necessity of the project. The assessment hearing will occur after the project is awarded. After the conclusion of the public hearing and citizen testimony, the council will decide whether the project is warranted and necessary. If the council deems the project necessary, the council will then order staff to prepare the final plans and specifications for the 2012 street improvement project.

City Engineer Duncan further explained that staff needs to further research the re-surfacing portion of the project as it relates to assessments.

Councilmember Trost expressed concern for the approximate seven property owners who will be assessed for the 2011 and the 2012 street improvement projects.

MOTION by Councilmember Coop, second by Councilmember Pingalore, to approve Resolution 12-006 Accepting Report and Calling for Public Hearing on 2012 Street Improvement Project. Furthermore, the re-surfacing potion of the project is removed and will be brought forth separately at an upcoming meeting. ALL VOTED AYE. MOTION CARRIED.

8.7. Resolution 12-007 Establishing a Seasonal Pool Manager Position, Approving Job Description and Pay Scale, and Authorizing Advertisement to Seek Candidates.

The community recreation committee has been discussing the growing needs of the city's municipal pool and some areas that need improvement. The committee is interested in the betterment of the municipal pool and to have an improved pool experience by providing better management of the city owned facility. The community recreation committee has recommended that a seasonal municipal pool manager be hired to provide on site day-to-day management. The position as recommended would begin on April 1 and would be on an as-needed basis until second week in June. The position would then be 40 hours plus until the second week in August. This is a new position and the recommended pay is $17.74 per hour which is the starting wage for public works winter seasonal employees. Due to this being a newly created position, there are some unknowns that will need to be acknowledged. The time requirements from April 1 to pool opening are unknown as the position is developed and start-up and operational policies are reviewed and updated as necessary. After the 2012 pool season is finished, this position and the pool operations will be reviewed to provide an accurate budget for the 2013 season. The 2012 pool salaries budget was increased to accommodate the addition of a pool manager based on preliminary estimates. The total costs and effect on the 2012 budget will not be known until after the first season. The budget and expenses will be reviewed while planning for the 2013 budget. The pool salaries budget is in the Community Recreation Fund (202) which is supported in part by a transfer from the General Fund (101). Therefore, any overage in the budget would be covered by a General Fund (101) transfer increase.

Public Works Superintendent Fahey explained there is a lack of management at the community pool and that this new position is needed Councilmember Trost suggested the employee work hours of the current community services department be reduced because of this new position.

MOTION by Councilmember Coop, second by Councilmember Pingalore, to approve Resolution 12-007 Establishing a Seasonal Pool Manager Position, Approving Job Description and Pay Scale, and Authorizing Advertisement to Seek Candidates. ALL VOTED AYE. MOTION CARRIED.

8.8. Schedule Interviews with Candidates for Boards and Commissions.

Due to the equal number of applications for the open positions, the Council determined no interviews will be scheduled. Staff was directed to prepare a resolution for the next meeting for the appointments to the boards and commissions.

8.9. Tobacco Appeal by Cenex.

Mayor Lies explained the committee-of-the-whole met prior to tonight's council meeting regarding an appeal by Cenex for a tobacco violation. The committee-of-the-whole made a recommendation to accept the request by Cenex to waive the one-week suspension of tobacco sales. The fine remains.

Councilmember Pingalore stated he has obtained new information regarding the past tobacco violations of other local businesses and explained that it may be valuable to know that within the past three years, there were four businesses that have first-time tobacco violations. Councilmember Schneider commented that this is important information to know. Councilmember Trost was opposed as to how the information was presented. City Attorney Vose commented that he was not aware of the what transpired with the passing of the referenced information.

MOTION by Councilmember Trost, second by Mayor Lies, to accept the committee-of-the-whole recommendation to accept the request by Cenex to waive the one-week suspension of tobacco sales. The penalty fine shall remain. Mayor Lies and Councilmember Trost VOTED AYE. Councilmembers Coop, Schneider and Pingalore VOTED NAY. MOTION FAILED.

Mayor Lies explained the one-week tobacco sale suspension and penalty fine remain for Cenex.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Public Safety, 4:00 p.m., Wednesday, Jan. 4.

2. EDA, 5:00 p.m., Monday, Jan. 9.
3. Planning Commission, 7:00 p.m., Monday, Jan. 9.
4. Public Works, 10:00 a.m., Tuesday, Jan. 10.
5. Hwy 169 Coalition, 6:00 p.m., (?) Thursday, Jan. 12.
6. City Offices Closed, Martin Luther King Day, Monday, Jan. 16.
7. HRA, 5:00 p.m., Tuesday, Jan. 17.
8. City Council, 6:00 p.m., Tuesday, Jan. 17.

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Trost, to adjourn at 7:27 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary