

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
FEBRUARY 4, 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 Monday, January 7, 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 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. Zachary Schoenecker served as the video recording operator.

3. APPROVAL OF AGENDA.

City Administrator Murphy requested the addition of consent agenda item "Authorize Advertising to Seek Candidates for Seasonal Pool Employees."

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the agenda with the addition of "Authorize Advertising to Seek Candidates for Seasonal Pool Employees." ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of January 22, 2013.

4.2. Resolution 13-014 Acceptance of Public Reconstruction of Streets and Utilities for the 2011 Street Improvement Project.

4.3. Authorize Advertising to Seek Candidates for Seasonal Pool Employees.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the consent agenda as follows: 4.1. Regular Session Minutes of January 22, 2013, 4.2. Resolution 13-014 Acceptance of Public Reconstruction of Streets and Utilities for the 2011 Street Improvement Project and 4.3. Authorize Advertising to Seek Candidates for Seasonal Pool Employees. 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 City 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.

ACKNOWLEDGEMENT.

Pinewood Derby Participants.

Mayor Pingalore presented Pinewood Derby participants Jack Townsend, Jeffrey Teal, Adam Stienky, Josh Yates, and Nick Thorkelson with Belle Plaine pins for their recent accomplishments in the competition event, and acknowledged Boy Scout Leader Greg Kellogg.

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. St. Patrick's Day Committee Large Assembly Permit Application.

Mayor Pingalore referenced a memo dated February 4, 2013 from City Administrator Murphy regarding the St. Patrick's Day Committee large assembly permit application.

City Administrator Murphy explained the St. Patrick's Day Committee has requested a large assembly permit and road closure permit for 11:00 a.m., Saturday, March 16 to 1:00 a.m. Sunday, March 17. Police Chief Stolee, Public Works Superintendent Fahey and City Administrator David Murphy have reviewed the application and the conditions listed on the application. There has been discussion with the representatives from the St. Patrick's Day Committee regarding the requirement of liability insurance. Liability insurance is required by City Ordinance. Proof of insurance has not been required in the past, however, will need to be provided from this point on.

MOTION by Councilmember Schneider, second by Councilmember Coop, to approve the St. Patrick's Day Committee large assembly permit for Saturday, March 16, 2013. ALL VOTED AYE. MOTION CARRIED.

8.3. German Days Charitable Gambling Premises Permit Application.

Mayor Pingalore referenced a memo dated February 4, 2013 from City Administrator Murphy regarding German Days Committee.

City Administrator Murphy explained that on January 16, 2013 the German Days Committee submitted an application for a Charitable Gambling Premises Permit Application for Andy's Bar and Grill. This issue has been before the Council on several occasions and the facts have not substantively changed. Attached with City Administrator Murphy's memo were copies of the various documents and applications associated with the premises permit application. There is a 60 day rule for Charitable Gambling Permit applications. The Council must either approve or deny the application prior to March 17, 2013. The issue

that the Council has discussed several times previously is the use of the proceeds. The Council has the discretion to deny a permit application based on the belief that the intended use of the funds does benefit the community to the council's satisfaction.

Councilmember Chard stated he spoke with representatives of the German Days Committee, the Chamber of Commerce, and the owner of Andy's Bar and Grill. He believes the German Days application meets the necessary requirements and supports approval. Councilmember Chard also commented that a premises permit provides additional income to a business and he supports this concept. Mayor Pingalore questioned the lack of consistency in the reports submitted, citing a difference in the proposed distribution of funds. Councilmember Coop commented that he believes the proposed use of funds does not meet the needs of the public and does not support the use of funds for community festivals. Councilmember Trost concurred.

John Mahoney, representing German Days Committee, explained the list of proposed expenditures submitted by committee members Theresa McDaniel and Jim Lange, are one and the same. He also said the Chamber of Commerce uses charitable gambling funds for their festivals and events.

Carrie Traxler, Chamber of Commerce Executive Director, explained how the Chamber gambling funds are returned back to the community by way of sponsoring several events. Councilmember Trost asked if gambling proceeds are used to fund festivals. Ms. Traxler responded that funds are deposited into an account.

Councilmember Schneider commented that the German Days Committee submitted the information as requested by the City. He also said that the City has the option to review the premises permit to ensure compliance. Councilmember Chard concurred, further explaining the City Council may revoke the license for non-compliance.

MOTION by Councilmember Coop, second by Councilmember Pingalore, to deny the charitable gambling premises permit application by German Days Committee, LLC for Andy's Bar and Grill, 114 North Meridian Street, and to direct staff to prepare a resolution accordingly for adoption at the next council meeting. Councilmember Coop VOTED AYE. ALL OTHERS VOTED NAY. MOTION FAILED.

MOTION by Councilmember Chard, second by Councilmember Trost, to direct staff to proceed with preparation of a resolution for adoption at the next council meeting approving the charitable gambling premises permit application as requested by German Days Committee, LLC for Andy's Bar and Grill, 114 North Meridian Street. Councilmember Coop VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.4. Resolution 13-015 Modifying Cell Phone Reimbursement.

Mayor Pingalore referenced a memo dated February 4, 2013 from City Administrator Murphy regarding cell phone reimbursement.

City Administrator Murphy explained the city currently has a cell phone policy that sets the reimbursement level for city use of personal cellular phones. The policy was adopted in 2007 due to the rising reliance on cellular phones for communication of city business. Two options were researched in 2007, one was to provide a city issued cellular phone and the other was to provide reimbursement for a portion of an employee's personal cellular phone cost for city use. The reimbursement rates set in 2007 is \$40 per month with an initial purchase allowance of \$150. The cost and use of the services have been increasing due to the functions that are now able to be utilized by department heads. The public works employees have been using the "Nextel" push to talk feature on city provided phones for several years. Nextel has been purchased by Sprint and this feature has been discontinued and an alternative communication method must be adopted. Two options for public works were researched were to provide two-way radios to public works employees or upgrade public works employees cellular phones and expanding their use.

After researching both options, it is staff recommendation that the public works employees phones be upgraded and the reimbursement rate be increased to \$80 per month. City Administrator Murphy's recommendation is based on two factors, cost and features. Two-way radios that would fit the needs and conditions of the public works department would cost approximately \$1,500 for a hand held unit and \$2,500 for a vehicle mounted unit. The drawbacks to two-way radios is that they provide for voice communication only. Over the last several years as cellular phone technology has expanded and become more user friendly, the manner public works utilizes the technology has increased as well. The phones are no longer used for voice communication only. Public works employees frequently photograph problems and send them electronically to the public works superintendent, city engineer or city administrator. They are also used to send drawings, instructions etc to those who need it. For the preceding reasons, it is staff's recommendation the city's cell phone reimbursement policy be modified to provide for reimbursement of \$80 per month which covers a basic unlimited text and data plan for all employees that are deemed necessary to have such capabilities by their department head.

Councilmember Chard inquired as to whether there would be a better rate for the large number of city cell phone users. Councilmember Schneider questioned whether there were other providers to replace the Nextels. Councilmember Trost cautioned on the dangers of phone use while driving.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 13-015 Modifying Cell Phone Reimbursement. ALL VOTED AYE. MOTION CARRIED.

8.5. Resolution 13-016 Authorizing 2013 Safe Routes to School Grant Application.

Mayor Pingalore referenced a memo dated February 4, 2013 from City Administrator Murphy regarding the Safe Routes to School grant application.

City Administrator Murphy explained that in June, 2011, the City Council authorized Bolton & Menk to prepare an application for the Safe Routes to School grant that offered by MnDOT. Another funding cycle is available and Community Development Director Rosenfeld will be able to complete a majority of the application, with only minor upgraded technical information from Bolton and Menk. The application is due February 15, 2013. The Park Board reviewed the proposed routes for the application and recommends Council approval of the routes. Included with this memo is a map illustrating the routes in the application. Letters of support are being sought from various entities, including the Belle Plaine School District and Scott County. The application includes missing links and gaps in the sidewalk system along Scott County State Aid Highway (CSAH) 6 and Cherry, Buffalo, Eagle, Elk, Grove, Prairie, Park, Linden and Raven Streets. The proposed infrastructure improvements will also include marked crosswalk improvements and the associated vehicle and pedestrian signs indicating such. The grant application is currently being completed and will be submitted within the necessary timeline.

MOTION by Councilmember Trost, second by Councilmember Schneider, to approve Resolution 13-016 Authorizing 2013 Safe Routes to School Grant Application. ALL VOTED AYE. MOTION CARRIED.

8.6. Schedule Visioning Session with Council and Department Heads.

The visioning session with council and department heads to be facilitated by Don Salverdo and Associates was scheduled for Friday, March 15, 8:00 a.m. to 4:00 p.m.

8.7. Discussion on Regularly Scheduled Council Workshops.

The Council scheduled the council and staff work sessions for the fourth Monday of the month, starting at 6:30 p.m., on Monday, February 25, 2013, immediately following the regularly scheduled Park Board meetings. Councilmember Trost would like to ensure the work sessions end at a reasonable hour.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Public Works, 11:00 a.m., Tuesday, Feb. 5.**
- 2. Public Safety, 4:00 p.m., Wednesday, Feb. 6.**
- 3. EDA, 5:00 p.m., Monday, Feb. 11.**
- 4. Planning Commission, 7:00 p.m., Monday, Feb. 11.**
- 5. EDA Banquet, 5:30 p.m., Tuesday, Feb. 12.**
- 6. City Offices Closed, Presidents Day, Monday, Feb. 18.**
- 7. Design Committee, 5:00 p.m. Tuesday, Feb. 19.**
- 8. City Council, 6:00 p.m., Tuesday, Feb. 19.**
- 9. Park Board, 5:00 p.m., Wednesday, Feb. 20.**

Mayor Pingalore reminded those present of the upcoming meetings. He also commented on local participation in the recent Polar Plunge fundraiser for the Special Olympics. Mayor Pingalore also noted he will be hosting "Coffee with the Mayor" at Annie's Café on Thursday, February 6, from 7:00 a.m. to 9:00 a.m. and will appear at Chatfield Elementary for the "I Love to Read" children's program.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Chard, to adjourn at 6:56 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary