BELLE PLAINE CITY COUNCIL
REGULAR SESSION
FEBRUARY 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, February 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, Paul Chard and Scott Schneider present. Councilmember Michael Pingalore 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 Dawn Meyer served as the Video Recording Operator.

3. APPROVAL OF AGENDA.

MOTION by Councilmember Trost, 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 January 18, 2011.
4.2. Resolution 11-016 Authorizing the 22nd Annual Recycle/Clean Up Day for April 30, 2011.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve the consent agenda as follows: 4.1. Regular Session Minutes of January 18, 2011, and 4.2. Resolution 11-016 Authorizing the 22nd Annual Recycle/Clean Up Day for April 30, 2011. 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 and Parks Department.

Public Works Superintendent Al Fahey was present. Councilmember Coop inquired about spring flooding and Fahey stated he will keep the Council posted on predicted flood conditions. The Council acknowledged receipt of the Public Works Department report.

5.3. 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 and reported the ruling of the CAPX2020 line was the Belle Plaine route. Chris Chromy, Traffic Engineer with Bolton and Menk, will be invited to attend an upcoming council or workshop session for updates on the TH169 corridor issues. The Council acknowledged receipt of the City Administration report.

6. PROCLAMATION.

Congenital Heart Defect Awareness Week – February 7 -14, 2011.

Mayor Lies read the Proclamation in honor of a young family with an toddler suffering from congenital heart defects.

6.1. 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. Approving Large Assembly Permit for St. Patrick's Day Celebration.

Mayor Lies referenced a memo dated February 7, 2011 from City Administrator Murphy regarding the St. Patrick's Day celebration.

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 12 to 2:00 a.m. Sunday, March 13. Police Chief Stolee, Public Works Superintendent Fahey and City Administrator David Murphy have reviewed the application and the contingencies listed on the application.

Tom Meger, representative of the St. Patrick's Day Committee, was present.

MOTION by Councilmember Schneider, second by Councilmember Coop, to approve the Large Assembly Permit for St. Patrick's Day Celebration for March 12, 2011. ALL VOTED AYE. MOTION CARRIED.

8.3. Request for Acceptance of Zamboni Ice Rink Equipment.

Mayor Lies referenced a memo dated February 7, 2011 from City Administrator Murphy regarding a request for City acceptance of a Zamboni.

City Administrator Murphy explained the City has received a request from Hockey Rink Volunteers Kevin Sieben and Dave Jeurissen that the City accept a used Zamboni for the use in maintaining the outdoor rinks. Staff is requesting input and direction from Council regarding some unknowns. There is some ambiguity regarding who is in legal ownership of the equipment. The Shakopee Youth Hockey Association donated the equipment to the Belle Plaine Lions Club. At this time, the City is in possession of documentation transferring the equipment from the BP Lions to the Hockey Rink Volunteers. The current and future maintenance costs are also unknown at this time.

Dave Jeurissen, representing the local hockey association, was present and offered to work with the City in the volunteer operation of the Zamboni. He explained that the bearings and auger have recently been replaced on the Zamboni and that a pulley may need replacement.

Public Works Superintendent Fahey explained that storage and transport issues need to be addressed. The City does not have a trailer to transport the equipment. He also questioned maintenance issues with the Zamboni.

Mayor Lies explained that there are some unknowns with this issue. It was the consensus to have the Public Works Committee research the acceptance of the Zamboni at their next meeting on February 17, 2011.

8.4. Ordinance 11-01, Section 310 of the Belle Plaine City Code Pertaining Tattoo/Body Art Establishment Regulations.

Mayor Lies referenced a memo dated February 7, 2011 from Community Development Director Rosenfeld regarding the proposed amendment pertaining to tattoo/body art.

Community Development Director Rosenfeld explained the City currently licenses tattoo establishments within the City. Currently, the City has one tattoo establishment licensed by the City that is up for a renewal at this time. This license is on hold until the City decides if they want to continue to license tattoo establishments, or if they would like to relinquish licensure authority to the Minnesota Department of Health (MDH). The MDH has recently made the City aware of amendments to the State Statute pertaining to the licensing of “body art” establishments and technicians which includes tattoo establishments and technicians. As of 01/01/11, all technicians must be licensed by MDH and all establishments must be licensed, either by MDH or by the local/county jurisdiction. In order to continue licensing of establishments, the local ordinance must meet/exceed the state statute. The City of Belle Plaine’s ordinance was enacted prior to the recent statutory amendments and does not appear to meet the new statutory requirements. Attached with Community Development Director Rosenfeld’s memo were two variations for ordinance amendment. Ordinance 11-01 A repeals the entire Section 310 of the City Code, eliminating the City’s authority to license tattoo establishments. Ordinance 11-01 B amends the City Code to meet the State Statute requirements for the City to maintain licensure authority of tattoo establishments. Most significantly, Ordinance 11-01 B would repeal all of the City’s existing health and safety standards for tattoo establishments and replace them with the relevant new statutory standards. Community Development Director Rosenfeld explained that if the City Council approves Ordinance 11-01 B, staff is also requesting the City Council approves Resolution 11-020, authorizing summary publication of the ordinance amendments in the City’s official newspaper.

Councilmember Chard asked if staff has been in recent contact with the tattoo license holder. Community Development Director Rosenfeld replied she was informed that the tattoo license holder is considering leaving Belle Plaine. Councilmember Trost asked whether there could be a delay in the effective date to allow the tattoo artist to continue operations. Community Development Director Rosenfeld explained that all tattoo artists and establishments must comply with the State regulations in effect. City Administrator Murphy further explained that effective January 1, 2011, body art technicians are required to be licensed by the State. City Attorney Vose explained that many cities were not tracking the recent legislative action pertaining to tattoo establishments, therefore it appears the action was abrupt.

MOTION by Councilmember Trost, second by Councilmember Chard, to adopt Ordinance 11-01 B, Section 310 of the Belle Plaine City Code Pertaining Tattoo/Body Art Establishment Regulations. ALL VOTED AYE. MOTION CARRIED.

8.4.1. Resolution 11-020 Authorizing Summary Publication of Ordinance 11-01, Pertaining to Body Art Establishments.

MOTION by Councilmember Trost, second by Councilmember Chard, to approve Resolution 11-020 Authorizing Summary Publication of Ordinance 11-01, Pertaining to Body Art Establishments. ALL VOTED AYE. MOTION CARRIED.

8.5. Resolution 11-013 Approving Bureau of Criminal Apprehension State of Minnesota Joint Powers Agreement.

Mayor Lies referenced a memo dated February 7, 2011 from Police Chief Tom Stolee regarding the joint powers agreement with the BCA.

Police Chief Stolee explained the Belle Plaine Police Department currently has one computer line that is dedicated to the Bureau of Criminal Apprehension (BCA). This line must remain open and on 24 hours a day to obtain information from and relay information to the BCA. Under Minn. Stat 471.59, the BCA and City of Belle Plaine are empowered to engage in agreements as are necessary to exercise their powers. Minn. Stat. 299C.46 states that the Bureau of Criminal Apprehension must provide a criminal justice data communications network to benefit criminal justice agencies in Minnesota. The Belle Plaine Police Department is authorized by law to utilize the criminal justice data communications network pursuant to terms set out in the Joint Powers Agreement. The Bureau of Criminal Apprehension either maintains repositories of data or has access to repositories of data that benefit criminal justice agencies in performing their duties. The Belle Plaine Police Department wants to maintain access to this data in support of its criminal justice duties. The purpose of the agreement is to create a method by which the Belle Plaine Police Department has access to those systems and tools for which it has eligibility. The Joint Powers Agreement will remain in effect for five years. By law, Minn. Stat. 471.59, Subd 1, the Joint Powers Agreement must be approved by the city council to maintain connectivity with the BCA.

MOTION by Councilmember Schneider, second by Councilmember Coop, to approve Resolution 11-013 Approving Bureau of Criminal Apprehension State of Minnesota Joint Powers Agreement. ALL VOTED AYE. MOTION CARRIED.

8.6. Update on Regulatory Signs.

Mayor Lies referenced a memo dated February 7, 2011 from Police Chief Stolee regarding regulatory signs.

Police Chief Stolee explained that Councilmember Trost had inquired about parking signs on the 600 block of West Main Street. Information was found that the regulatory signs were not authorized by the City Council. The signs have been removed. Police Chief Stolee will be preparing a policy for regulatory signs for review and approval by the City Council at a future meeting. No further action was taken.

7. Resolution 11-019 Terminating Ambulance Service Contract between the City of Belle Plaine and Area Townships.

Mayor Lies referenced a memo dated February 7, 2011 from City Administrator Murphy regarding the terminating of the ambulance service contract.

City Administrator Murphy explained there has been some discussion between City Attorney Vose and Township Attorney Ruppe whether the contract was terminated when the City contracted with Ridgeview Medical for ambulance service. Attorney Vose is recommending that the Council pass a resolution formally terminating any existing agreements, including the agreement that was signed in 1985.

Councilmember Trost noted there is a closed session schedule for later in the meeting regarding the ambulance service.

MOTION by Councilmember Trost to table action on this issue until after the closed session. Mayor Lies called for a second. There was no response. Motion died for lack of a second.

Councilmember Trost questioned why the agreement needs to be terminated and suggested that the City may offer the ambulance service again. Councilmember Chard commented that it is not necessary to terminate the agreement.

MOTION by Councilmember Trost, second by Councilmember Chard, to deny Resolution 11-019 Terminating Ambulance Service Contract between the City of Belle Plaine and Area Townships. Councilmembers Trost and Chard VOTED AYE. Mayor Lies and Councilmembers Coop and Schneider VOTED NAY. MOTION FAILED.

MOTION by Councilmember Schneider, second by Councilmember Coop, to TABLE action on Resolution 11-019 Terminating Ambulance Service Contract between the City of Belle Plaine and Area Townships. ALL VOTED AYE. MOTION CARRIED.

8.8. Resolution 11-014 Accepting Report and Calling for Improvement Hearing for the Proposed 2011 Street Improvement Project.

Mayor Lies referenced a memo dated February 7, 2011 from City Administrator Murphy regarding the 2011 street improvement project.

City Administrator Murphy explained the Council reviewed the preliminary report for the 2011 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 to the City Council. The hearing is scheduled for March 7, 2011 at 6:05 p.m. in the Council Chambers. The hearing is about the validity and necessity of the project. The assessment hearing occurs after the project is awarded. After the public hearing the Council will decide whether to proceed with the project and order the preparation of the final plans and specifications.

Councilmember Chard commented that he would like to add this issue to the Public Works Committee meeting agenda for February 17, 2011.

MOTION by Councilmember Chard, second by Councilmember Coop, to approve Resolution 11-014 Accepting Report and Calling for Improvement Hearing for the Proposed 2011 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

8.9. Resolution 11-017 Authorizing Transfer of Funds for the 2010 South Frontage Road Project Retroactive to December 31, 2010.

Mayor Lies referenced a memo dated February 7, 2011 from Finance Director Meyer regarding the transfer of funds for the 2010 South Frontage Road project.

Finance Director Meyer explained that in July of 2009 the City Council approved the South Frontage Road Project and accepted American Recovery and Reinvestment Act (ARRA) Funds. The project was awarded in January of 2010 The Federal ARRA Funds were estimated to be approximately $2,000,000 which only covered certain approved expenditures. Utility and Engineering costs are not covered by ARRA funds. The total City portion of the South Frontage Road project as of date is estimated to be $822,600. It is necessary to transfer funds from the Water Fund, Sewer Fund and Capital Fund to cover the City's portion of the SFRP. The Water Fund (204) will transfer $275,000, the Sewer Fund (203) will transfer $275,000, and the Capital Fund (402) will transfer $272,600 to the South Frontage Road Project Fund (479). Staff recommends the transfer be made effective as of December 31, 2010 for accounting purposes.

Councilmember Trost asked if there are outstanding items associated with this project. Finance Director Meyer replied that yes, it is possible. City Engineer Duncan explained that any anticipated costs were included in the transfer amount. Councilmember Trost requested a copy of the agreement with a property owner adjacent to the frontage road and CSAH 3 that was initiated during the 2010 South Frontage Road project. Finance Director Meyer stated that a copy of the agreement will be provided to the Council.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-017 Authorizing Transfer of Funds for the 2010 South Frontage Road Project Retroactive to December 31, 2010. ALL VOTED AYE. MOTION CARRIED.

8.10. Resolution 11-015 Approving Mediacom Corporate Change.

Mayor Lies referenced a memo dated February 7, 2011 from City Administrator Murphy regarding Mediacom corporate change.

City Administrator Murphy explained that City Attorney Vose has provided a letter to the City regarding the planned corporate change involving Mediacom. The City currently has a contract with Mediacom that expires in October of 2014. Mediacom will go from a publicly traded corporation to a privately owned entity. Our contract states that any significant ownership change must be reviewed by the City and that Mediacom will pay the legal fees for the review process. City Attorney Vose will be present to answer any questions. The City receives payment from Mediacom each year based on the number of subscribers within the City. The City collects five percent of gross revenues realized by Mediacom which was $31,200 for 2010.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Resolution 11-015 Approving Mediacom Corporate Change. ALL VOTED AYE. MOTION CARRIED.

8.11. Authorizing Improvements for Community Library at 125 West Main Street.

Mayor Lies referenced a memo dated February 7, 2011 from City Administrator Murphy regarding proposed library improvements.

City Administrator Murphy explained that on December 20, 2010 the Council accepted the offer of donation from the Friends of the Library for improvements to the Library. The Friends of the Library offered to pay for the carpeting in the Rose Room and an additional amount for removal of wall-paper and painting. The City received quotes for the work. Richard Peterson of the Friends of the Library stated that he will be able to deliver a check for the entire donation amount on February 8, 2011. The Council should authorize the improvements on the condition that the City receive the donation from the Friends of the Library prior to contracting with the winning bidder.

MOTION by Councilmember Chard, second by Councilmember Coop, to authorize low bidder Berger Interiors to proceed with the removal of wallpaper and repainting the walls at the community library at a cost not to exceed $1,785.00, contingent upon the donation of funds from the Friends of the Library. ALL VOTED AYE. MOTION CARRIED.

8.12. Public Works Facility – Forming Ad Hoc Committee.

Mayor Lies referenced a memo dated February 7, 2011 from City Administrator Murphy regarding Councilmember's Chard request to form an ad hoc committee for the public works expansion project.

City Administrator Murphy explained the Public Works Facility needs were discussed at the January 20, 2011 Public Works Committee meeting. Potential sites were discussed as was the work of the previous Public Works Committee. The Public Works Committee did not make a recommendation to the Council, Council Member Chard requested this item be placed on the agenda.

Councilmember Chard suggested a new group be formed to look at public facilities, including the public works and public safety. He would like to revisit this issue by reviewing the research and plans of the previous ad hoc committee.

Mayor Lies explained the previous ad hoc committee was charged with determining a site selection. Councilmember Schneider commented that it is pertinent that all facets of the public works facility expansion be considered. Councilmember Trost commented he and past committee members, Councilmembers Coop and O'Laughlin, worked hard in researching this matter.

No further action was taken.

Recess Regular Session.

Mayor Lies recessed the regular session at 7:14 p.m.

8.13. CLOSED SESSION.

Mayor Lies announced the closed session at 7:21 p.m.

Present were Mayor Lies and Councilmembers Gary Trost, Cary Coop, Paul Chard and Scott Schneider present. Also present were City Administrator David Murphy, Finance Director Dawn Meyer, and City Attorney Bob Vose.

City Attorney Vose provided the City Council with the status of the ambulance service contract between the City and the area townships and the termination notice.

Mayor Lies adjourned the closed session at 8:05 p.m. and reconvened the regular session.

8.14. Resolution 11-019 Terminating Ambulance Service Contract between the City of Belle Plaine and Area Townships.

Mayor Lies requested the proposed resolution include reference that the termination notice reflects all ambulance service contract agreements similar to the 1985 contract between the City and area townships.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 11-019 Terminating Ambulance Service Contract between the City of Belle Plaine and Area Townships. Councilmember Trost VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Public Safety, 4:00 p.m., Wednesday, Feb. 9.
2. EDA and Park Board, Joint Meeting, 5:00 p.m., Monday, Feb. 14.
3. Planning Commission, 7:00 p.m., Monday, Feb. 14.
4. Public Works, 8:30 a.m., Thursday, Feb. 17.
5. City Offices Closed, Presidents Day, Monday, Feb. 21.
6. Design Committee, 5:00 p.m., Tuesday, Feb. 22.
7. City Council, 6:00 p.m., Tuesday, Feb. 22.

It was the consensus to schedule the Finance Ways and Means Committee meeting for 9:30 a.m. on February 11, 2011 as requested by Councilmember Trost.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Chard, to adjourn at 8:12 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary