BELLE PLAINE CITY COUNCIL
REGULAR SESSION
FEBRUARY 19, 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, February 19, 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, Police Chief Tom Stolee, City Engineer Joe Duncan and City Attorney Peter Mikhail filling in for Bob Vose. Zachary Schoenecker served as the video recording operator.

3. APPROVAL OF AGENDA.

Mayor Pingalore requested consent agenda item "Authorize Staff to Proceed with Advertising to Seek Candidates to Fill the Community Development Director Position" be moved to the business portion of the agenda.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the agenda with the movement of consent item "Authorize Staff to Proceed with Advertising to Seek Candidates to Fill the Community Development Director Position" to the business portion of the agenda. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of February 4, 2013.
4.2. Resolution 13-018 Approving Charitable Gambling Premises Permit by German Days, Inc., at Andy's Bar and Grill, 114 North Meridian Street.
4.3. Resolution 13-017 Authorizing Advertising for Bids for the 2013 Seal Coat Project.
4.4. Authorize Open House for Dog Park on the 200 Block of South Market Street and Authorize Signage and Expenditures.
4.5. Resolution 13-013 Waiving Building Permit Fee and Plan Review Fee for Certain New Home Construction.
4.6. Accept Resignation of Community Development Director Trisha Rosenfeld.
4.7. Authorize Staff to Proceed with Advertising to Seek Candidates to Fill the Community Development Director Position.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the consent agenda as follows: 4.2. Resolution 13-018 Approving Charitable Gambling Premises Permit by German Days, Inc., at Andy's Bar and Grill, 114 North Meridian Street; 4.3. Resolution 13-017 Authorizing Advertising for Bids for the 2013 Seal Coat Project; 4.4. Authorize Open House for Dog Park on the 200 Block of South Market Street and Authorize Signage and Expenditures; 4.5. Resolution 13-013 Waiving Building Permit Fee and Plan Review Fee for Certain New Home Construction; and 4.6. Accept Resignation of Community Development Director Trisha Rosenfeld. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

Ridgeview Ambulance Manager Doug Sweeney was present. The Council acknowledged receipt of the Ambulance Department report.

5.2. Fire Department.

Fire Chief Todd Otto was present. The Council acknowledged receipt of the Fire Department report.

5.3. Police Department.

Police Chief Tom Stolee was present. He acknowledged the participation of local individuals in the recent Polar Plunge, a fundraiser for the Special Olympics. He noted that Officer Vycital has begun the school DARE program and Officer Deets has implemented the Crime Prevention program. Councilmember Schneider commented on the excellent seminar for prevention of school violence with Col. Grossman. The Council acknowledged receipt of the Police Department report.

5.4. Community Development Department.

Community Development Director Trisha Rosenfeld was present. She summarized the annual community development department report that was distributed. The Council acknowledged receipt of the Community Development Department report.

5.5. City Administration Report.

City Administrator David Murphy was present. The Council acknowledged receipt of the City Administration report.

6. PUBLIC FORUM.

ACKNOWLEDGMENT
Karate ATA Business - Mr. Karl Knight

Mayor Pingalore acknowledged local martial arts instructor Karl Knight and students Jeff Kroells, Lynda Hartman, Sarah Feldman, Jack Hammargren, Tom Hammargren, Ashley Ferguson, and Samantha Kiesner.

PRESENTATION OF APPRECIATION PLAQUE
Timothy P. Lies, Belle Plaine Mayor, 4 Years.

Mayor Pingalore presented Former Mayor Tim Lies with an appreciation plaque for his four years of service. as Mayor.

7.PUBLIC HEARINGS.

7.1. Preliminary Plat – Valley Business Park Second Addition. The City Council will consider public comment on a request by City of Belle Plaine for preliminary plat approval for Valley Business Park Second Addition, to combine parcels to allow for the installation of a fence and driveway at public works facility, 891 Diversified Drive.

Mayor Pingalore referenced a memo dated February 19, 2013 from Community Development Director Rosenfeld regarding preliminary plat approval for Valley Business Park Second Addition.

Community Development Director Rosenfeld explained the City of Belle Plaine is requesting the review of the preliminary plat for Valley Business Park Second Addition in order to plat the property. The concept plan was approved in December 2012. In relation to the existing public works facility, all setbacks and lot requirements are being met with the new boundaries and lot lines. Scott County has reviewed the proposed preliminary plat and those comments were included with Community Development Director Rosenfeld's memo. Scott County has accepted the extension of Maple Street in the proposed location and are requiring a 15 foot trail and sidewalk easement be dedicated on the city property in order to reserve room for a future trail, if necessary. The Planning Commission has recommended approval.

Mayor Pingalore opened the public hearing at 6:25 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Coop, second by Councilmember Chard, to close the public hearing at 6:26 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 13-019 Granting Approval of the Preliminary Plat for Valley Business Park Second Addition.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve Resolution 13-019 Granting Approval of the Preliminary Plat for Valley Business Park Second Addition. ALL VOTED AYE. MOTION CARRIED.

7.2. Ordinance 13-02, Zoning Amendments. The City Council will consider public comment on proposed Ordinance 13-02, Section 1104, Survey Requirements, Section 1105, Pertaining to Accessory Building and Garage Door Height.

Mayor Pingalore referenced a memo dated February 19, 2013 from Community Development Director Rosenfeld regarding proposed zoning ordinance amendments.

Community Development Director Rosenfeld explained the Planning Commission has prepared a draft ordinance amendment to allow for a higher accessory structure height in the residential zoning districts, higher garage door for accessory structures and attached garages, as well as clarifying survey requirements for residential and commercial construction. Ordinance 13-02 identified the proposed changes, with the maximum accessory building height to be the same as principal building and the garage door height shall have no maximum height restrictions. The proposed ordinance also includes clarification on survey requirements. The Planning Commission recommended approval.

Mayor Pingalore opened the public hearing at 6:28 p.m. and asked for public comment.

Ashby Carter, 804 Farmers Way, an alternate member of the Planning Commission, was opposed to the proposed ordinance that would allow regarding the maximum height of accessory building to be 35 feet. He expressed concern for the damaging aesthetics of a neighborhood with the allowable height. He also noted that there is no driveway requirement for accessory buildings.

Nathaniel Hvidsten, a member of the Planning Commission, submitted a letter in support of the proposed Ordinance.

MOTION by Councilmember Coop, second by Councilmember Schneider, to close the public hearing at 6:30 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Chard agreed with resident Ashby Carter about the damaging aesthetics of a neighborhood. Councilmember Chard does not want to encourage the storage of large vehicles in residential districts. Councilmember Schneider, council liaison to the Planning Commission, explained the Planning Commissioner reviewed the ordinances of other cities and spent many hours discussing the maximum building height and garage door height. He supports the flexibility in property rights. Councilmember Trost was opposed to the proposed ordinance and he does not want large trucks and equipment in residential districts. Councilmember Trost distributed photos of two non-compliant accessory buildings and noted the negative aesthetic impact. He said that there is a variance process in place if additional building height or garage door height is preferred by a resident. Community Development

Director Rosenfeld explained that staff had recommended a maximum 20 foot height for accessory structures. Councilmember Coop asked that if a primary structure is over 35 feet high, could a resident build an accessory building to match that height. City Attorney Mikhail explained that there appears to be ambiguity in the proposed language, allowing for interpretation of this scenario. Mayor Pingalore recommended the proposed ordinance be sent back to the Planning Commission for further review.

1. Adoption of Ordinance 13-02, Amending the City Code by Adding/Modifying Language to Sections 1104 and 1105 of the City's Zoning Ordinance.

2. Resolution 13-023 Authorizing Summary Publication of Ordinance 13-02.

MOTION by Councilmember Schneider, second by Councilmember Coop, to TABLE action on Ordinance 13-02, Section 1104, Survey Requirements, Section 1105, Pertaining to Accessory Building and Garage Door Height, and Resolution 13-023 Authorizing Summary Publication of Ordinance 13-02, to allow time for further review and recommendation from the Planning Commission. ALL VOTED AYE. MOTION CARRIED.

7.3. Ordinance 13-03, Temporary Directional Signage Policy. The City Council will consider public comment on proposed Ordinance 13-03, Amending the City Code by Amending Section 1107.20, Pertaining to the Temporary Directional Signage Policy.

Mayor Pingalore referenced a memo dated February 19, 2013 from Community Development Director Rosenfeld regarding proposed Ordinance 13-03.

Community Development Director Rosenfeld explained the Planning Commission has prepared a draft temporary directional sign policy, similar to what has been previously implemented. Attached with Community Development Director Rosenfeld's memo was the application and policy that was created in 2007/2008 and adopted by the Planning Commission and City Council. Proposed Ordinance 13-03 was also attached. The Planning Commission recommended approval of the temporary directional sign policy for one year or until they have had an opportunity to review the sign ordinance in its entirety to make changes that allow for additional flexibility given to the business climate. A further update by staff informed the council that further review by the city attorney is necessary in order to establish the temporary sign policy as part of the City Code.

Mayor Pingalore opened the public hearing at 6:55 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Coop, second by Councilmember Chard, to close the public hearing at 6:56 p.m. ALL VOTED AYE. MOTION CARRIED.

MOTION by Councilmember Coop, second by Councilmember Chard, to TABLE action on Ordinance 13-03, Amending the City Code by Amending Section 1107.20, Pertaining to the Temporary Directional Signage Policy, to allow time for further review by the city attorney. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

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

8.2. Fire Bill Appeal – 900 East South Street.

Mayor Pingalore referenced a memo dated February 19, 2013 from City Administrator Murphy regarding a fire bill appeal.

City Administrator Murphy explained the Fire Department responded to an alarm at 900 East South Street. The operator of the child daycare center at that address is appealing the $300 fire bill because a child inadvertently activated the fire alarm.

MOTION by Mayor Pingalore, second by Councilmember Coop, to re-affirm the invoice for the fire department response to 900 East South Street for $300.00. ALL VOTED AYE. MOTION CARRIED.

8.3. Belle Plaine Community Services.

1. Resolution 13-022 Approving Joint Powers Agreement between the City and Belle Plaine School District.

City Administrator Murphy explained the Joint Powers Agreement is up for renewal and has been reviewed by the Community Recreation Committee. The Committee has recommended approval of the Joint Powers Agreement with the same language as the expired agreement. This agreement is for two years.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 13-022 Approving Joint Powers Agreement between the City and Belle Plaine School District. ALL VOTED AYE. MOTION CARRIED.

2. Resolution 13-020 Approving Joint Facilities Agreement between the City and Belle Plaine School District.

City Administrator Murphy explained the Joint Facilities Agreement is up for renewal and has been reviewed by the Community Recreation Committee. The Committee has recommended approval of the Joint Facilities Agreement with two changes from previous years. The first change is to move to a one year agreement rather than two years in the previous agreements. The second change is the addition of utilizing the outdoor rink as a dog park during the non-winter months. The agreement specifies the responsibilities for that facility and the ownership of the improvements.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 13-020 Approving Joint Facilities Agreement between the City and Belle Plaine School District. ALL VOTED AYE. MOTION CARRIED.

8.4. Resolution 13-026 Approving Reduction of Abatement Payable to Coborn's, Incorporated, and the Execution of a New Pay-As-You-Go Note in the Reduced Amount.

Mayor Pingalore referenced a memo dated February 19, 2013 from Community Development Director Rosenfeld regarding a reduction on the abatement for Coborn's, Inc.

Community Development Director Rosenfeld explained that Coborn's Incorporated (the "Developer") entered into a Contract for Private Development, dated May 14, 2010 (the "Contract") with the City of Belle Plaine (the "City"). Pursuant to the Contract, the Developer agreed to construct, own and operate an approximately 38,000 square foot building, including a full service grocery store, on the Development Property (as defined in the Contract. In exchange for the construction of the Minimum Improvements, the City agreed to issue to the Developer a Note in the amount of up to $243,580 depending on certain conditions being met. The Note was initially issued to Coborn's in the reduced amount of $202,810.00 pursuant to Section 3.2(c) of the Contract. The Note is subject to reduction if the job and wage goals set forth in Section 3.4(b) of the Contract are not met. Section 3.4(b) of the Contract requires the Developer create: (i) at least 25 full-time jobs in the Minimum Improvements with wages for each such full-time job of no less than 175% of federal minimum wage (for calendar year 2012, $12.70) per hour, excluding benefits; and (ii) at least 88 part-time jobs in the Minimum Improvements with wages for each such part-time job of no less than the federal minimum wage (for calendar year 2012, $7.25) per hour, excluding benefits. In January 2013, Coborn's provided job information as of October 28, 2012 indicating Coborn's met its part-time job and wage goals and provided 20 full-time jobs at a wage of at least $12.70 per hour. Section 3.4(c) of the Contract states that if the Developer fails to meet the goals described in Section 3.4(a)(3), the Developer shall repay to the City upon written demand from the City a "pro rata share" of the outstanding principal amount of the Abatements together with interest based on the rate set forth in Section 116J.994, subd. 6 of the Business Subsidy Act, accrued from the date of the default to the date of payment. Because five of the 25 full-time jobs required by the Contract were not created, we have reduced the Note by $8,923.64.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 13-026 Approving Reduction of Abatement Payable to Coborn's, Incorporated, and the Execution of a New Pay-As-You-Go Note in the Reduced Amount. ALL VOTED AYE. MOTION CARRIED.

8.5. Resolution 13-021 Award Quote for Graphic Design and Printing Services.

Mayor Pingalore referenced a memo dated February 19, 2013 from Community Development Director Rosenfeld regarding graphic design and printing services.

Community Development Director Rosenfeld explained the EDA formed a subcommittee that met to discuss the proposals submitted for the graphic design and printing services. A total of seven proposals were submitted. The subcommittee narrowed the selection down to two finalists and asked for the two finalists to present at the February EDA meeting. Each organization provided a 15-minute presentation and then were allowed a 10-minute Q & A session after their presentation. Those who presented were Lime Valley Advertising, Mankato by Jim Schill and Curtis 1000, Mankato by Michael Pingalore and Dave Brieter. The EDA discussed the proposals from the two finalists and the presentations provided to the group. After much discussion, it was the consensus of EDA to recommend to the City Council to award the bid to Lime Valley Advertising of Mankato, not to exceed $10,000. The EDA felt the creativity and full service advertising agency would meet the goals of the project. As identified in the RFP, the EDA is looking for unique and distinctive pieces that will set the city apart from others.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 13-021 Award Quote for Graphic Design and Printing Services to Lime Valley, Mankato, MN, at a cost not to exceed $10,000. Mayor Pingalore ABSTAINED. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.6. Ordinance 13-04, Relating to Criminal History Background Checks.

Mayor Pingalore referenced a memo dated February 19, 2013 from Police Chief Stolee.

Chief Stolee explained that since 2008, law enforcement agencies have been permitted to conduct Minnesota criminal history background checks for employment and licensing purposes if an ordinance had been enacted requiring that background checks be conducted. The Bureau of Criminal Apprehension (BCA) worked with the League of Minnesota Cities (LMC) to identify specific requirements for an ordinance authorizing the checks. The City of Belle Plaine currently utilizes City Ordinance Section 109.00 as the basis for running background checks for employment and licenses and the current ordinance does not meet the specific agreed upon requirements for compliance. The proposed ordinance does meet the requirements of the BCA, LMC and the Minnesota Justice Information System (MNJIS) and was sent in for review to these agencies and has passed the audit requirement. Effective January 1, 2015 any city who does not have an ordinance in place that meets the minimum requirements established will receive a sanction as a part of the audit process. The ordinance change was discussed at the Public Safety Committee meeting on February 6, 2013 where a recommendation was made to be brought to the City Council for approval.

1. Reading Ordinance 13-04, Amending Section 109 of the Belle Plaine City Code Relating to Criminal History Background Checks for Applicants for City Employment and City Licenses.

MOTION by Councilmember Coop, second by Councilmember Schneider, to adopt Ordinance 13-04, Amending Section 109 of the Belle Plaine City Code Relating to Criminal History Background Checks for Applicants for City Employment and City Licenses. ALL VOTED AYE. MOTION CARRIED.

2. Resolution 13-025 Authorizing Summary Publication of Ordinance 13-04.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 13-025 Authorizing Summary Publication of Ordinance 13-04. ALL VOTED AYE. MOTION CARRIED.

8.7. Ordinance 13-05, Pertaining to Sidewalks and Alleys.

Mayor Pingalore referenced a memo dated February 19, 2013 from City Administrator Murphy regarding repair and maintenance of sidewalks and alleys.

City Administrator Murphy explained the Public Works Committee has reviewed the repair of sidewalks and alleys ordinance and has made a recommendation. The proposed language will clear up the ambiguity that became known during the 2013 street improvement project process.

1.Reading of Ordinance 13-05, Amending Section 601.06 of the City Code by Amending Language Pertaining to Sidewalks and Alleys.

MOTION by Councilmember Chard, second by Councilmember Coop, to adopt Ordinance 13-05, Amending Section 601.06 of the City Code by Amending Language Pertaining to Sidewalks and Alleys. ALL VOTED AYE. MOTION CARRIED.

2. Resolution 13-024 Authorizing Summary Publication of Ordinance 13-05.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 13-024 Authorizing Summary Publication of Ordinance 13-05. ALL VOTED AYE. MOTION CARRIED.

8.8. Authorize Staff to Proceed with Advertising to Seek Candidates to Fill the Community Development Director Position.

Mayor Pingalore referenced a memo dated February 19, 2013 from City Administrator Murphy.

City Administrator Murphy explained Community Development Director Trisha Rosenfeld has submitted her resignation which is effective March 1, 2013. Due to Ms. Rosenfeld's resignation, it is appropriate to advertise for her replacement. Staff recommends the advertisement be placed on the League of Minnesota Cities website and EDA association website. The application period would close March 8, 2013. The department heads would screen the applicants and the top candidate would be presented to Council. Ms. Rosenfeld has agreed to continue assist the City with her duties until a replacement is found. Ms. Rosenfeld would continue on as a part-time, temporary employee and would be paid her current hourly wage for any time worked.

In discussion, the Council was in agreement to direct staff to place an emphasis on economic development in the advertisement for the position. No changes were made to the job description.

MOTION by Councilmember Trost, second by Councilmember Coop, to authorize staff to proceed with advertising to seek candidates to fill the Community Development Director position. ALL VOTED AYE. MOTION CARRIED.

Recess Regular Session.

Mayor Pingalore announced the purpose of the closed session was to discuss the status of the Area Township litigation regarding the ambulance fund and also to discuss the performance evaluation of Police Chief Stolee. Mayor Pingalore recessed the regular session at 7:19 p.m.

8.8. CLOSED SESSION.

1. Closed Session – Attorney-Client Privilege-Area Township Litigation.

2. Personnel Meeting – Police Chief Performance Review.

The Belle Plaine City Council met in closed session at 7:27 p.m. with Mayor Mike Pingalore and Councilmembers Gary Trost, Cary Coop, Scott Schneider and Paul Chard present. Also present were City Administrator David Murphy and City Attorney Peter Mikhail.

City Attorney Mikhail provided an update on the status of the Area Township litigation regarding the ambulance fund. Also discussed was the performance evaluation of Police Chief Stolee.

Reconvene Regular Session.

The closed session was adjourned at 8:09 p.m. and the regular session was reconvened by Mayor Pingalore.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Park Board, 5:00 p.m. Wednesday, Feb. 20.
2. Council Work Session, 6:30 p.m., Monday, Feb. 25.
3. City Council, 6:00 p.m., Monday, March 4.
4. Public Works, 11:00 a.m., Tuesday, March 5.
5. Public Safety, 4:00 p.m., Wednesday, March 6.
6. EDA, 5:00 p.m., Monday, March 11.
7. Planning Commission, 7:00 p.m., Monday, March 11.
8. Council and Staff Visioning Session, 8:00 a.m., Friday, March 15.

The Council was reminded of the upcoming meetings as listed.

Councilmember Trost requested discussion on charitable gambling funds be placed on the next council agenda.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Schneider, to adjourn at 8:32 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary