BELLE PLAINE CITY COUNCIL
REGULAR SESSION
MARCH 18, 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, March 4, 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, 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.

Councilmember Coop requested the addition of "Update on the Hiring Process for the Accounting Technician and Community Development Director positions." Mayor Pingalore added "Resolution 13-032 Approving Settlement Agreement and Release of the Area Townships Claims Against the City."

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the agenda with the addition of items: "Update on the Hiring Process for the Accounting Technician and Community Development Director positions" and "Resolution 13-032 Approving Settlement Agreement and Release of the Area Townships Claims Against the City." ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of March 4, 2013.
4.2. Authorize Advertising for Public Works Seasonal Employees.
4.3. Resolution 13-030 Approving the Memorial Bench and Tree Program and Authorizing Acceptance of Cash Donations.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the consent agenda as follows: 4.1. Regular Session Minutes of March 4, 2013, 4.2. Authorize Advertising for Public Works Seasonal Employees, and 4.3. Resolution 13-030 Approving the Memorial Bench and Tree Program and Authorizing Acceptance of Cash Donations. 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. The Council acknowledged receipt of the Police Department report.

5.4. Community Development Department.

City Administrator Murphy presented the report. 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.

No one spoke at the public forum.

7. PUBLIC HEARING.

7.1. Sign Variance. The City Council will accept public comment on a request by the Canopy Group, 100 East Main Street, for a variance from Section 1107.20 of the Zoning Ordinance to allow a projecting sign to exceed size and height requirements and also to allow product advertising in the B-3, Central Business District.

Mayor Pingalore referenced a memo dated March 18, 2013 from City Administrator Murphy regarding a sign variance request by Canopy Group.

City Administrator Murphy explained the Canopy Group, 100 East Main Street, is requesting approval of an after-the-fact variance to allow a projecting sign located in the B-3, Central Business District to be 33 square feet in excess of zoning regulations, to allow product advertising on the sign, and allow the height of the sign to extend to the second floor of the building. The size of the sign is 18 feet high and 30 inches wide. After legal counsel's review of the request, the city attorney is recommending denial as product advertising on the sign is considered a "use" and is not allowed under the City Code in the B-3, Central Business District. The other requested variances which relate to the size and height requirements are irrelevant if the variance to allow advertising on the projecting sign is denied. The Planning Commission had recommended denial based on the findings of the city attorney.

Mayor Pingalore opened the public hearing at 6:11 p.m. and asked for public comment.

Paul Borchert, The Canopy Group, asked for consideration of allowing the sign to remain. He said the sign identifies the variance services available by The Canopy Group. The sign was mounted to the second floor and Mr. Borchert said the second floor of the building does not have any occupants.

MOTION by Councilmember Trost, second by Councilmember Coop, to close the public hearing at 6:13 p.m. ALL VOTED AYE. MOTION CARRIED.

City Attorney Vose advised the request is complicated as it contains several variance requests. He explained the requested variances include a request to allow a use (advertising on a projecting sign) that is not allowed under the City Code in the B-3, Central Business District. An ordinance amendment is necessary if the Council determines a change in the regulation is needed. Options are to amend the city ordinance to allow advertising of products, or prepare a resolution determining that the sign does not violate the product advertising requirement. Councilmember Coop asked if the applicant must remove the sign if the request is denied. City Attorney Vose replied yes. Councilmember Chard commented that at what point do signs become clutter. He would like to help businesses and yet respects the efforts that have been administered for the downtown preservation design standards.

1. Resolution 13-029 Denying Sign Variance for the Canopy Group, 100 East Main Street.

MOTION by Councilmember Schneider, second by Councilmember Chard, to adopt Resolution 13-029 Denying Sign Variance for the Canopy Group, 100 East Main Street. Councilmembers Schneider and Chard VOTED AYE. Mayor Pingalore and Councilmembers Coop and Trost VOTED NAY. MOTION FAILED.

City Attorney Vose reminded the council of the 60-day rule and explained that if the request is not denied, then essentially it is approved. The Council may extend the period for another 60 days; beyond 120 days would require applicant approval. It was the consensus of the council to direct staff to proceed with an ordinance amendment. The Planning Commission will re-visit this issue.

8. BUSINESS.

8.1. Presentation of Claims.

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

8.2. Reading and Adoption of 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 March 18, 2013 from City Administrator Murphy regarding Ordinance 13-03.

City Administrator Murphy explained the Planning Commission has recommended the City Council proceed with Ordinance 13-03 pertaining to directional signage. It is the intent of the Planning Commission to review the sign ordinance in its entirety, which is anticipated to be a lengthy process. Therefore, during the interim, the Planning Commission recommends adoption of Ordinance 13-03 to allow temporary directional signage until a full scale sign ordinance review is completed and adopted.

MOTION by Councilmember Coop, second by Councilmember Chard, to adoptOrdinance 13-03, Amending the City Code by Amending Section 1107.20, Pertaining to the Temporary Directional Signage Policy. ALL VOTED AYE. MOTION CARRIED.

8.3. Authorizing Gator Lease for Public Works Department.

Mayor Pingalore referenced a memo dated March 18, 2013 from Public Works Superintendent Fahey regarding the Gator lease.

Public Works Superintendent Fahey explained the public works department has been using a John Deere Gator for many years to maintain the city property. This equipment is used mostly by the seasonal employees instead of a pickup to haul weed whips, gas, tools and walk behind mower. The rental will have a cab with removable doors. The reason for the change is to be able to use the Gator in the winter to maintain City trails. The Public Works Department is in the process of building a sprayer and spray bar to attach to the Gator. The Public Works Committee has discussed this item and makes a recommendation to Council to rent the Gator vehicle from Ag Power for one year. The rental lease is $166.67 per month.

MOTION by Councilmember Coop, second by Councilmember Schneider, to authorize staff to proceed with the lease of a Gator from Ag Power at a cost of $166.67 per month. ALL VOTED AYE. MOTION CARRIED.

8.4. Authorizing Replacement of Front Cut Mower.

Mayor Pingalore referenced a memo dated March 18, 2013 from Public Works Superintendent Fahey regarding the replacement of the front cut mower.

Public Works Superintendent Fahey explained the 2009 front cut 1445 model is due for replacement. The City has replacing the front cut mowers every three years to retain the most value and limit the cost of maintenance on these mowers. The Public Works Committee discussed this item and makes a recommendation to Council to replace the 2009 front cut mower at the cost of $15,822.16.

MOTION by Councilmember Schneider, second by Councilmember Coop, to authorize staff to proceed with the purchase of a 1445 Series II mower from Ag Power at a cost of $15,822.16, which includes tax and set-up. ALL VOTED AYE. MOTION CARRIED.

8.5. Authorizing Staff to Complete Corridor Investment Management Strategy (CIMS) Funding Application.

Mayor Pingalore referenced a memo dated March 18, 2013 from City Administrator Murphy regarding CIMS funding application.

City Administrator Murphy explained that MnDOT is offering $30 million in Corridor Investment Management Strategy Funds to be disbursed through the grant process. Through the CIMS program MnDOT places emphasis on return-on-investment and complement the unique social, natural and economic features of Minnesota. CIMS is meant to provide funding for projects which MnDOT has no system performance target and is unlikely to be funded through the normal programming process. This criteria for this grant is more supportive of the needs the CSAH 3 Interchange will address. The CIMS grant takes into account Economic Development where that is a lesser concern with most MnDOT funding criteria. Bolton & Menk has provided a proposal to complete and submit the application at a not-to-exceed price of $8,740.

Councilmember Chard asked about financial support for the project by the adjacent property owners. City Engineer Duncan replied that it would be beneficial to have their participation. Mayor Pingalore suggested staff contact the affected property owners regarding the application. City Administrator Murphy reported that staff does not know the extent of the gap funding at this time.

MOTION by Councilmember Chard, second by Councilmember Schneider,to authorize Bolton and Menk to complete Corridor Investment Management Strategy (CIMS) funding application for CSAH 3 overpass at a cost not to exceed $8,740.00. ALL VOTED AYE. MOTION CARRIED.

8.6. Resolution 13-031 Appointing Ben Pederson as Full Time Police Officer Effective April 4, 2013.

Mayor Pingalore referenced a memo dated March 18, 2013 from Police Chief Stolee regarding the appointment of Ben Pederson.

Staff has concluded the application, interview and necessary requirements for the hiring process. Ben Pederson is currently a part-time officer with the Belle Plaine Police Department. Police Chief Stolee recommended the appointment of Ben Pederson as a fulltime officer.

MOTION by Councilmember Schneider, second by Councilmember Coop, to approve Resolution 13-031 Appointing Ben Pederson as Full Time Police Officer Effective April 4, 2013. ALL VOTED AYE. MOTION CARRIED.

8.7. Update on the Hiring Process for the Accounting Technician and Community Development Director Positions.

Councilmember Coop requested an update on the hiring process for the Accounting Technician and Community Development Director positions.

Finance Director Meyer explained the department heads have reviewed the 66 applications that were received for the Accounting Technician position. She recommends review and the job duties and job description to accurately reflect the duties of the position. This information will be presented at the work session on March 25, 2013.

City Administrator Murphy explained 22 applications were received and the top five candidates will be interviewed. A recommendation for appointment will be brought to the council on April 1, 2013.

Councilmember Coop questioned why the Council was not involved in the interview process and indicated he would like to be part of the process. Councilmember Trost stated he would like to participate in the interviews as well. Mayor Pingalore stated he did not feel it necessary to participate in the interview process. Councilmember Chard concurred. It was the consensus to have Councilmembers Coop and Trost participate in the interview process, if so desired.

8.7. Resolution 13-032 Approving Settlement Agreement and Release with Area Townships.

City Attorney Vose explained the City is to pay $162,500 to the area townships as a settlement offer resulting from the litigation regarding ambulance funds. The agreement includes a release for all future claims in this matter. Payment will be made upon the City's receipt of the signed agreement by all seven area townships.

MOTION by Councilmember Coop, second by Councilmember Pingalore, to approve Resolution 13-032 Approving Settlement Agreement and Release with Area Townships. ALL VOTED AYE. MOTION CARRIED. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

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

The Council was reminded of the upcoming meetings as listed. Mayor Pingalore advised that Coffee with the Mayor will be held from 7:00 a.m. to 9:00 a.m. on April 4, 2013 at McDonald's restaurant.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Pingalore, to adjourn at 7:19 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary