BELLE PLAINE CITY COUNCIL
REGULAR SESSION
NOVEMBER 5, 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 Monday, November 5, 2012 at 6:00 p.m. in the council chambers of City Hall, 218 North Meridian Street, Belle Plaine, MN. Mayor Tim Lies called the meeting to order with Councilmembers Gary Trost, Scott Schneider, Paul Chard and Michael Pingalore present. Councilmember Cary Coop arrived at 6:56 p.m.

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.

Public Works Superintendent Fahey noted a correction to Pay Request No.2 and Final by Chard Tiling for $8,206.78 for the 2012 Belle Plaine Trail Resurfacing Project. It was incorrectly identified as the 2012 Street Improvement Project.

MOTION by Councilmember Chard, second by Councilmember Trost, to approve the agenda with the correction to the Pay Request No.2 and Final by Chard Tiling for $8,206.78 for the 2012 Belle Plaine Trail Resurfacing Project. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of October 15, 2012.
4.2. Special Session Minutes of October 29, 2012.
4.3. Resolution 12-130 Approving Change Order No. 1 to the 2012 Cherry Street Ravine Project.
4.4. Resolution 12-131 Appointing Todd Otto as Fire Chief, Steve Otto as Second Assistant Chief, and Troy Otto, Rob Selly, and Travis Otto as Lieutenants with the Belle Plaine Fire Department.
4.5. Call for Public Hearing for Proposed Fee Changes to the 2013 Fee Schedule.

MOTION by Councilmember Chard, second by Councilmember Schneider, to approve the consent agenda as follows: 4.1. Regular Session Minutes of October 15, 2012, 4.2. Special Session Minutes of October 29, 2012, 4.3. Resolution 12-130 Approving Change Order No. 1 to the 2012 Cherry Street Ravine Project, 4.4. Resolution 12-131 Appointing Todd Otto as Fire Chief, Steve Otto as Second Assistant Chief, and Troy Otto, Rob Selly, and Travis Otto as Lieutenants with the Belle Plaine Fire Department and 4.5. Call for Public Hearing for Proposed Fee Changes to the 2013 Fee Schedule. 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 and stated a visioning session with Donald Salverda and Associates will be held on Saturday, January 12, 2013. The Council acknowledged receipt of the City Administration report.

6. PUBLIC FORUM.

Tom Meger, 520 East Main Street, expressed concern as to whether German Days, Inc. meets the necessary criteria for charitable gambling regulations. Jim Lange, 721 East Forest Street, and John Mahoney, 27751 Johnson Memorial Drive, spoke in support of the German Days application.

7. PUBLIC HEARINGS – NONE SCHEDULED.

8. BUSINESS.

8.1. Presentation of Claims.
1. Pay Request No.2 and Final by Chard Tiling for $8,206.78 for the 2012 Belle Plaine Trail Resurfacing Project.
2. Pay Request No. 1 by Selly Excavating for $22,787.65 for the 2012 Cherry Street Ravine Project.
3. Pay Request No. 3 by Chard Tiling for $14,041.95 for the 2012 Chestnut Street Ravine Project.
4. Pay Request No. 4 by Chard Tiling for $31,316.97 for the 2012 Street Improvement Project.

MOTION by Councilmember Chard, second by Councilmember Pingalore, to approve the Presentation of Claims, Pay Request No.2 and Final by Chard Tiling for $8,206.78 for the 2012 Belle Plaine Trail Resurfacing Project, 2. Pay Request No. 1 by Selly Excavating for $22,787.65 for the 2012 Cherry Street Ravine Project, 3. Pay Request No. 3 by Chard Tiling for $14,041.95 for the 2012 Chestnut Street Ravine Project and 4. Pay Request No. 4 by Chard Tiling for $31,316.97 for the 2012 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

8.2. Belle Plaine Friends of the Library.

8.2.1. Resolution 12-133 Approving the Agreement for the Friends of the Library – Escrow Account.

Mayor Lies referenced a memo dated November 5, 2012 from City Administrator Murphy regarding the proposed escrow agreement.

City Administrator Murphy explained the Friends of the Library approached city staff with the idea of creating an escrow account for the dedication of charitable gambling funds generated from the Friends of the Library charitable gambling. The attached agreement accomplishes that goal and allows the city to utilize the funds as needed. The city attorney and finance director have reviewed the agreement and approve it as to form and content.

MOTION by Councilmember Trost, second by Councilmember Schneider, to approve Resolution 12-133 Approving the Agreement for the Friends of the Library – Escrow Account. ALL VOTED AYE. MOTION CARRIED.

8.2.2. Resolution 12-135 Accepting $48,000 Cash Donation from the Belle Plaine Friends of the Library.

Mayor Lies referenced a memo dated November 5, 2012 from City Administrator Murphy regarding a cash donation from the Friends of the Library.

City Administrator Murphy explained that representatives from the Belle Plaine Friends of the Library have indicated they will present the city with a donation of $48,000. It is appropriate for the council to accept the funds in accordance with the escrow agreement between the city and the Friends of the Library.

MOTION by Councilmember Chard, second by Councilmember Schneider, to approve Resolution 12-135 Accepting $48,000 Cash Donation from the Belle Plaine Friends of the Library. ALL VOTED AYE. MOTION CARRIED.

Certificate of Appreciation.

Mayor Lies presented the Friends of the Library with a certificate of appreciation for their cash donation to the city.

8.3. Resolution 12-128 Approving Charitable Gambling Premises Permit by German Days, Inc for Andy's Bar and Grill, 114 North Meridian Street.

Mayor Lies referenced a memo dated November 5, 2012 from City Administrator Murphy regarding a request for charitable gambling premises permit at Andy's Bar and Grill, 114 North Meridian Street.

City Administrator Murphy explained the German Days Committee has submitted a premises permit application for Andy's Bar and Grill located at 114 N. Meridian St., Belle Plaine MN. Along with the application, the LG215 Lease for Lawful Gambling Activity was submitted as was the updated List of Members and Use of Funds Statement. Andy's Bar and Grill currently does not hold charitable gambling, but is eligible to be a host site. The annual license fee of $100 has been submitted by the German Days Committee and the license will expire on December 31 of each year, with automatic renewal, as do the other premise permits. There are no other impediments to granting the premises permit.

Councilmember Chard questioned the use of the gambling funds. He was opposed to using charitable gambling funds to sponsor celebration and entertainment events, such as German Days and St. Patrick's Day. He believes those events should cash flow. Councilmember Schneider concurred and said he was disappointed with the application. He would like a detailed list of the proposed use of the funds. Councilmember Trost noted an individual listed on the German Days membership list is under the age of 18. Mayor Lies inquired about non-profit status. City Attorney Vose explained that non-profit organizations do not have to be recognized as a federal non-profit. Mayor Lies recommended this issue be tabled until a detailed list of intended uses of the gambling funds is submitted.

MOTION by Councilmember Chard, second by Councilmember Pingalore, to TABLE action on Resolution 12-128 Approving Charitable Gambling Premises Permit by German Days, Inc for Andy's Bar and Grill, 114 North Meridian Street, until the next council meeting to allow time for the German Days Committee to submit a detailed list of the proposed use of the charitable gambling funds. ALL VOTED AYE. MOTION CARRIED.

8.4. Resolution 12-136 Approving Access Communications Agreement for Fiber and Inner Duct Line.

Mayor Lies referenced a memo dated November 5, 2012 from City Administrator Murphy regarding the proposed Access Communication agreement.

City Administrator Murphy explained that Access Communication installed the fiber optic line that connects to the public works facility at city expense. Earlier this fall, the city received a proposed contract for Access Communications to provide the utility locates for the line at an annual cost of $1,100. After discussion with Access, it was agreed that they would provide us with four (4) strands of fiber and they would purchase the line for $1 and assume all responsibility. The city currently utilizes two (2) strands and have two (2) strands available for future city use.

Councilmember Chard inquired whether other businesses can connect to the line as well as any future development on the city's vacant six acres of land. City Administrator Murphy said that would be up to Access Communications. Mayor Lies commented that the city paid the installation of the line, and now Access Communications has the control and profits. City Administrator Murphy explained that city cannot own the line due to an agreement that is in place with Scott County.

MOTION by Councilmember Schneider, second by Councilmember Chard, to approve Resolution 12-136 Approving Access Communications Agreement for Fiber and Inner Duct Line. ALL VOTED AYE. MOTION CARRIED.

8.5. Ordinance 12-06 An Ordinance Amending the City Code by Amending Section 104.01, Mayor and Council Salaries.

Mayor Lies referenced a memo dated November 5, 2012 from City Administrator Murphy regarding proposed Ordinance 12-06.

City Administrator Murphy explained that Council Member Trost requested this ordinance amendment be placed on the council agenda for discussion and adoption. The current mayor and council salaries were approved on December 19, 2005 and took effect on January 1, 2007. The salaries are proposed to be increased from $4,000 per year to $4,600 for the Mayor and from $3,800 per year to $4,400 per year for council members. The increases would take effect on January 1, 2013.

Councilmember Trost noted the large amount of time commitment for members of the city council. He noted that last salary increase took effect in 2007. Mayor Lies noted the mayor and council receive per diems for committee meetings and was opposed to the salary increase. Councilmember Schneider commented that he agrees with the comments expressed by both Councilmember Trost and Mayor Lies. Councilmember Schneider commented that perhaps there would be more interest by residents seeking a council seat if the salary was increased.

MOTION by Councilmember Trost, second by Councilmember Pingalore, to approve Ordinance 12-06 An Ordinance Amending the City Code by Amending Section 104.01, Mayor and Council Salaries, increasing the Mayor's annual salary from $4,000 to $4,600; and council members annual salary from $3,800 to $4,400. Mayor Lies VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

Recess Regular Session.

Mayor Lies recessed the regular session at 6:49 p.m.

8.6. Closed Session.

Mayor Lies announced the closed session at 6:56 p.m. with Councilmembers Gary Trost, Scott Schneider, Paul Chard, Michael Pingalore and Cary Coop present. Also present were City Administrator Murphy and Finance Director Meyer.

8.6.1. Continued Negotiations on Law Enforcement Labor Services Contract.

The purpose of the closed session was to continue discussion on LELS union negotiations.

Reconvene Regular Session.

Mayor Lies reconvened the regular session at 7:21 p.m.

8.7. Resolution 12-134 Approving Law Enforcement Labor Services Contract for 2013 to 2015.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 12-134 Approving Law Enforcement Labor Services Contract for 2013 to 2015. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. General Election, 7:00 a.m. to 8:00 p.m., Tuesday, Nov. 6.
2. Public Works, 11:00 a.m., Tuesday, Nov. 6.
3. Public Safety, 4:00 p.m., Wednesday, Nov. 7.
4. Special Session, 6:00 a.m., Friday, Nov. 9.
5. City Offices Closed in Observance of Veterans Day, Monday, Nov. 12.
6. EDA, 5:00 p.m., Tuesday, Nov. 13.
7. Planning Commission, 7:00 p.m., Tuesday, Nov. 13.
8. Budget Workshop, 5:00 p.m.. Wednesday, Nov. 14.
9. Design Committee, 5:00 p.m., Monday, Nov. 19.
10.City Council, 6:00 p.m., Monday, Nov. 19.

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Trost, second by Councilmember Pingalore, to adjourn at 7:22 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary