

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
NOVEMBER 16, 2015**

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, November 16, 2015 at 6:30 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, Paul Chard and Scott Schneider present.

Also present were Acting City Administrator Dawn Meyer, Public Works Superintendent Al Fahey, Police Chief Tom Stolee, Community Development Director Cynthia Smith Strack, City Engineer Joe Duncan and City Attorney Bob Vose. Wanda Savage served as the video recording operator. City Administrator Holly Kreft was not present.

3. APPROVAL OF AGENDA.

MOTION by Councilmember Coop, 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 November 2, 2015.
- 4.2. Work Session Minutes of November 2, 2015.
- 4.3. Closed Session Minutes of November 2, 2015.
- 4.4. Resolution 15-134 Adopting Special Assessment for Delinquent Code Enforcement Bills.
- 4.5. Resolution 15-135 Adopting Special Assessment for Delinquent Utility Bills.
- 4.6. Authorize Staff to Advertise to Seek Candidates for Boards and Commissions.
- 4.7. Resolution 15-133 Adoption of Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies.
- 4.8. Accepting Resignation of Council Member Scott Schneider.
- 4.9. Call for Public Hearing to Allow Modifications to the City's Fee Schedule.
- 4.10. Resolution 15-138 Appointing Officers for the Belle Plaine Fire Department.
- 4.11. Resolution 15-141 Approving RLF Loan Request for Infant and Toddler Day Care at 617 East Main Street.
- 4.12. Authorize Advertising to Seek Candidates for Public Works Seasonal Employees.
- 4.13. Authorize Replacement of Public Works V-Plow.
- 4.14. Resolution 15-142 Approving Charitable Gambling Premises Permit for German Days, Inc. at Andy's Bar and Grill.
- 4.15. Resolution 15-143 Approving Charitable Gambling Premises Permit for Belle Plaine Friends of the Library at Sparetime Tavern, Borough Bowl, and Red Door Bar.
- 4.16. Resolution 15-144 Approving Charitable Gambling Premises Permit for Belle Plaine Chamber of Commerce at Huck's Shipwreck Saloon, Neisen's Corner Bar and Johan's Bar and Grill.
- 4.17. Approving Large Assembly Permit for Belle Plaine Historical Society Holiday Event at Court Square on December 3, 2015.
- 4.18. Resolution 15-146 Authorizing Mayor and City Administrator to Execute Amendment to Ridgeview Medical Center Purchase Agreement.
- 4.19. Resolution 15-147 Authorizing Mayor and City Administrator to Execute Grant Agreement with the Minnesota Department of Natural Resources for the Belle Plaine Fire Department.
- 4.20. Resolution 15-149 Re-Certifying Special Assessment for the 2006 West Commerce Drive Improvement Project.

Councilmember Coop requested consent agenda item, "Resolution 15-142 Approving Charitable Gambling Premises Permit for German Days, Inc. at Andy's Bar and Grill," be moved to the business portion of the agenda.

MOTION by Councilmember Coop, second by Councilmember Schneider, to move consent agenda item "Resolution 15-142 Approving Charitable Gambling Premises Permit for German Days, Inc. at Andy's Bar and Grill," to the business portion of the agenda and approve the consent agenda as follows: 4.1. Regular Session Minutes of November 2, 2015, 4.2. Work Session Minutes of November 2, 2015, 4.3. Closed Session Minutes of November 2, 2015, 4.4. Resolution 15-134 Adopting Special Assessment for Delinquent Code Enforcement Bills, 4.5. Resolution 15-135 Adopting Special Assessment for Delinquent Utility Bills, 4.6. Authorize Staff to Advertise to Seek Candidates for Boards and Commissions, 4.7. Resolution 15-133 Adoption of Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies, 4.8. Accepting Resignation of Council Member Scott Schneider, 4.9. Call for Public Hearing to Allow Modifications to the City's Fee Schedule, 4.10. Resolution 15-138 Appointing Officers for the Belle Plaine Fire Department, 4.11. Resolution 15-141 Approving RLF Loan Request for Infant and Toddler Day Care at 617 East Main Street, 4.12. Authorize Advertising to Seek Candidates for Public Works Seasonal Employees, 4.13. Authorize Replacement of Public Works V-Plow, 4.14. Resolution 15-143 Approving Charitable Gambling Premises Permit for Belle Plaine Friends of the Library at Sparetime Tavern, Borough Bowl, and Red Door Bar, 4.15. Resolution 15-144 Approving Charitable Gambling Premises Permit for Belle Plaine Chamber of Commerce at Huck's Shipwreck Saloon, Neisen's Corner Bar and Johan's Bar and Grill, 4.16. Approving Large Assembly Permit for Belle Plaine Historical Society Holiday Event at Court Square on December 3, 2015, 4.17. Resolution 15-146 Authorizing Mayor and City Administrator to Execute Amendment to Ridgeview Medical Center Purchase Agreement, 4.18. Resolution 15-147 Authorizing Mayor and City Administrator to Execute Grant Agreement with the Minnesota Department of Natural Resources for the Belle Plaine Fire Department, 4.19. Resolution 15-149 Re-Certifying Special Assessment for the 2006 West Commerce Drive Improvement Project, and 4.20. Resolution 15-148 Authorize Transfer of Developer Seal Coat Escrow (Fund 803) to the Seal Coat Projects in the Capital Fund (402) in the Amount of \$34,201.50. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Community Services.

Activities and Recreation Director Chad Eischens was present. The Council acknowledged receipt of the Community Services report.

5.2. Ambulance Department.

The Council acknowledged receipt of the Ambulance Department report.

5.3. Fire Department.

Fire Chief Matt Stier was present. The Council acknowledged receipt of the Fire Department report.

5.4. Police Department.

Police Chief Tom Stolee was present. The Council acknowledged receipt of the Police Department report.

5.5. Community Development Department.

Community Development Director Cynthia Smith Strack was present. The Council acknowledged receipt of the Community Development Department report.

5.6. Administration Report.

City Administrator Holly Kreft was unable to attend. The Council acknowledged receipt of the Administration report.

6. RECOGNITION OF INVOLVED CITIZENS.

No one spoke during the public forum.

7. PUBLIC HEARINGS.

7.1. Conditional Use Permit. The City Council will accept public comment on a request by Renee Schultz, Rainbow Discovery, Belle Plaine, MN for a conditional use permit to allow the operation of a child daycare center at 613 East Main Street, in the I/C Industrial-Commercial District.

Mayor Pingalore referenced a memo dated November 16, 2015 from Community Development Director Smith Strack regarding a request for a conditional use permit by Renee Schultz for the relocation of Rainbow Discovery Child Care Center.

Community Development Director Smith Strack explained that Renee Schultz, 148 Linden Street South, proposes the relocation of Rainbow Discovery Child Care from 617 Main Street East to 613 Main Street East. The space was previously occupied by a retail pharmacy. The child care facility currently occupies a commercial lease unit abutting the former retail pharmacy. Day care centers are conditional uses in the I/C District.

The proposed childcare use will occupy space formerly used for retail purposes. The number of trips generated is expected to be clustered in early mornings and late afternoons as opposed to typical retail activities. The structural square footage is not being altered; therefore, a significant increase or decrease in trips generated is not anticipated. Noise, vibration, odor, and the like are not anticipated to increase relative to the external property boundaries and the use would appear to have limited impact on adjacent uses. Within the I/C District minimum lot size is 20,000 square feet and the existing lot is legal non-conforming in terms of lot area. No changes are proposed for the structure and/or lot layout and therefore the lot remains legal non-conforming.

An existing parking lot at the subject site is proposed to service the Schultz (Rainbow Discovery Child Care) business and the proposed Gorman (Angie's Infant and Toddler Care) business. At this time two handicap accessible and 31 standard parking stalls for a total of 33 spaces exist at the site. In this context staff presumes the floor area definition applies to the actual usable floor area for child care excluding restrooms, office space, kitchen area, and storage space. The interpretation of floor area greatly impacts the parking space calculation. If 'floor area' is interpreted as 'gross floor area' the parking space requirement seems to be overly burdensome given the pick-up/drop-off nature of the use. Community Development Director Smith Strack included parking stall calculations and the comparison between the Gross Floor Area requirement of 54 spaces for Rainbow Discovery and Angie's Infant and Toddler Care and the Useable Floor Area requirement of 32 parking stalls. The Planning Commission recommended conditional approval of the request.

Mayor Pingalore opened the public hearing at 6:48 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Coop, second by Councilmember Schneider, to close the public hearing at 6:49 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Coop inquired about the configuration of the playground area and its relation to the parking lot. Community Development Director Smith Strack explained its proposed location and noted that the number of parking spaces meets the requirement of the Zoning Ordinance.

Renee Schultz, applicant, explained that no more than five parents arrive at one time to pick up their children and therefore believes there is more than adequate number of parking stalls available.

1. Resolution 15-137 Conditional Use Permit for Child Daycare Center at 613 East Main Street.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 15-137 Conditional Use Permit for Child Daycare Center at 613 East Main Street. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims. 1. Pay Request No. 2 and Final by Schneider Excavating for \$10,236.08 for the South Creek Drainageway Project.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the Presentation of Claims, and Pay Request No. 2 and Final by Schneider Excavating for \$10,236.08 for the South Creek Drainageway Project. ALL VOTED AYE. MOTION CARRIED.

8.2. Resolution 15-150 Amending the 2016 Final Budget and Levy.

Mayor Pingalore referenced a memo dated November 16, 2015 from City Administrator Kreft regarding amending the 2016 final budget and levy.

Acting City Administrator Meyer referenced City Administrator Kreft's memo and explained that on September 8, 2015 the City Council approved the 2016 preliminary budget and levy. The City Council and Staff met in budget workshops in August and October to review the proposed budget and make amendments. At the October budget workshop the Council reviewed the levy impacts. The major impacts are summarized as:

- Special Assessment = \$257,087 versus \$76,935 = \$180,152 – 53% of the increase
- Increases to utilities and supplies = \$65,900 – 19% of the increase
- Addition of two full-time PW employees = \$75,125 versus \$64,775 = \$10,350 general fund - .03% of the increase
- Wage increases = \$78,432 – 23% of the increase

At the workshop, the consensus was to recommend that the final 2016 budget and levy be approved by the City Council as presented. The final levy and budget was approved at the November 2, 2015 meeting with a 3-2 vote. Subsequently, staff met with the property owner regarding the special assessment. The property owner made payment for years 2014 and 2015 and entered into an agreement regarding future payments. This allows the City to reduce the overall levy and the budget relative to Fund 535 2010 Refund Bond. The reduction in the levy will be from 7.2% to 3.4% and a reduction in the tax rate.

Councilmember Chard inquired whether the amended 2016 budget and levy include the hiring of two full-time Public Works employees. Acting City Administrator Dawn Meyer replied yes, as the result of reducing it to the hiring of one full-time employee did not have a significant impact.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve. Resolution 15-150 Amending the 2016 Final Budget and Levy. Mayor Pingalore and Councilmembers Coop and Schneider VOTED AYE. Councilmembers Chard and Trost VOTED NAY. MOTION CARRIED.

8.3. Resolution 15-130 Authorizing Mayor and City Administrator to Execute Agreement with International Union of Operating Engineers, Local No. 49.

Acting City Administrator Meyer explained that the City Council deferred action on this item from the November 2nd meeting. The Union voted to accept the counteroffer submitted to them in writing, dated October 13, 2015. Negotiations are deemed closed at that point. Because they accepted this counteroffer

as voted on by the majority of the Council, not authorizing the execution of the contract will place the City in a challenging position for mediation and potentially set the stage for litigation. The City Council met in closed session on October 5, 2015 to review proposals from both unions in regard to contracts which expire at the end of this year. The Council proposed a counteroffer to the union's request for cost of living increases. The union voted to accept the counteroffer. The highlights of the changes:

- Insurance – reference State Statute regarding continuance of benefit level
- Compensation – 2.5%, 2.75%, and 3% per Council's counteroffer for cost of living
- Call Pay – clarifying the language to align with current practice
- Life Insurance – update to reflect current amount of \$35,000
- Retiree Health Insurance Premium Benefit – add language from Personnel Policy (similar to current LELS contract)
- Longevity – add longevity benefits (similar to current LELS contract) to start in 2017
- Personnel Policy – add language from policy regarding Harassment/Sexual Harassment

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 15-130 Authorizing Mayor and City Administrator to Execute Agreement with International Union of Operating Engineers, Local No. 49. Mayor Pingalore and Councilmembers Coop and Schneider VOTED AYE. Councilmembers Trost and Chard VOTED NAY. MOTION CARRIED.

8.4. Resolution 15-145 Authorizing Mayor and City Administrator to Execute Agreement with Law Enforcement Labor Services.

Acting City Administrator Meyer explained the City Council met in closed session on October 5, 2015 to review proposals from both unions in regard to contracts which expire at the end of this year. The Council proposed a counteroffer to the union's request for cost of living increases. The LELS union submitted a new proposal for the cost of living, which was reviewed in closed session on November 2nd. The Council submitted a new counteroffer. Prior to that counteroffer being formally offered, the LELS union voted to accept the original counteroffer. The highlights of the changes:

- Insurance – reference State Statute regarding continuance of benefit level
- Compensation – 2.5%, 2.75%, and 3% per Council's counteroffer for cost of living
- Longevity – increases of \$5.00 per month for each of the three years

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 15-145 Authorizing Mayor and City Administrator to Execute Agreement with Law Enforcement Labor Services. Mayor Pingalore and Councilmembers Coop and Schneider VOTED AYE. Councilmembers Trost and Chard VOTED NAY. MOTION CARRIED.

8.5. Resolution 15-139 Approving Wages and Salaries for Certain City Employees for 2016.

Acting City Administrator Meyer explained that each year the Council approves the wages and salaries for all municipal employees for the following year. The wages were discussed and set during the budgeting process that began in July. The recommendation for this year is a 2.5% COLA increase for non-union employees and 2.5% COLA for union employees per contracts contingent on approval at this meeting. The step increases that are scheduled for 2016 were included in the budgeting process.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 15-139 Approving City Employee Wages and Salaries for 2016.

MOTION by Councilmember Coop, to AMEND the motion to read as follows: approve Resolution 15-139 Approving Certain City Employee Wages and Salaries for 2016, excluding the positions of City Administrator, Police Chief, Public Works Superintendent, Finance Director, and Community Development Director in order to allow time for the Council and Staff to discuss whether the goals and objectives of their respective departments have been met.

Councilmember Schneider WITHDREW his second.

Councilmember Chard then SECONDED the amended motion.

In discussion, Councilmember Coop explained that he would like to remove the Department Heads: City Administrator, Police Chief, Public Works Superintendent, Finance Director, and Community Development Director from the resolution. He would like to learn whether the Department Heads have met the goals and objectives of their respective departments as a measure of performance. Councilmember Schneider was surprised by Councilmember Coop's actions as all was well with the employees' performance during the budgeting process. He supports the 2.5% COLA. Mayor Pingalore asked what is the metric for making that determination. He also questioned if this matter can be resolved prior to year end. Councilmember Coop responded that he would like the opportunity to discuss this matter. He commented the Council does not have the opportunity to evaluate the Department Heads, other than the City Administrator. Finance Director Meyer explained that a Personnel Committee meeting would need to be scheduled to address goal setting. Councilmember Chard commented that he voted against approval of the labor union contracts due to the 2.5% COLA increase. He requested to go on record stating that 2.5% COLA was too generous of an offer and too costly to taxpayers. Councilmember Chard commented that the private sector does not offer a COLA of this amount. Councilmember Schneider commented that many private companies offer bonuses and incentives, which are unavailable to public employees, therefore he supports the COLA. Finance Director Meyer explained that if the purpose of the Personnel Committee is to discuss employee performance, then it will be posted as a Closed Personnel Committee meeting. Councilmember Coop explained that the purpose will be to set goals and determine the measure for performance. It was the consensus to schedule the Personnel Committee meeting following the Regular Session on Monday, December 7, 2015.

The amended motion read as follows:

MOTION by Councilmember Coop, second by Councilmember Chard, to AMEND the motion to approve Resolution 15-139 Approving Certain City Employee Wages and Salaries for 2016, excluding the positions of City Administrator, Police Chief, Public Works Superintendent, Finance Director, and Community Development Director in order to allow time for the Council and Staff to discuss whether the goals and objectives of their respective departments have been met. Councilmember Trost VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.6. Resolution 15-142 Approving Charitable Gambling Premises Permit for German Days, Inc. at Andy's Bar and Grill.

Acting City Administrator Meyer explained the City of Belle Plaine renews premise permits for lawful gambling purposes annually. The renewal period is for January 1, 2016 through December 31, 2016. There are currently three organizations that operate lawful gambling that require premise permits: Belle Plaine Chamber of Commerce, Belle Plaine Friends of the Library, and German Days, Inc. The Belle Plaine Chamber of Commerce operates at Neisen's Corner Bar, Huck's Shipwreck Saloon and Johan's Bar and Grill. The Belle Plaine Friends of the Library operates at Sparetime Tavern, Borough Bowl, and the Red Door Bar. German Days, Inc. operates at Andy's Bar and Grill. The Belle Plaine Chamber of Commerce and the Belle Plaine Friends of the Library have filed all required reports and their year to date 2015 contributions for the 10% requirement. The German Days Inc. indicated a net loss, so no contribution has been collected to date.

Councilmember Coop noted that there was no contribution from the German Days Committee and asked whether Staff agrees with this and what is their recommendation. It was the consensus to send this issue back to Staff for their recommendation. This matter will be added to the next Council agenda for action.

Councilmember Trost asked about a scenario in which an organization has multiple premise permits, including within and outside the City limits and whether the City can collect the 10% requirement from

each of the sites. City Attorney Vose replied that he is unsure of the exact wording in the City Code regarding charitable gambling contributions. This issue will be researched and reported back at a future meeting.

MOTION by Councilmember Coop, second by Councilmember Schneider, to TABLE action on Resolution 15-142 Approving Charitable Gambling Premises Permit for German Days, Inc. at Andy's Bar and Grill, until the next Council meeting to allow time for Staff research and recommendation. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Interview Candidates for City Council, 6:30 p.m., Thursday, Nov. 19.**
- 2. Thanksgiving Holiday – Offices Closed Thursday & Friday, Nov. 26 & 27.**
- 3. Public Works, 11:00 am, Tuesday, Dec. 1.**
- 4. Public Safety, TBD.**
- 5. Coffee with the Mayor, 7:00 am - 9:00 am, Thursday, Dec. 3.**
- 6. Design Committee, 5:15 pm, Monday, Dec. 7.**
- 7. Truth in Taxation, 6:15 pm, Monday, Dec. 7.**
- 8. City Council, 6:30 pm, Monday, Dec. 7.**
- 9. Work Session, 6:45 pm, Monday, Dec. 7.**

The Council was reminded of the upcoming meetings as listed.

Mayor Pingalore thanked Councilmember Schneider for his five years of dedicated service to the City and wished him success in his relocation to Shakopee. Councilmember Schneider expressed his appreciation to the voters of Belle Plaine for allowing him to serve a second term on the Council. He said it has been an honor working with Staff and thanked his fellow Council Members for their support.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Schneider, to adjourn at 7:12 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary