BELLE PLAINE CITY COUNCIL
REGULAR SESSION
NOVEMBER 19, 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 19, 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, Cary Coop, Scott Schneider, Paul Chard and Michael Pingalore 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. Zachary Schoenecker served as the video recording operator.

3. APPROVAL OF AGENDA.

MOTION by Councilmember Pingalore, second by Councilmember Coop, to approve the agenda as presented. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of November 5, 2012.
4.2. Special Session Minutes of November 9, 2012.
4.3. Resolution 12-138 Adopting Special Assessment for Delinquent Utility Accounts.
4.4. Resolution 12-139 Adopting Special Assessment for Delinquent Code Enforcement Bills.
4.5. Authorize Staff to Proceed with Advertising to Seek Candidates for Boards and Commissions.
4.6. Resolution 12-140 Accepting Cash Donation of $150,000 from Mdewakanton Sioux.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the consent agenda as follows: 4.1. Regular Session Minutes of November 5, 2012, 4.2. Special Session Minutes of November 9, 2012, 4.3. Resolution 12-138 Adopting Special Assessment for Delinquent Utility Accounts, 4.4. Resolution 12-139 Adopting Special Assessment for Delinquent Code Enforcement Bills, 4.5. Authorize Staff to Proceed with Advertising to Seek Candidates for Boards and Commissions, and 4.6. Resolution 12-140 Accepting Cash Donation of $150,000 from Mdewakanton Sioux.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

Ridgeview Ambulance Manager Doug Sweeney was not present. The Council acknowledged receipt of the Ambulance Department report.

5.2. Fire Department.

Fire Chief Randy Koepp 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.

Community Development Director Trisha Rosenfeld was present. 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.

Proclamation – Yellow Ribbon City.

Mayor Lies read the proclamation for designating Belle Plaine as a Yellow Ribbon City.

7. PUBLIC HEARINGS – NONE SCHEDULED.

8. BUSINESS.

8.1. Presentation of Claims.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve the payment of bills as presented. ALL VOTED AYE. MOTION CARRIED.

8.2. Fire Bill Appeals.

1. Appellant, 836 South Chestnut Street, Belle Plaine, MN.

Mayor Lies referenced a memo dated November 19, 2012 from Finance Director Meyer regarding a fire bill appeal from Tim Irvin, 836 South Chestnut Street.

Finance Director Meyer explained that on July 11, 2012, the Belle Plaine Fire Department was paged to respond to 836 South Chestnut Street for an emergency. The City of Belle Plaine billed the property owner for the call per the City's policy and fee schedule. The owner is responsible for the bill. The owner is appealing the charges to the City Council. The City does not reduce or dismiss fire bill charges unless there is a discrepancy regarding type of billing. Fire response is billed to the property/vehicle owner. The City of Belle Plaine charges individuals for Fire Department Response in an effort to defer costs incurred for the emergency, to the specific incident, this reduces the burden on tax dollars.

Mayor Lies asked how the address was determined for responsibility of the invoice. Finance Director Meyer responded the address was determined by the incident report and the response information from the Fire Department. Mayor Lies noted Mrs. Irvin initiated the emergency call. Councilmember Trost commented that the gas company invoice should be responsible for the invoice.

MOTION by Councilmember Chard, second by Councilmember Trost, to dismiss fire bill invoice #2787 for Tim Irvin, 836 South Chestnut Street, for response to a gas smell. Mayor Lies and Councilmembers Chard and Trost VOTED AYE. Councilmembers Coop and Schneider VOTED NAY. Councilmember Pingalore abstained. MOTION CARRIED.

2. Appellant, 205 East Oak Street, Tyler, MN.

Mayor Lies referenced a memo dated November 19, 2012 from Finance Director Meyer regarding fire bill appeal.

Finance Director Meyer explained that on May 8, 2012 The Belle Plaine Fire Department was paged to respond to Enterprise Drive and Laredo Avenue for a vehicle emergency. The City of Belle Plaine billed the owner for the call per the City's policy and fee schedule. The vehicle owner is responsible for the bill. The vehicle owner is appealing the charges to the City Council. The City does not reduce or dismiss fire bill charges unless there is a discrepancy regarding type of billing. Fire response is billed to the property/vehicle owner. The City of Belle Plaine charges individuals for Fire Department Response in an effort to defer costs incurred for the emergency, to the specific incident, this reduces the burden on tax dollars.

Councilmember Trost asked if the police officer had seen smoke. Police Chief Stolee advised that it is the city's policy not to cancel the fire department response if there is smoke. Councilmember Schneider explained that it was a drive-by caller that made the emergency call and he does not believe the vehicle owner should be responsible.

MOTION by Councilmember Schneider, second by Councilmember Trost, to dismiss fire bill invoice #2799 for response to a fire of a vehicle owned by Matthew Klumper, Tyler, MN. Mayor Lies and Councilmembers Pingalore, Schneider, and Trost VOTED AYE. Councilmembers Chard and Coop VOTED NAY. MOTION CARRIED.

8.3. Resolution 12-137 Approving Site Plan for Building Expansion by Harley Blattner for Bell Pharmaceuticals, 200 West Beaver Street.

Mayor Lies referenced a memo dated November 19, 2012 from Community Development Director Rosenfeld regarding a site plan for building expansion at 200 West Beaver Street.

Community Development Director Rosenfeld explained that Bell Pharmaceuticals has submitted a site plan application for the review of a 2,208 square foot additional structure to be constructed on site at 200 Beaver Street West. There is an existing 900 square foot tin shed that will be demolished. The new structure will be constructed just to the northeast of this location. The property is zoned I-2, General Industrial. In 1997, a site plan was approved for construction of an addition. In 2004, a variance was approved for the reduction in perimeter curb around parking area. All setbacks will be met. The applicant has indicated the only utility for this building will be electric; therefore no plans to extend water or sewer to the building were provided, or necessary. We are waiting for an updated survey with existing and proposed contours provided, as well as updated property boundaries. This will be required prior to issuance of the building permit. The new structure will be approximately 2,208 square feet. The use of the building will be for warehousing purposes. This requires only one parking space for every 1,000 square feet, thus requiring two additional parking stalls to be added to the site. Two stalls can be easily striped in the existing parking area. This will need to be done prior to issuing final occupancy of the building. Building elevations have been submitted to the City and shall be reviewed by the Design Committee prior to issuing the building permit. The design standards outlined in the zoning ordinance require the proposed building to have a minimum of 25% of the exterior façade comprised of class I materials. The applicant is aware of this requirement. The Planning Commission recommended approval with conditions as listed in the proposed resolution.

Councilmember Chard inquired about ponding requirements. City Engineer Duncan explained the proposed development does not meet the threshold. Mayor Lies asked if the Union Pacific railroad expressed any concerns. Public Works Superintendent Fahey responded that the railroad company typically comments only if construction is within 25 feet of either side of the railroad. Councilmember Coop asked what type of materials will be stored in the new building and questioned whether utilities are necessary if there are employees working within the facility. Community Development Director Rosenfeld explained that some of the outside storage will be moved indoors. She will research the Zoning

Ordinance regarding utility requirements. Councilmember Coop asked about elevations due to its close proximity to the flood plain. City Engineer Duncan replied that flood plain elevations will need to be confirmed. Councilmember Coop recommended the council table action due to the flood plain area and utility services for employees. City Attorney Vose commented that the city can extend the 60-day rule to 120 days if there is insufficient documentation submitted. Community Development Director Rosenfeld noted that the applicant is required to submit an updated survey of the property. Councilmember Chard commented that he is in favor of moving forward with approval as the elevations will be needed for the building official prior to construction.

MOTION by Councilmember Trost, second by Councilmember Schneider, to approve Resolution 12-137 Approving Site Plan for Building Expansion by Harley Blattner for Bell Pharmaceuticals, 200 West Beaver Street. Councilmember Coop VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.4. 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 19, 2012 from City Administrator Murphy regarding a request for a premises permit.

City Administrator Murphy explained the request by the German Days Committee for a charitable gambling premises permit was tabled at the November 6, 2012 city council meeting due to insufficient listing of lawful purpose expenditures. Mr. John Mahoney has submitted a new lawful purpose gambling expenditure list for council review. Mr. Jim Lange of the German Days Committee submitted a letter to the council requesting tabling of the issue.

The council reviewed the list of proposed use of funds submitted by John Mahoney, German Days Committee. Councilmember Chard was opposed to having the German Days sponsor their celebrations with charitable gambling funds. Councilmember Schneider noted the list is vague and not clear as to the distribution of funds. Mayor Lies asked if the application is denied, what further options are available for the German Days Committee. City Attorney Vose advised that there is no preclusion for future applications to be submitted.

MOTION by Councilmember Pingalore, second by Councilmember Coop, to DENY Resolution 12-128 Approving Charitable Gambling Premises Permit by German Days, Inc for Andy's Bar and Grill, 114 North Meridian Street.

City Attorney Vose explained that a denial should be by resolution and therefore it will need to be amended.

MOTION by Councilmember Pingalore, second by Councilmember Coop, WITHDREW their motion and second.

MOTION by Councilmember Pingalore, second by Councilmember Coop, to amend Resolution 12-128 to deny the Charitable Gambling Premises Permit by German Days, Inc for Andy's Bar and Grill, 114 North Meridian Street due to the written declaration of purpose of the organization and the purpose and projects for which the profits are disbursed (Section 305.04, Belle Plaine City Code) is inadequate and does not specify all intended uses for lawful gambling proceeds and those uses listed are not of sufficient public benefit. Councilmember Chard VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.5. Authorize Adding Sidewalk to South Eagle Street as Part of the 2013 Street Project.

Mayor Lies referenced a memo dated November 19, 2012 from Public Works Superintendent Fahey regarding adding a sidewalk to the 100 block of South Eagle Street.

Public Works Superintendent Fahey explained the council has authorized the design phase of the 2013 street improvement project. During design the City Engineer along with Public Works look at all aspects of the reconstruct process. City Engineer Duncan and Public Works Superintendent Fahey discussed adding a portion of sidewalk to Eagle Street to make an attempt to connect Main Street to the Union Square Park. The discussion was sent to the Public Works Committee. The Public Works Committee did not make a recommendation to Council on the addition of a side walk on Eagle Street.

Councilmember Trost stated he was opposed to adding the sidewalk and noted the improvement hearing for the 2013 street project has already been held. City Engineer Duncan explained a sidewalk along Grove Street and Prairie Street were included in the Safe Routes to School grant application. Councilmembers Coop and Schneider supported the sidewalk due to close proximity to the schools.

MOTION by Councilmember Chard, second by Councilmember Trost, to decline the addition of sidewalk on the 100 block of South Eagle Street as part of the 2013 street improvement project. Councilmembers Schneider and Coop VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.6. Authorizing Staff to Seek Quotes for Refuse Hauling for City-Owned Properties.

Mayor Lies referenced a memo dated November 19, 2012 from Public Works Superintendent Fahey regarding quotes for refuse hauling for city properties.

Public Works Superintendent Fahey explained the City currently uses Waste Management as the waste hauler for all City owned property including the parks. Waste Management purchased Tidy Disposal a few years back and since Tidy was the City waste hauler at that time and Waste Management assumed the City waste hauling. The Public Works Committee discussed the options and makes a recommendation to Council to seek quotes from the two waste haulers that are currently licensed for residential pickup in the City of Belle Plaine. The contract will be for a two-year term.

Councilmember Trost suggested the council consider adopting a contract for refuse hauling for all city residents. He would like to see refuse hauling regulated by limiting the number of haulers and also the number of hauling days.

MOTION by Councilmember Trost, second by Councilmember Coop, to authorize staff to seek quotes for refuse hauling for city-owned properties. ALL VOTED AYE. MOTION CARRIED.

7. Authorize Staff to Proceed with the Platting Process of Public Works Facility Property.

Mayor Lies referenced a memo dated November 19, 2012 from Community Development Director Rosenfeld regarding the platting of the public works facility property.

Community Development Director Rosenfeld explained the Public Works Committee discussed the necessity of platting the public works properties adjacent to Diversified Drive, and the six-acre property currently vacant adjacent to the public works site. This was brought forward by staff in order to create larger tracts of land, clean up property boundaries and create a driveway from South Street to the public works facility. This is also necessary to install required safety fencing around the public works building at 891 Diversified Drive. Fences cannot be installed across property lines. A drawing of the proposed platting was attached to Community Development Director Rosenfeld’s memo. If the Council consents to moving forward with platting the city property, staff will bring a concept plan, preliminary plat, and final plat forward to the Planning Commission at an upcoming meeting. The platting will follow the normal procedures required by state statute and city ordinances. The City would utilize engineering and legal counsel to assist with the preparation of the platting documents.

Councilmember Chard commented that Scott County may require a turn lane on South Street.

MOTION by Councilmember Trost, second by Councilmember Schneider, to authorize staff to proceed with the platting process of public works facility property. ALL VOTED AYE. MOTION CARRIED.

8.8. Authorize Staff to Proceed with Obtaining Quotes for Design and Printing Services for Marketing Materials.

Mayor Lies referenced a memo dated November 19, 2012 from Community Development Director Rosenfeld regarding quotes for design and printing services for marketing materials.

Community Development Director Rosenfeld explained that as the EDA works through the implementation of the Communications and Marketing Plan adopted in 2011, the next stage in the process is to create an economic development package and collateral materials. Recall, the action plan from the Communications and Marketing Plan included three phases: *Stage One: Get Noticed; Stage Two: Get Prepared; and Stage Three: Get out There*. The City has completed stage one and are now into stage two. Stage One consisted of: 1. Refining the logo, 2. Determining a new tagline to coincide with the new logo, 3. Setting brand standards, and 4. Enhancing the city's website. Stage Two consists of the following: 1. Develop an Economic Development package that includes collateral materials, 2. Develop and implement a social media plan, and 3. Engage local businesses owners. Use their success stories to help leverage new growth. Stage Three consists of the following: Actively promote the city by advertising, participating in trade shows , hosting events, etc. The goal is to get on the radar with the right people, so when the time is appropriate, the city will be on the list of potential opportunities. There are many ideas that coincide with stage three to get out and market the city and available properties. Stage One and Two are providing the tools to staff to move into stage three. The EDA is recommending the City send an request for proposal to obtain quotes for design and printing services for marketing materials. There are three options to quote the proposal. Option 1 – graphic design and printing services; Option 2- Only graphic design services; and Option 3-Only printing services. This will allow the EDA and City Council to decide if the graphic design element should be done in-house.

Councilmember Chard supported the concept of obtaining marketing materials.

MOTION by Councilmember Trost, second by Councilmember Chard, to authorize staff to proceed with obtaining quotes for design and printing services for marketing materials. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Community Recreation, 6:30 p.m. Tuesday, November 20.
2. City Offices Closed, Thanksgiving Holiday, November 22 and 23.
3. Park Board, 5:00 p.m., Monday, November 26.
4. Community Recreation, 6:30 p.m., Wednesday, November 28.
5. Truth in Taxation,6:00 p.m., Monday, December 3.
6. City Council, 6:30 p.m., Monday, December 3.
7. Public Works, 11:00 a.m., Tuesday, December 4.
8. Public Safety, 4:00 p.m., Wednesday, December 5.

The council was reminded of the upcoming meetings as listed.

It was the consensus of the council to schedule a workshop for 5:00 p.m. on Monday, December 3, 2012 to discuss the committee appointments for 2013.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Chard, to adjourn at 7:28 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary