

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
DECEMBER 9, 2015**

1. PLEDGE OF ALLEGIANCE.

Mayor Michael Pingalore led those present in the Pledge of Allegiance.

OATH OF OFFICE.

Henry Pressley, Jr., City Council Member

Mayor Pingalore administered the Oath of Office to newly-appointed Council Member Henry Pressley, Jr. The Mayor and Council welcomed Mr. Pressley as a member of the City Council.

2. CALL TO ORDER. 2.1. Roll Call.

The Belle Plaine City Council met in Regular Session on Wednesday, December 9, 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 Henry Pressley, Jr., present.

Also present were City Administrator Holly Kreft, Finance Director 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.

3. APPROVAL OF AGENDA.

MOTION by Councilmember Trost, 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 16, 2015.**
- 4.2. Personnel Committee Minutes of November 19, 2015.**
- 4.3. Personnel Committee Minutes of November 23, 2015.**
- 4.4. Special Session Minutes of November 23, 2015.**
- 4.5. Resolution 15-152 Accepting Public Improvements of the 2013 Street Project.**
- 4.6. Resolution 15-155 Call for Public Hearing on Proposed Vacation of Locust Street (Prairie Park).**
- 4.7. Approving Temporary 3.2% Intoxicating Liquor License for Our Lady of the Prairie Church for Fundraiser on March 5, 2016.**
- 4.8. Resolution 15-154 Appointing Joshua Muehlenhardt, Kevin Sieben, and Sean Moriarty as Seasonal Public Works Employees.**
- 4.9. Resolution 15-156 Updating Committee Appointments Through December 31, 2015.**
- 4.10. Resolution 15-157 Appointing Branden Larson, Wyatt Herrmann and Michael Miller as Ice Rink Attendants.**
- 4.11. Resolution 15-158 Modifying Authorized Signatures at the State Bank of Belle Plaine.**
- 4.12. Resolution 15-160 Approving Three-Year Agreement with Waste Management for Refuse Hauling Services for City-Owned Properties.**
- 4.13. Resolution 15-159 Amending Reimbursement Agreement with 829 and 831 Court Street West for Extension of Storm Sewer to Private Property.**

MOTION by Councilmember Trost, second by Councilmember Coop, to approve the consent agenda as follows: 4.1. Regular Session Minutes of November 16, 2015, 4.2. Personnel Committee Minutes of

November 19, 2015, 4.3. Personnel Committee Minutes of November 23, 2015, 4.4. Special Session Minutes of November 23, 2015, 4.5. Resolution 15-152 Accepting Public Improvements of the 2013 Street Project, 4.6. Resolution 15-155 Call for Public Hearing on Proposed Vacation of Locust Street (Prairie Park), 4.7. Approving Temporary 3.2% Intoxicating Liquor License for Our Lady of the Prairie Church for Fundraiser on March 5, 2016, 4.8. Resolution 15-154 Appointing Joshua Muehlenhardt, Kevin Sieben, and Sean Moriarty as Seasonal Public Works Employees, 4.9. Resolution 15-156 Updating Committee Appointments Through December 31, 2015, 4.10. Resolution 15-157 Appointing Branden Larson, Wyatt Herrmann and Michael Miller as Ice Rink Attendants, 4.11. Resolution 15-158 Modifying Authorized Signatures at the State Bank of Belle Plaine, 4.12. Resolution 15-160 Approving Three-Year Agreement with Waste Management for Refuse Hauling Services for City-Owned Properties, and 4.13. Resolution 15-159 Amending Reimbursement Agreement with 829 and 831 Court Street West for Extension of Storm Sewer to Private Property. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Public Works Department.

Public Works Superintendent Al Fahey was present. The Council acknowledged receipt of the Public Works Department report.

5.2. City Engineer Report.

City Engineer Joe Duncan was present. The Council acknowledged receipt of the City Engineer report.

5.3. Administration Report.

City Administrator Holly Kreft was present. The Council acknowledged receipt of the Administration report.

6. PUBLIC FORUM.

6.1. RECOGNITION OF INVOLVED CITIZENS.

No one spoke during the public forum.

6.2. CERTIFICATE OF MERIT.

6.2.1. Belle Plaine High School Volleyball MN State Class 2A Champions.

Mayor Pingalore presented the Belle Plaine High School Volleyball Team with Certificates of Merit to commemorate their recent achievement as the Minnesota State Class 2A Champions.

7. PUBLIC HEARINGS- NONE SCHEDULED.

8. BUSINESS.

8.1. Presentation of Claims.

1. Pay Request No. 1 by S.M. Hentges & Sons, Inc., for \$784,958.14 for the Enterprise Drive Overpass Project.

MOTION by Councilmember Coop, second by Commissioner Pressley, to approve the Presentation of Claims and Pay Request No. 1 by S.M. Hentges & Sons, Inc., for \$784,958.14 for the Enterprise Drive Overpass Project. ALL VOTED AYE. MOTION CARRIED.

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

Mayor Pingalore referenced a memo dated December 9, 2015 from Finance Director Meyer regarding the charitable gambling premises permit for German Days at Andy's Bar and Grill.

Finance Director Meyer explained that this matter was originally on the November 16, 2015 City Council agenda and was removed with the request for more information. City staff has completed a compilation of information regarding German Days, Inc. lawful charitable gambling. Attached to Finance Director Meyer's memo were reports from the State of Minnesota showing the 2014 and 2015 annual totals for each organization that operates within the City of Belle Plaine. German Days, Inc. currently operates five premises, one of which is located within the City of Belle Plaine. The following are the net profits of each of the premises operated by German Days for the period of July 1, 2014 to June 30, 2015: Neisen's Bar & Grill of Biscay -\$57,193.00; Neisen's Event Center of Savage - \$86,037.00, The Station \$20,195.00, Andy's Bar & Grill of Belle Plaine - (\$3,919.00 - loss), and Arlington Haus of Arlington, (\$2,299.00 - loss).

The City of Belle Plaine enacted an Ordinance 13-06 on April 1, 2013 that required lawful charitable organizations to contribute at least ten percent of their net profits to the City derived from premises located within the City. The required contribution the City has received from the three licensed organizations that operate within the City are as follows:

Organization	2013	2014	YTD 2015
Belle Plaine Chamber	\$4,011.10	\$7,396.50	\$8,068.00
BP Friends of Library	\$ 253.08	\$1,896.82	\$2,472.06
German Days, Inc.	\$ 32.54	\$ 0.00	\$ 0.00

In discussion, Councilmember Coop asked why there is no contribution by German Days. Finance Director Meyer responded the City requires 10% of the net profit and their Schedule A indicates a loss for the past 23 months. Councilmember Coop commented that because of their continual losses, it would be to their advantage for the City Council to deny their premise permit. Councilmember Chard said it is the responsibility of German Days to cancel the premise permit and suggested the City request an audit. Councilmember Coop supported a request for an audit. City Attorney Vose explained that detailed information is available at the State Charitable Gambling website, which could help explain why German Days continually experiences losses. Finance Director Meyer reported that she did contact the State and obtained documentation. It is unknown what comprises the expenses, such as marketing. Councilmember Pressley recommended tabling action to allow time for an audit review. Mayor Pingalore suggested the Council consider their request for approval of the premises permit then request an audit.

MOTION by Councilmember Coop, second by Councilmember Chard, 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 City Council meeting to allow time for Staff to obtain further details associated with the revenues and expenses. Councilmembers Chard, Coop and Pressley VOTED AYE. Mayor Pingalore and Councilmember Trost VOTED NAY. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Public Works Committee, 11:00 am, Thursday, Dec. 10.**
- 2. EDA, 5:00 pm, Monday, Dec. 14.**
- 3. Planning Commission, 6:30 pm, Monday, Dec. 14.**
- 4. Park Board, 5:00 pm, Monday, Dec. 21**
- 5. City Council, 6:30 pm, Monday, Dec. 21.**

6. City Offices Close at Noon on Christmas Eve, Dec. 24.

7. City Offices Closed Christmas Day, Dec. 25.

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Trost, to adjourn at 7:01 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary