BELLE PLAINE CITY COUNCIL
REGULAR SESSION
DECEMBER 16, 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, December 16, 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, Scott Schneider and Paul Chard present. Councilmember Cary Coop was not present.

Also present were Interim City Administrator Dawn Meyer, Public Works Superintendent Al Fahey, Community Development Director Chelsea Alger, Police Chief Tom Stolee, City Engineer Joe Duncan and City Attorney Bob Vose. Zachery Schoenecker served as the video recording operator.

3. APPROVAL OF AGENDA.

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

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of December 2, 2013.
4.2. Truth in Taxation Hearing Minutes of December 2, 2013.
4.3. Resolution 13-140 Appointing Brian Siekmann as Lieutenant 2, Rob Selly as Lieutenant 4, and Matt Stier as First Assistant Chief for Belle Plaine Fire Department.
4.4. Resolution 13-142 Approving Charitable Gambling Premises Permit for Belle Plaine Chamber of Commerce at Neil's Pub, Huck's Shipwreck Saloon and Johan's Bar and Grill.
4.5. Resolution 13-143 Approving Charitable Gambling Premises Permit for Belle Plaine Friends of the Library at Sparetime Tavern, Borough Bowl, and Red Door Bar.
4.6. Resolution 13-144 Approving Charitable Gambling Premises Permit for German Days, Inc. at Andy's Bar and Grill.
4.7. Resolution 13-145 Approving EDA's Façade Improvement Loan to Waddel & Reed for 215 North Meridian Street.
4.8. Resolution 13-146 Accepting Cash Donation of Charitable Gambling Funds from the Friends of the Library.

MOTION by Councilmember Trost, second by Councilmember Chard, to approve the consent agenda as follows: 4.1. Regular Session Minutes of December 2, 2013, 4.2. Truth in Taxation Hearing Minutes of December 2, 2013, 4.3. Resolution 13-140 Appointing Brian Siekmann as Lieutenant 2, Rob Selly as Lieutenant 4, and Matt Stier as First Assistant Chief for Belle Plaine Fire Department, 4.4. Resolution 13-142 Approving Charitable Gambling Premises Permit for Belle Plaine Chamber of Commerce at Neil's Pub, Huck's Shipwreck Saloon and Johan's Bar and Grill, 4.5. Resolution 13-143 Approving Charitable Gambling Premises Permit for Belle Plaine Friends of the Library at Sparetime Tavern, Borough Bowl, and Red Door Bar, 4.6. Resolution 13-144 Approving Charitable Gambling Premises Permit for German Days, Inc. at Andy's Bar and Grill, 4.7. Resolution 13-145 Approving EDA's Façade Improvement Loan to Waddell & Reed for 215 North Meridian Street, and 4.8. Resolution 13-146 Accepting Cash Donation of Charitable Gambling Funds from the Friends of the Library. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

Ridgeview Ambulance provided a written monthly report. The Council acknowledged receipt of the Ambulance Department report.

5.2. Fire Department.

Assistant Fire Chief Matt Stier 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 Chelsea Alger was present. The Council acknowledged receipt of the Community Development Department report.

5.5. Administration Report.

Interim City Administrator Dawn Meyer was present. The Council acknowledged receipt of the Administration report.

6. PUBLIC FORUM.

6.1. Certificate of Appreciation.

Friends of the Library, Donation of Funds.

Mayor Pingalore presented Laurie Behnke, Friends of the Library, with a certificate of appreciation for the donation of funds for the community library.

6.2. Visitor's Request.

Geraldine Higdon, 172 South Linden Street – Request to Waive Irrigation Bill.

Geraldine Higdon, 172 South Linden Street, explained she received an invoice from the City in the amount of $1,474.20 for irrigation water for the past ten years. The irrigation meter installed in 2004 was not registered with the City and therefore she did not receive a monthly bill for the irrigation water. Ms. Higdon asked for consideration of a reduction in the bill and offered to pay half of the amount.

Councilmember Trost believed Ms. Higdon was not at fault for the irrigation water as she had no idea how much water was moving through the meter. He said it is not fair for the City to bill for water service ten years ago. Councilmember Chard concurred and further commented the City should take responsibility for the mistake. Councilmember Schneider agreed with Councilmember Chard and Trost, indicating the resident had no idea how much irrigation water was being used. Public Works Superintendent Fahey explained there was a period of time prior to 2004 in which irrigation meters were installed but were not registered with the city. Therefore, there may be more situations such as this.

MOTION by Councilmember Trost, second by Councilmember Chard, to accept Ms. Higdon's offer to pay one-half of the $1,474.20 bill, or $737.10, for the water usage registered by the irrigation meter installed in

2004 at 172 South Linden Street. Mayor Pingalore VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

7. PUBLIC HEARING.

7.1. Ordinance 13-11, Fees. The Belle Plaine City Council will accept public comment on proposed Ordinance 13-11, amending the City Code by amending the City's Fee Schedule. Proposed changes include, but not limited to, public works equipment use, water and sewer utility fees and building permit fees.

Mayor Pingalore referenced a memo dated December 16, 2013 from Interim City Administrator Meyer regarding city fees for 2014.

Interim City Administrator Meyer explained the 2014 fee schedule reflects the utility rates as per the approved utility rate study and other changes in fees as recommended by staff. New for 2014 is clarification on items which the City will not accept credit/debit card payments, only checks or cash.

Mayor Pingalore opened the public hearing at 6:28 p.m. and asked for public comment.

Matt Haefner, 212 East Pine Street, referenced the utility rate study and questioned why the cost of future water treatment expansion, new well and reverse osmosis projects are supported by usage rates rather than capital improvements expenses. He asked for consideration of a step increase rather than a 36% increase starting immediately in 2014.

Gary Ludwig, 945 South Cedar Street, said a 36% increase in utility rates is too aggressive. He suggested a gradual implementation and questioned the rates of area cities.

Dan Witt, 710 West Church Street, concurred with the comments of Mr. Haefner and Mr. Ludwig, re-iterating that a 36% increase is too high for residents to absorb.

Kristin Werner, 844 Daniel Drive, expressed concern for the impact of a 36% increase in the utility bill. She said the increase was too aggressive and asked for consideration of a more moderate rate increase.

MOTION by Councilmember Chard, second by Councilmember Pingalore, to close the public hearing at 6:35 p.m. ALL VOTED AYE. MOTION CARRIED.

Interim City Administrator Meyer explained the basis for the utility rate study and the need to adjust the utility rates accordingly. Mayor Pingalore explained that although the rate increase is an added hardship for many residents, the rates must be raised in order to keep the city's enterprise funds viable. Councilmember Trost noted that other Scott County cities have increased rates as well.

1. Adoption of Ordinance 13-11, Amending Chapter 1, Section 108, by Amending the City's Fee Schedule.

MOTION by Councilmember Chard, second by Councilmember Trost, to adopt Ordinance 13-11, Amending Chapter 1, Section 108, by Amending the City's Fee Schedule. ALL VOTED AYE. MOTION CARRIED.

2. Resolution 13-139 Authorizing Summary Publication of Ordinance 13-11.

MOTION by Councilmember Schneider, second by Councilmember Pingalore, to approve Resolution 13-139 Authorizing Summary Publication of Ordinance 13-11. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

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

8.2. Resolution 13-137 Resolution Authorizing Deferral of Special Assessment for Certain Properties for the 2006 West Commerce Drive Improvement Project.

Mayor Pingalore referenced a memo dated December 16, 2013 from Interim City Administrator Meyer regarding the special assessment deferment.

Interim City Administrator Meyer explained the City has entered into assessment agreements in November, 2006 with Ewald and Adella Gruetzmacher and James and Jane Preisen for the deferral of the special assessments to their property for the 2006 West Commerce Drive improvement project. The agreements state that the special assessment shall be deferred for three years, and payment shall begin with the second half tax payment payable in 2009. On September 8, 2009, Ewald and Adella Gruetzmacher and James and Jane Preisen were granted a four-year deferral of the special assessments to their property. The City has received written requests from Ewald and Adella Gruetzmacher and James and Jane Preisen for an extension of the deferral for a period of at least four years and the City Council considered the request at their workshop session on November 25, 2013 and recommended the City to enter into an agreement with the subject property owners for deferral of the special assessments for a period of four years and payment shall begin with the second half tax payment payable in 2017.

Councilmember Chard inquired about other options as discussed at the council work session on November 25, 2013. Interim City Administrator Meyer responded that she had discussions with the subject property owners.

MOTION by Councilmember Schneider, second by Councilmember Pingalore, to approve Resolution 13-137 Resolution Authorizing Deferral of Special Assessment for Certain Properties for the 2006 West Commerce Drive Improvement Project. ALL VOTED AYE. MOTION CARRIED.

8.3. Large Assembly Permit by the Hockey Association for Pond Hockey Tournament on January 4, 2014.

Mayor Pingalore referenced a memo dated December 16, 2013 from Interim City Administrator Meyer regarding a large assembly permit.

The Belle Plaine Hockey Association has submitted a request for a large assembly permit for a pond hockey tournament to be held at the hockey and recreational ice rink on Saturday, January 4, 2014. The City received permission from the property owner, Belle Plaine School District, for the use of the hockey rink for the tournament. The recreational ice rink is on city-owned property. The Hockey Association requested the use of the city's Zamboni for the tournament and staff advised the city does not "rent" out equipment. Police Chief Stolee, Public Works Superintendent Fahey and Interim City Administrator Meyer have discussed the parameters for the pond hockey tournament. Staff recommends approval with the following conditions: 1. Submittal of certificate of liability insurance coverage; 2. Applicant to supply regulation First Aid kit; 3. Applicant responsible for the cost of refuse containers and refuse hauling services; 4. Comply with recreational fire regulations, if applicable; 5. No alcohol on premises; 6. Approved Peddler's Permit for food vendors; and 7. Applicant to provide two additional portable restrooms.

Councilmember Chard asked if there were any issues with last year's tournament and Interim City Administrator Meyer replied there was no large assembly permit application in 2013, therefore, some of these issues were not addressed last year.

Jeremiah Kornder, 26346 Meridian Avenue, Belle Plaine, explained last year's tournament was poorly organized and the group is working towards an organized event this year. Kevin Sieben, 816 South Elm Street, Belle Plaine, said the tournament brings many people to town and explained that it is important to use a Zamboni in order to have quality ice for the tournament. Mr. Kornder and Mr. Sieben asked for consideration of utilizing the city's Zamboni in future tournaments. Mayor Pingalore explained that he understands the need to have quality ice however the city's policy does not allow for rental of its equipment. Public Works Superintendent Fahey explained that city-supplied labor impacts the employee union contract.

MOTION by Councilmember Chard, second by Councilmember Trost, to approve the Large Assembly Permit by the Hockey Association for Pond Hockey Tournament on January 4, 2014, with conditions as noted on the permit application. ALL VOTED AYE. MOTION CARRIED.

8.4. Resolution 13-141 Identifying Cable-Related Needs and Interests for Mediacom Franchise Renewal.

Mayor Pingalore referenced a memo dated December 16, 2013 from Interim City Administrator Meyer regarding the needs and interests pertaining to the cable franchise agreement.

Interim City Administrator Meyer explained the city is in the process of renewing the franchise agreement with Mediacom, Minnesota, LLC. The current agreement's term is through October 2014. As a part of the renewal process, the City Council held a public hearing on November 18, 2013. At the hearing the Council received public comments about the cable television service. The comments from past and current cable customers were taken into consideration when preparing the Needs and Interest Resolution, which is a step in the renewal process. The city will continue to work with the city attorney to negotiate and finalize the renewal of the franchise agreement. The franchise agreement with Mediacom is not and exclusive franchise agreement.

City Attorney Vose explained the city received many written comments from former and current Mediacom subscribers regarding services and the proposed resolution addresses those concerns. He said the requests are reasonable and believes Mediacom will comply with the concerns. He summarized the proposed changes in the agreement, which will be approved at a future date. The changes include a reduction in the contract term from 15 years to 10 years and that it is a non-exclusive agreement. Councilmember Trost commented that he would like to see the list of complaints received by Mediacom. City Attorney Vose replied the City cannot make Mediacom responsible for complaints it receives as it is regulated by the Public Utilities Commission.

MOTION by Councilmember Schneider, second by Councilmember Chard, to approve Resolution 13-141 Identifying Cable-Related Needs and Interests for Mediacom Franchise Renewal. ALL VOTED AYE. MOTION CARRIED.

8.5. Resolution 13-138 Appointing Laura Blue as the Office Assistant –Community Development.

Mayor Pingalore referenced a memo dated December 16, 2013 from Community Development Director Alger regarding the appointment of Laura Blue as the Office Assistant.

Community Development Director Alger explained that on October 21, 2013 the Council reestablished the position of Office Assistant- Community Development and authorized staff to proceed with the hiring process. This position is full time at 35-hours per week, and replaces the previous Community Development Coordinator position, vacated in October. City administration has concluded the application, interview and necessary requirements of the process for the hiring of the Office Assistant- Community Development, and recommends hiring Laura Blue. Ms. Blue has extensive graphic design and advertising experience; along with customer service and receptionist experience. She is eager to begin work with the City and has requested a start date of January 6, 2014, allowing her to assist her current employers through their busy holiday seasons. This position will be started at Step 1 of the pay scale.

MOTION by Councilmember Schneider, second by Councilmember Trost, to approve Resolution 13-138 Appointing Laura Blue as the Office Assistant –Community Development. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

1. City Offices Closed for Holidays:

- **1.1. Noon on Tuesday, December 24.**
- **1.2. All Day on Wednesday, December 25.**
- **1.3. Noon on Tuesday, December 31.**
- **1.4. All Day on Wednesday, January 1.**

2. City Council Meeting, 6:00 p.m., Monday, January 6.
3. Public Works, 11:00 a.m., Tuesday, January 7.
4. Public Safety, 4:30 p.m., Wednesday, January 8.
5. EDA, 5:00 p.m., Monday, January 13.
6. Planning Commission, 7:00 p.m., Monday, January 13.

Mayor Pingalore reminded those present of the upcoming meetings as listed. Interim City Administrator Meyer reported a Personnel Committee meeting will be scheduled for Wednesday, January 8, 2014 at 5:30 p.m. for the purpose of reviewing the profile for the city administrator position.

10. ADJOURN.

MOTION by Councilmember Chard, second by Councilmember Pingalore, to adjourn at 7:20 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary