BELLE PLAINE CITY COUNCIL
REGULAR SESSION
DECEMBER 19, 2011

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, December 19, 2011 at 6:00 p.m. at the Government Center, 218 North Meridian Street, Belle Plaine, MN. Mayor Tim Lies called the meeting to order with Councilmembers Gary Trost, Cary Coop, Paul Chard, Scott Schneider 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. Beth Dempsey served as the Video Recording Operator.

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. Truth in Taxation Minutes of December 5, 2011.
4.2. Regular Session Minutes of December 5, 2011.
4.3. Resolution 11-149 Closing TH169 South Frontage Road Project Fund (479) and Transferring Funds to Zero the Balance of the Fund.
4.4. Resolution 11-150 Closing 2009 Street Improvement Project Fund (480) and Transferring Remaining Funds to the 2009A G.O. Improvement Bond Fund (534).
4.5. Resolution 11-151 Authorizing Transfer of Retained Surcharge Fees per Minnesota State Statute 326B.148, Subd. 2.
4.6. Resolution 11-154 Adopting Fund Balance Policy for Governmental Accounting Standards Board (GASB) Requirements.
4.7. Resolution 11-155 Committing Specific Revenue Sources for Governmental Accounting Standards Board (GASB) Requirements.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the consent agenda as follows: 4.1. Truth in Taxation Minutes of December 5, 2011, 4.2. Regular Session Minutes of December 5, 2011, 4.3. Resolution 11-149 Closing TH169 South Frontage Road Project Fund (479) and Transferring Funds to Zero the Balance of the Fund, 4.4. Resolution 11-150 Closing 2009 Street Improvement Project Fund (480) and Transferring Remaining Funds to the 2009A G.O. Improvement Bond Fund (534), 4.5. Resolution 11-151 Authorizing Transfer of Retained Surcharge Fees per Minnesota State Statute 326B.148, Subd. 2, 4.6. Resolution 11-154 Adopting Fund Balance Policy for Governmental Accounting Standards Board (GASB) Requirements. and 4.7. Resolution 11-155 Committing Specific Revenue Sources for Governmental Accounting Standards Board (GASB) Requirements. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

Ridgeview Ambulance Manager Doug Sweeney was 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. Mayor Lies inquired about “lock down” procedures with the local schools and businesses. 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.

No one spoke at the public forum.

7. PUBLIC HEARINGS.

7.1. Conditional Use Permit at 1058 Enterprise Drive East. The City Council will consider public comment on a request by Seal Pizza, LLC, dba Dominos Pizza, for approval of a conditional use permit as required in the Industrial/Commercial District to allow the operation of a pizza delivery/take-out service at 1058 Enterprise Drive.

Mayor Lies referenced a memo dated December 19, 2011 from Community Development Director Rosenfeld regarding a conditional use permit request by Seal Pizza, LLC.

Community Development Director Rosenfeld explained that Seal Pizza LLC (dba Dominos Pizza) is requesting the review of a conditional use permit to allow for the operation of a Domino’s Pizza in the remaining unit in the new retail center adjacent to McDonalds. This will only be delivery and take-out, there will be no eat-in dining. The off-street parking requirements have been reviewed as part of the site plan for the retail center. This lot meets requirements for all three retail units. A shared agreement with Coborn’s and McDonalds is in place for any overflow parking necessary. The Planning Commission recommended approval with the following conditions as noted on the proposed resolution.

Mayor Lies opened the public hearing at 6:15 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 6:16 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 11-146 Granting Approval of the Conditional Use Permit to Allow the Operation of a Pizza Delivery/Take-Out at 1058 Enterprise Drive.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-146 Granting Approval of the Conditional Use Permit to Allow the Operation of a Pizza Delivery/Take-Out at 1058 Enterprise Drive. ALL VOTED AYE. MOTION CARRIED.

7.2. Conditional Use Permit at 835 Commerce Drive East. The City Council will consider public comment on a request by Cambria USA, 704 North Main Street, LeSueur, MN, for approval of a conditional use permit as required in the Industrial/Commercial District to allow the operation of quartz surface sample fulfillment process at 835 Commerce Drive East.

Mayor Lies referenced a memo dated December 19, 2011 from Community Development Director Rosenfeld regarding a request for a conditional use permit by Cambria USA.

Community Development Director Rosenfeld explained that Cambria has requested the review of a Conditional Use Permit at 835 Commerce Drive East to allow for the operation of the quartz surface sample fulfillment process. This property is zoned I-C, Industrial Commercial where all uses require a conditional use permit. There are no permitted uses in this zoning district. A history of zoning issues approved for this site was included with Community Development Director Rosenfeld's memo. All off-street parking requirements will be met. The applicant is proposing an addition to the existing structure. A site plan for a 60' x 70' addition was approved in 2007, however the variances obtained in 2000 and 2005 for the addition have expired. City Code illustrates if the variance is not used within one (1) year after it was obtained, the variance is void. The applicant will be bringing forth an application for the variance at an upcoming meeting. Since the variance has been granted twice before for the addition, the City shall grant the variance. The Planning Commission recommended approval with conditions as noted in the proposed resolution.

Mayor Lies opened the public hearing at 6:18 p.m. and asked for public comment.

Marvin Bartlett, Director of Engineering, Cambria, requested approval of the conditional use permit and explained the planned use of the building at 835 East Commerce Drive. He stated it is the intent of Cambria to move the sample fulfillment process from LeSueur to this location. The process includes assembly and shipping. There will be 10 people employed at this location. In addition, Mr. Bartlett noted that Cambria will be bringing an additional 70 fabrication jobs to their location at 805 Enterprise Drive, for a total of 135 employees.

MOTION by Councilmember Trost, second by Councilmember Coop, to close the public hearing at 6:21 p.m. ALL VOTED AYE. MOTION CARRIED.

Mayor Lies, noting the close proximity to the City's water treatment plant, inquired about the possible use of chemicals at 835 East Commerce Drive. Mr. Bartlett replied that there is no intended use of chemicals, only the assembly process for shipping product. Public Works Superintendent Fahey explained that the City continually monitors waste water and chemical use would be reflected in the test results.

1. Resolution 11-147 Granting Approval of a Conditional Use Permit to Allow the Operation of Quartz Surface Sample Fulfillment Process at 835 Commerce Drive East.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-147 Granting Approval of a Conditional Use Permit to Allow the Operation of Quartz Surface Sample Fulfillment Process at 835 Commerce Drive East. ALL VOTED AYE. MOTION CARRIED.

7.3. Ordinance 11-14, Non-Conforming Lots, Uses and Structures. The City Council will consider public comment on proposed Ordinance 11-14 amending Section 1202 of the Zoning Ordinance pertaining to non-conforming lots, uses and structures.

Mayor Lies referenced a memo dated December 19, 2011 from Community Development Director Rosenfeld regarding proposed Ordinance 11-14.

Community Development Director Rosenfeld explained that a public hearing is being held to consider new language related to the creation of a non-conforming expansion permit. Legal counsel has reviewed and consents to the permit and language. Attached with Community Development Director Rosenfeld's memo were Ordinance 11-14 and the proposed permit.

Mayor Lies opened the public hearing at 6:26 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 6:27 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Reading and Adoption of Ordinance 11-14.

MOTION by Councilmember Coop, second by Councilmember Schneider, to adopt Ordinance 11-14, Amending the City Code for Section 1202 Pertaining to Non-Conforming Lots, Uses and Structures. ALL VOTED AYE. MOTION CARRIED.

2. Resolution 11-152 Authorizing Summary Publication of Ordinance 11-14.

MOTION by Councilmember Coop, second by Councilmember Pingalore, to approve Resolution 11-152 Authorizing Summary Publication of Ordinance 11-14. ALL VOTED AYE. MOTION CARRIED.

7.4. Ordinance 11-15, Fees. The Belle Plaine City Council will accept public comment on proposed Ordinance 11-15, 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 Lies referenced a memo dated December 19, 2011 from City Administrator Murphy regarding proposed fees for 2012.

City Administrator Murphy explained that the City Council will accept public comment on proposed Ordinance 11-15, amending city fees for 2012, which will allow for the changes to city fees for 2012. The water and sewer rates have been adjusted per the previously approved utility rate study. Rates for public works services have increased and the fees for the non-conforming expansion permit have been added.

Mayor Lies opened the public hearing at 6:30 p.m. and asked for public comment.

Wayne Schmidt, 23100 Oakcrest Trail, addressed the council regarding water and sewer connection fees. He referenced a letter he recently received from Council Member Cary Coop regarding potential HRA programs to assist homeowners. Mr. Schmidt would like to see incentives to help spur residential development and is willing to participate with the City and HRA to help develop an incentive program.

MOTION by Councilmember Chard, second by Councilmember Schneider, to close the public hearing at 6:32 p.m. ALL VOTED AYE. MOTION CARRIED.

Mayor Lies invited Mr. Schmidt to attend the upcoming HRA meeting on January 17, 2012 at 5:00 p.m.

1. Adoption of Ordinance 11-15, Amending Chapter 1, Section 108, by Amending the City's Fee Schedule.

MOTION by Councilmember Coop, second by Councilmember Chard, to adopt Ordinance 11-15, Amending Chapter 1, Section 108, by Amending the City's Fee Schedule. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 11-148 Authorizing Summary Publication of Ordinance 11-15.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-148 Authorizing Summary Publication of Ordinance 11-15. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

Councilmember Chard commented that the Public Works Department should begin to do general maintenance such as routine oil changes once they are settled in at 891 Diversified Drive. Public Works Superintendent Fahey responded that Public Works does not have the appropriate equipment, such as a vehicle lift, to perform oil changes.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the Presentation of Claims as presented. ALL VOTED AYE. MOTION CARRIED.

8.2. Ehlers and Associates – Todd Hagen, Financial Consultant.

1. Resolution 11-153 Authorization to Select the Recommended Purchaser of the Bond for the City to Purchase Property for the Public Works Facility.

Mayor Lies referenced a memo dated December 19, 2011 from Community Development Director Rosenfeld regarding a lease revenue bond.

Community Development Director Rosenfeld explained that as discussed previously by the City Council, it is appropriate to bond for the purchase of the public works facility in order to finance the property. The City Council and EDA held a joint workshop on this matter and the consensus from both entities was to move forward with the purchase utilizing an EDA Lease-Revenue Bond. The EDA authorized staff and the city's financial advisor, Ehlers and Associates, to solicit to banks and underwriters for the purchase of the $1,250,000 bond. Request for proposals were sent out and proposals were received by Ehlers and Associates.

Mayor Lies welcomed Todd Hagen, Ehlers and Associates.

Todd Hagen explained that Ehlers received only one response, Piper Jaffray, for the purchase of the lease revenue bond. Ehlers will fully analyze the proposal and report back on January 17, 2012. The proposed resolution is to direct staff and Ehlers to proceed with negotiation of the sale of the bond to the entity that will ultimately be subject to approval of sale terms by the Council and EDA. It is anticipated that on January 17, 2012, the City Council and EDA will hold a joint session to approve the terms of the sale of the Bond to the recommended entity.

Councilmember Chard asked whether the term should be reduced from 20 years to 15 years. Finance Director Meyer recommended to remain at 20 years for budgeting purposes.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-153 Authorization to Select Piper Jaffray as the Recommended Purchaser of the Bond for the City to Purchase Property for the Public Works Facility. ALL VOTED AYE. MOTION CARRIED.

8.3. Discussion on Charitable Gambling Regulations.

Mayor Lies referenced a memo dated December 19, 2011 from City Administrator Murphy regarding charitable gambling.

City Administrator Murphy explained that the Belle Plaine German Days charitable gambling license request brought to light some areas of the Belle Plaine gambling code that should to be clarified. The testimony given during the December 5 City Council meeting showed that permitting two or more lawful gambling operations in a single location may dilute the proceeds in the trade area and may result in inefficient duplication of gambling facilities and equipment with multiple gambling operations. The proposed ordinance amendment that is being brought forward clarifies the following items: 1) the procedure for reviewing applications, 2) what constitutes lawful expenditures and that the list must be provided to the City annually, and 3) limits licensure to one (1) permit per site.

City Attorney Vose explained the draft ordinance language would clarify requirements about the charitable gambling application process and intended expenditures. Also, it would limit one premise permit per site. Currently no local bars have more than one premise permit. Councilmember Trost asked for clarification on the draft language. He requested to see the current language as a comparison to the proposed language. City Attorney Vose explained that it is common to show only the replacement text when a section is repealed.

The Council recessed at 7:05 p.m. and reconvened at 7:12 p.m.

Staff distributed copies of the current city code, section 305, pertaining to charitable gambling regulations. Councilmember Coop inquired about the requirement for charitable gambling organizations to submit an annual list of expenditures. City Administrator Murphy explained that the organizations are required to submit a listing; the new language would clarify the specific listing. City Attorney Vose explained the only intended change that is being proposed is the limit of one premise permit per site. The purpose of the remaining text is the clarify the language of the current ordinance. Councilmember Trost requested a listing of the donations by the Chamber of Commerce. He also commented that he was opposed to limiting one premise permit per site. City Attorney Vose further explained that the Council expressed concern for the dilution of funds by allowing more than one premise permit per site and directed staff to proceed with the preparation of an ordinance that would set a limit. Mayor Lies questioned whether the Council would want to review each application as to approval or denial. City Attorney Vose explained the City has the authority to regulate the number of premises permits allowed. Some cities allow multiple permits at a site. Councilmember Pingalore supported the draft language of the ordinance as it will allow for a more efficient application process. Councilmember Coop inquired as to how sites are paid. City Administrator Murphy explained that they may lease space to the charitable gambling organization, or be given up to 20% of the profit. Councilmember Coop asked for further explanation on the dilution of funds due to multiple permits. City Administrator Murphy explained the increased costs, such as dual equipment and gambling manager's salary. Councilmember Coop stated he supports the draft language of the ordinance if the non-profit organizations are required to abide by the intended expenditure listing and that there are more funds transferred to the non-profits if restricted to one premise permit per site. Councilmember Schneider supports the language change as it creates a better flow for the application process. Councilmember Trost inquired about the specific reasons for denial of the German Days Committee application. City Attorney Vose reported that the German Days Committee has withdrawn their application.

MOTION by Councilmember Coop, second by Councilmember Chard, to direct staff to proceed with the ordinance change pertaining to charitable gambling regulations, adding the words "administration costs" to the ninth WHEREAS in reference to the inefficient duplication of gambling facilities and equipment. ALL VOTED AYE. MOTION CARRIED.

8.4. Discussion on Zamboni.

Mayor Lies referenced a memo dated December 19, 2011 from City Administrator Murphy regarding the acquisition of the Zamboni.

City Administrator Murphy explained that the Public Works Committee discussed the Zamboni requirements at their December 13, 2011 meeting.

Public Works Superintendent Fahey presented the cost estimates for the repair, maintenance and storage costs for the Zamboni. There are no volunteer operators for the 2011/2012 season. The operators will be the seasonal employees. There are a number of reasons to deny the acquisition of the Zamboni. The council needs to determine the importance of making appropriate ice for the hockey players and recreational skaters. Councilmember Pingalore commented on concept of developing future hockey players. Councilmember Coop commented that it appears the recreational rink at West Prairie Street is popular with families. Councilmember Schneider and Chard requested further cost information for the anticipated labor for the Zamboni operation. Councilmember Coop inquired whether the Council intends to scrutinize the costs of all recreations sports. Mayor Lies commented that it is appropriate to obtain labor costs prior to any action.

MOTION by Councilmember Schneider, second by Councilmember Chard, to direct staff to gather labor costs associated with the Zamboni for an average winter season. Councilmember Pingalore VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.5. Update Cablevision Equipment.

Mayor Lies referenced a memo dated December 19, 2011 regarding cablevision equipment.

City Administrator Murphy explained the current local cable channel generator is outdated and difficult to update. The system is currently patched and is working, but a longer term solution is needed. City staff and the City's information technology consultant have reviewed the potential long term fixes for the local cable channel and brought the recommended fix to the Cable Committee. The recommended fix is a Carousel SOLO 240 system from Tightrope Media Systems. The advantages of this system are that it is user friendly, capable of generating more detailed screens than currently showing and able to be accessed and updated remotely. The estimated costs are as follows: $3,450 for Carousel Solo 240 Unit and supporting hardware and $750 for installation and training of staff. The Cable Committee met and forwarded staff's recommendation for purchase to the Council. The Cable Committee also reviewed staff's recommendation that City Staff take over the updating and maintenance of the general local access messaging. The Belle Plaine School District staff will still be responsible for the scheduling and broadcasting of all sporting events, city and school meetings and church services.

MOTION by Councilmember Trost, second by Councilmember Schneider, to authorize the purchase of a Carousel Solo 240 Unit at a cost of $3,450 plus tax, supporting hardware and $750 for installation and training of staff. ALL VOTED AYE. MOTION CARRIED.

8.6. Resolution 11-145 Ordering Feasibility Report for the 2012 Street Improvement Project.

Mayor Lies referenced a memo dated December 19, 2011from City Administrator Murphy regarding the 2012 street improvement project.

City Administrator Murphy explained the Public Works Committee discussed the 2012 Street Improvement Project at their December 13, 2011 meeting. The Public Works Committee has recommended to the Council that a feasibility report be ordered for the project.

City Engineer Joe Duncan provided a brief overview of the proposed construction areas. The feasibility report will provide necessary cost estimates.

Councilmember Trost commented that he has concern for the six corner parcels that were assessed for the 2011 street project and potentially again for the 2012 project.

MOTION by Councilmember Trost, second by Councilmember Pingalore, to approve Resolution 11-145 Ordering Feasibility Report for the 2012 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

8.7. Resolution 11-156 Authorizing Grant Application for MnDOT Local Road Improvement Project.

Mayor Lies referenced a memo dated December 19, 2011 from City Administrator Murphy regarding the grant application.

City Administrator Murphy explained the Public Works Committee discussed the Local Road Improvement Program (LRIP) application for the FY 2012/13 biennium at their December 13, 2011 meeting. The Committee recommended an application for the Belle Plaine Trail Improvement Project.

MOTION by Councilmember Trost, second by Councilmember Schneider, to approve Resolution 11-156 Authorizing Grant Application for MnDOT Local Road Improvement Project. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Christmas Holiday, City Offices Closed Starting at Noon on Dec. 23 through Dec. 26.
2. New Year Holiday, City Offices Closed Starting at Noon on Dec.30 through Jan, 2.
3. City Council, 6:00 p.m., Tuesday, Jan. 3.

The council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Pingalore, second by Councilmember Coop, to adjourn at 8:39 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary