

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
DECEMBER 21, 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, December 21, 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 Mary Tietjen, filling in for Attorney Bob Vose. Wanda Savage served as the video recording operator.

3. APPROVAL OF AGENDA.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve the agenda with the addition of business item, "Resolution 16-142 Approving Premises Permit for German Days, Inc. at Andy's Bar and Grill." ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of December 9, 2015.

4.2. Work Session Minutes of December 9, 2015.

4.3. Truth in Taxation Minutes of December 7, 2015.

4.4. Resolution 15-153 Accepting Public Improvements of the 2014 Street Project.

4.5. Accept Retirement of Ben Stier from the Belle Plaine Fire Department.

4.6. Resolution 15-163 Approving 2016 Salaries for Certain City Employees.

4.7. Call for Public Hearing to Repeal/Replace Section 1107.23 of the City Code Relating to Rental Licensing.

4.8. Authorize Update of the Belle Plaine Fire Department Building.

Councilmember Chard requested that "Resolution 15-163 Approving 2016 Salaries for Certain City Employees" be moved to the business portion of the agenda.

MOTION by Councilmember Coop, second by Councilmember Trost, to move "Resolution 15-163 Approving 2016 Salaries for Certain City Employees" to the business portion of the agenda and approve the consent agenda as follows: 4.1. Regular Session Minutes of December 9, 2015, 4.2. Work Session Minutes of December 9, 2015, 4.3. Truth in Taxation Minutes of December 7, 2015, 4.4. Resolution 15-153 Accepting Public Improvements of the 2014 Street Project, 4.5. Accept Retirement of Ben Stier from the Belle Plaine Fire Department, 4.6. Call for Public Hearing to Repeal/Replace Section 1107.23 of the City Code Relating to Rental Licensing, and 4.7. Authorize Update of the Belle Plaine Fire Department Building. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Community Services.

Activities and Recreation Director Chad Eischens was unable to attend. 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 present. The Council acknowledged receipt of the Administration report.

6.0. RECOGNITION OF INVOLVED CITIZENS.

Melissa Saxe, 11875 Murphy Lane, Belle Plaine, addressed the City Council regarding a recent incident involving a Freedom from Religion Foundation banner that was placed on City property, near the Rotary Club's Nativity Scene. She commented the language on the banner was not about freedom of religion and in her opinion, it was an attack on Christianity. Ms. Saxe believes the sign should be considered advertising because of the website listed on the banner and thus should be banned from being displayed on city property. She asked Councilmember Coop why he supports the sign. Coop responded that he is considered the "go to" guy for complaints about the Nativity Scene located on public property. He did have conversations with the individual who placed the subject sign on City property and supports the First Amendment. Councilmember Coop commented the banner was stolen twice from the site and questioned Chief Stolee's ability to protect a sign located in front of the Police Department.

Councilmember Trost supports the Nativity Scene on public property and believes the banner listing statements against Christianity should not have been allowed. He would welcome a policy of a prayer prior to the start of a council meeting. In an effort to move onto the business portion of the agenda, Mayor Pingalore invited those present to visit with the Council Members on this matter after the adjournment of the Council meeting.

6.1. Presentation of Retirement Award to Firefighter Ben Stier.

Mayor Pingalore presented Ben Stier with a plaque in honor of his 16 years of service to the Belle Plaine Fire Department.

6.2. Presentation by Michael Thompson, Scott County Assessor

Scott County Assessor Mike Thompson addressed the City Council at the request of City Staff to provide an overview of the assessment process. Mr. Thompson explained how values are determined and the calculation for property taxes within the various jurisdictions in Scott County and that 20% of the homes are reviewed and analyzed each year. When informed that local taxpayers reported they received derogatory remarks about Belle Plaine's financial operations, Mr. Thompson stated that he does not

believe his Staff provided unfavorable opinions of the City. Councilmember Coop delved into the matter. Mr. Thompson reiterated that it would be unacceptable for any Staff member to make such statements and did remind his County employees accordingly.

Mayor Pingalore thanked Mr. Thompson for the overview and asked him to forward the presentation to City Administrator Kreft so that it can be distributed to the Council Members.

7. PUBLIC HEARINGS.

7.1. Ordinance 15-08 Fees. The City Council will consider public comment on proposed Ordinance 15-08, 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, water and sewer connection fees, building permit fees and administrative fees.

Mayor Pingalore referenced a memo dated December 21, 2015 from City Administrator Kreft regarding proposed fees for 2016.

City Administrator Kreft explained that a public hearing has been scheduled and the City Council will accept public comment on proposed Ordinance 15-08, Amending Chapter 1, Section 108, by Amending the City's Fee Schedule. Attached with City Administrator Kreft's memo was the proposed fee schedule that showed the current fee structure along with proposed changes. The water and sewer rates have been adjusted per the approved Utility Rate Study and other fees have been reviewed and updated to reflect necessary changes based on City expenses.

Mayor Pingalore opened the public hearing at 7:21 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Coop, second by Councilmember Chard, to close the public hearing at 7:22 p.m. ALL VOTED AYE. MOTION CARRIED.

7.1.1. Adoption of Ordinance 15-08, Amending Chapter 1, Section 108, by Amending the City's Fee Schedule.

Councilmember Trost commented that he is opposed to raising the water and sewer rates.

MOTION by Councilmember Coop, second by Councilmember Pressley, to adopt Ordinance 15-08, Amending Chapter 1, Section 108, by Amending the City's Fee Schedule. Councilmember Trost VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

7.1.2. Resolution 15-161 Authorizing Summary Publication of Ordinance 15-08.

MOTION by Councilmember Coop, second by Councilmember Pressley, to approve Resolution 15-161 Authorizing Summary Publication of Ordinance 15-08. ALL VOTED AYE. MOTION CARRIED.

7.2. Vacation of Locust Street. The City Council will consider public comment on the proposed vacation of Locust Street east of Linden Street and west of Ash Street (within Prairie Park).

Mayor Pingalore referenced a memo dated December 21, 2015 from Community Development Director Smith Strack regarding the proposed vacation of Locust Street.

Community Development Director Smith Strack explained that City staff recommends vacation of a portion of Locust Street within Prairie Park. Staff recommends the vacation to resolve development-related problems including setback encroachment and the existence of an obstacle in the right-of-way.

Locust Street is not improved and vacation of the street will not create any landlocked properties or hinder access to any parcel. In addition, vacation of the street will remove any maintenance or liability risks associated with the right of way and allow the City to enhance Prairie Park. Notice of the proposed vacation was published in the Herald twice and mailed to property owners within 350 feet and mailed to private utility providers. Xcel has noted facilities are located within a portion of the area proposed for vacation. As such Xcel is preparing a survey and easement description. Approval of vacation is suggested except for the retaining of an easement as to be defined by Xcel. The Park Board approved moving forward with the vacation. The Planning Commission recommends approval of the vacation except for retaining an easement to be defined by Xcel.

Mayor Pingalore opened the public hearing at 7:24 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Coop, second by Councilmember Pressley, to close the public hearing at 7:24 p.m. ALL VOTED AYE. MOTION CARRIED.

7.2.1. Resolution 15-162 Approving the Vacation of Locust Street.

Councilmember Coop commented that he believes the vacation of Locust Street is unnecessary.

MOTION by Councilmember Chard, second by Councilmember Pressley, to approve Resolution 15-162 Approving the Vacation of Locust Street. Councilmember Coop VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

1. Pay Request No. 1 and Final by Schneider Excavating for \$13,685.00 for the South Creek (Edberg Ravine) Repair.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve the Presentation of Claims, and Pay Request No. 1 and Final by Schneider Excavating for \$13,685.00 for the South Creek (Edberg Ravine) Repair. ALL VOTED AYE. MOTION CARRIED.

8.2. German Days Large Assembly Permit.

Mayor Pingalore referenced a memo dated December 21, 2015 from City Administrator Kreft regarding a large assembly permit for German Days, 2016.

City Administrator Kreft explained the German Days Committee has applied for the large assembly permit and road closure for the annual German Days celebration held in the downtown area on Friday and Saturday, June 17 and 18, 2016. A list of the activities was included with City Administrator Kreft's memo, along with contingencies. Staff recommends the Belle Plaine Cross Country Team submit a large assembly permit application for the 3-mile Color Run that will be held during the German Days event.

MOTION by Councilmember Trost, second by Councilmember Chard, to approve the German Days large assembly permit with conditions as noted. ALL VOTED AYE. MOTION CARRIED.

8.3. Schedule Interviews with Candidates for Commissions and Boards.

Mayor Pingalore referenced a memo dated December 21, 2015 from City Administrator Kreft.

City Administrator Kreft explained that City staff has advertised to seek candidates for the open positions on the various boards and committees. Staff recommends that the Council schedule the interviews for the candidates Thursday, January 7th starting at 6:30 p.m.

It was the consensus of the Council to proceed with conducting interviews with the candidates for the Boards and Commissions starting at 6:30 pm. on Thursday, January 7, 2016.

8.4. Authorize Advertising to Seek Candidates for Full Time Public Works Employee I.

Mayor Pingalore referenced a memo dated December 21, 2015 from City Administrator Kreft.

City Administrator Kreft explained that as part of the 2016 budget discussions, staff recommended that the Council consider adding two full-time Public Works employees and eliminating the seasonal positions. Staff noted greater efficiency and less training using this method. There was not consensus on the Council for adding two positions; however, there did appear to be general support for adding one full-time position and reducing the part-time seasonal hours to the extent possible. The Council did authorize the hiring of three part-time seasonal employees to assist during the snow plow season. These employees are only called out in a snow plow event. Staff is recommending the authorization to advertise for one full-time public works employee I. This was presented to the Public Works Committee at their December 14th meeting. The Committee discussed the work duties of the current public works employees and the job duties of the seasonal employees. Public Works Superintendent Fahey noted that the City was fortunate to have two experienced summer seasonal employees and that much more work was able to be done in the parks and grounds. The recommendation of the Public Works Committee was to revisit the issue in the spring and determine the work load after the snow plow season.

Councilmember Trost noted the Public Works Committee did not make a recommendation and preferred to bring this matter forward at a later date. He does not agree with hiring a full-time employee at this time. Councilmember Chard explained that although he supported the hiring of one-full-time employee during the budgeting process, he now prefers to delay the hiring until the summer season. Councilmember Pressley inquired as to the length of time for the hiring process. City Administrator Kreft replied that it typically takes two months.

MOTION by Councilmember Coop, second by Councilmember Pingalore, to authorize staff to proceed with advertising to seek candidates for a full-time Public Works Employee I. Councilmembers Chard and Trost VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.5. Resolution 16-142 Approving Premises Permit for German Days, Inc. at Andy's Bar and Grill.

Mayor Pingalore referenced a memo dated December 21, 2015 from Finance Director Meyer.

Finance Director Meyer explained that this matter was originally on the November 16, 2015 City Council agenda. No action was taken and further information was requested. This issue was brought back at the December 7, 2015 Council Meeting and was tabled for staff to obtain detail information regarding expense allocations. City Attorney Vose contacted the German Days gambling manager and requested information regarding how overhead expense was allocated to the Belle Plaine premise. Included with Finance Director Meyer's memo was the July 1, 2014 through June 30, 2015 Schedule A as reported to the State of Minnesota.

Councilmember Coop noted the losses reported by the German Days, Inc. and asked Staff for their opinion. Finance Director Meyer replied that Staff obtained the detailed information as requested.

MOTION by Councilmember Trost, second by Councilmember Pingalore, to approve Resolution 16-142 Approving Premises Permit for German Days, Inc. at Andy's Bar and Grill. Councilmember Coop VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.6. Resolution 15-163 Approving 2016 Salaries for Certain City Employees.

Mayor Pingalore referenced a memo dated December 21, 2015 from City Administrator Kreft.

City Administrator Kreft 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 approved at the November 16th meeting. At the November 16th meeting, the City Council requested a work session to review goals for department heads. Staff provided a presentation at the December 9th work session discussing COLA, the current wage scale, current job descriptions, and the department head team.

Councilmember Chard said he voted against the 2016 budget and levy and was opposed to the 2.5% cost of living increases approved in the labor union contracts. Councilmember Trost concurred with Councilmember Chard and further stated that there were no increases in Social Security payments. Councilmember Coop commented that it was Councilmember Trost who initiated the concept of an automatic cost of living increase for the salaries of City Councilmembers.

MOTION by Councilmember Coop, second by Councilmember Pressley, to approve Resolution 15-163 Approving 2016 Salaries for Certain City Employees. Councilmembers Trost and Chard VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. City Offices Close for Christmas Holiday at noon on Dec. 24 and all day on Dec. 25.**
- 2. City Offices Close for New Year Holiday at noon on Dec. 31 and all day on Jan. 1.**
- 3. Design Committee, 5:15 pm, Monday, Jan. 4.**
- 4. City Council, 6:30 pm, Monday, Jan. 4.**
- 5. Joint Planning Work Session, 6:45 pm, Monday, Jan. 4.**
- 6. Public Works Committee, 11:00 am, Tuesday, Jan. 5.**
- 7. Public Safety Committee, TBD.**
- 8. Coffee with the Mayor, 7:00 – 9:00 am, Thursday, Jan. 7.**
- 9. Interview Candidates for Boards/Commissions, 6:30 pm, Thursday, Jan. 7.**
- 10. EDA, 5:00 pm, Monday, Jan. 11.**
- 11. Planning, 6:30 pm, Monday, Jan. 11.**

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

Mayor Pingalore announced that a Closed Personnel Committee meeting will immediately follow the close of the Regular Session. City Attorney Tietjen further explained the Personnel Committee meeting is closed, pursuant to State Statute 13D05, Sub. 3A, pertaining to performance evaluation of a City employee.

MOTION by Councilmember Trost, second by Councilmember Coop, to adjourn at 7:42 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary