BELLE PLAINE CITY COUNCIL
REGULAR SESSION
JANUARY 17, 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 Tuesday, January 17, 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 Acting City Attorney Mary Tietjen filling in for City Attorney Bob Vose. Finance Director Meyer also 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. Regular Session Minutes of January 3, 2012.
4.2. Committee of the Whole Minutes of January 3, 2012.
4.3. Resolution 12-008 Appointing Liann Hanson and Re-Appointing Launa Olson as Members of the Belle Plaine Park Board, Re-Appointment of John G. Shudy III to the Planning Commission, and Lisa Fahey to the EDA.
4.4. Accepting Resignation of Part-Time Police Officer Joseph Theis.
4.5. Authorizing Advertising to Seek Candidates for Video Recorder Operator.

MOTION by Councilmember Chard, second by Councilmember Coop, to approve the consent agenda as follows: 4.1. Regular Session Minutes of January 3, 2012, 4.2. Committee of the Whole Minutes of January 3, 2012, 4.3. Resolution 12-008 Appointing Liann Hanson and Re-Appointing Launa Olson as Members of the Belle Plaine Park Board, Re-Appointment of John G. Shudy III to the Planning Commission, and Lisa Fahey to the EDA, 4.4. Accepting Resignation of Part-Time Police Officer Joseph Theis, and 4.5. Authorizing Advertising to Seek Candidates for Video Recorder Operator. 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. 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.

Wayne Schmidt, 23100 Oakcrest Trail, referenced the HRA incentive programs discussed prior to the council meeting and asked for consideration of proceeding with programs to help spur residential housing. He asked for a reduction in the building permit fee.

Charlie Hartman, Huck's Shipwreck Saloon, and speaking on behalf of the Red Door Bar as well, asked for consideration of repealing the small restaurant requirement for Sunday liquor license holders.

Sandra Steinmetz, Critter Getters, asked for reconsideration of council action on January 3rd relating to the allowance of three dogs at 125 ½ N. Meridian Street. She expressed concern for the welfare of the animals.

7. PUBLIC HEARINGS.

7.1. Conditional Use Permit at 900 South Street East. The City Council will consider public comment on a request by Leroy and Connie Chard, 26239 Highway 25, Belle Plaine, MN for a conditional use permit to allow daycare nursery facilities at 900 South Street East as required in the I-C, Industrial/Commercial.

Mayor Lies referenced a memo dated January 17, 2012 from Community Development Director Rosenfeld regarding a request for a conditional use permit.

Community Development Director Rosenfeld explained that applicants, Connie and LeRoy Chard, have requested the review of a conditional use permit to allow daycare nursery facilities at 900 East South Street. All uses in the Industrial-Commercial zoning district require a conditional use permit. The site plan indicates the off-street parking requirements will be met. This property currently has two direct access driveways to South Street. One driveway is to the storage units, the second access would access the proposed daycare facility. The Planning Commission recommended approval.

Mayor Lies opened the public hearing at 6:19 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Chard, second by Councilmember Coop, to close the public hearing at 6:20 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Coop recommended that fencing be required by the parking area. It was unclear on the site plan as to whether a fence was planned for this area.

1. Resolution 12-011 Granting Approval of the Conditional Use Permit to Allow the Operation of a Daycare Nursery Facilities.

MOTION by Councilmember Schneider, second by Councilmember Coop, to approve Resolution 12-011 Granting Approval of the Conditional Use Permit to Allow the Operation of a Daycare Nursery Facilities, with the requirement of fencing on the south side to protect the play area from the parking area. ALL VOTED AYE. MOTION CARRIED.

7.2. Variance Request at 835 Commerce Drive East. The City Council will consider public comment on a request by Pioneer Equity, 2536 Marshall Street N.E., Minneapolis, MN 55418, for an 11-foot variance to allow an expansion of the facility at 835 Commerce Drive East to encroach the north property yard setback.

Mayor Lies referenced a memo dated January 17, 2012 from Community Development Director Rosenfeld regarding a variance request.

Community Development Director Rosenfeld explained that applicant, Pioneer Equity, who is the current owner of the property, has requested the review of a variance at 835 Commerce Drive East to allow for the expansion of the facility. The proposed variance is to encroach the north side yard setback 11 feet and allow the building to be constructed 9 feet from the property line. The required setback is 20 feet for the interior side yard. The property is zoned I-C, Industrial Commercial. A history of zoning issues for this property was included in Community Development Director Rosenfeld's memo. The property can be accessed through Prairie Street East. There are two (2) curb cuts to the property. The applicant is requesting the curb cut to the east be widened to 40'. Per City Code, the City Engineer has reviewed this request and is agreeable to the increased width. 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. Therefore the variance is being requested again. The applicant is proposing to include a two-bay loading facility in the addition. The Planning Commission recommended approval.

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 Chard, to close the public hearing at 6:27 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Chard inquired about the storm water drainage near the loading dock. Public Works Superintendent Fahey explained the storm water will enter an open culvert via a sub-pump, preventing erosion. Councilmember Trost was opposed to the issuance of the building permit prior to the approval of the variance.

1. Resolution 12-012 Granting Approval of a Variance to Allow an Expansion at 835 Commerce Drive.

MOTION by Councilmember Schneider, second by Councilmember Coop, to approve Resolution 12-012 Granting Approval of a Variance to Allow an Expansion at 835 Commerce Drive. ALL VOTED AYE. MOTION CARRIED.

7.3. Conditional Use Permit at 891 Diversified Drive. The City Council will consider public comment on a request by the City of Belle Plaine for a conditional use permit to allow the operation of the public works facility at 891 Diversified Drive, in the I-C, Industrial-Commercial District.

Mayor Lies referenced a memo dated January 17, 2012 from Community Development Director Rosenfeld regarding a request for a conditional use permit by the City.

Community Development Director Rosenfeld explained that the applicant, the City of Belle Plaine, has requested the review of a conditional use permit to allow the operation of the public works department to be located at 891 Diversified Drive. All uses in the Industrial-Commercial zoning district require a conditional use permit. This property currently has two (2) access points from Diversified Drive. The Planning Commission recommended approval.

Mayor Lies opened the public hearing at 6:32 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 6:33 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Coop inquired about the dirt pile on the property. Public Works Superintendent Fahey replied it will be removed this summer.

1. Resolution 12-013 Granting Approval of a Conditional Use Permit to Allow the Operation of the Public Works Facility at 891 Diversified Drive.

MOTION by Councilmember Schneider, second by Councilmember Coop, to approve Resolution 12-013 Granting Approval of a Conditional Use Permit to Allow the Operation of the Public Works Facility at 891 Diversified Drive. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

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

8.2. SPECIAL JOINT SESSION – CITY COUNCIL AND EDA.

1. EDA – Call to Order.

President Troy Witt called the EDA portion of the meeting to order at 6:36 p.m. with Commissioners Phil Fischer, Lisa Fahey, Rick Krant, Cary Coop and Scott Schneider present. Commissioner Jim Lange was not present.

2. Business.

Finance Director Meyer explained that the IRS expects issuers and beneficiaries of these obligations to adopt and implement a post-issuance debt compliance policy and procedures to safeguard against post-issuance violations. The IRS is responsible for enforcing compliance with the Internal Revenue Code and most other regulations governing certain debt obligations. The proposed EDA's Post-Issuance Debt Compliance Policy was created with a template provided by the City's Financial Advisor and reviewed by the City's Bond Counsel. This policy is recommended for adoption.

Mark Ruff, Financial Consultant, Ehlers and Associates, provided a summary of the action related to the sale of bonds of $1,310,000 for the EDA lease revenue bond purchase of the public works facility at 891 Diversified Drive. The EDA bonds are secured by City lease. Piper Jaffrey responded to the proposal with an interest rate of 3.6782% with a closing date of February 1, 2012.

A. EDA Resolution 12-02 Adopting Post-Issuance Debt Compliance Policy and Procedures.

MOTION by Commissioner Fahey, second by Commissioner Krant, to approve EDA Resolution 12-02 Adopting Post-Issuance Debt Compliance Policy and Procedures. ALL VOTED AYE. MOTION CARRIED.

B. EDA Resolution 12-01, Awarding the Sale of Public Project Revenue Bonds Series 2012A, Lease with Option Purchase for the Public Works Facility.

MOTION by Commissioner Fahey, second by Commissioner Fischer, to approve EDA Resolution 12-01, Awarding the Sale of Public Project Revenue Bonds Series 2012A, Lease with Option Purchase for the Public Works Facility. ALL VOTED AYE. MOTION CARRIED.

C. Council Resolution 12-015 Adopting a Post-Issuance Debt Compliance Policy and Procedures.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Council Resolution 12-015 Adopting a Post-Issuance Debt Compliance Policy and Procedures. ALL VOTED AYE. MOTION CARRIED.

D. Council Resolution 12-014 Authorizing Execution of Ground Lease and Lease with Option to Purchase Agreement, and Issuance of Public Project Lease Revenue Bonds for the Public Works Facility.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Council Resolution 12-014 Authorizing Execution of Ground Lease and Lease with Option to Purchase Agreement, and Issuance of Public Project Lease Revenue Bonds for the Public Works Facility. ALL VOTED AYE. MOTION CARRIED.

Councilmember Chard commented that he would like to see an escrow account to ensure the removal of the outdoor storage materials from the site by the current property owner. City Administrator Murphy explained that this has been addressed in the purchase agreement.

3. Adjourn EDA Portion of the Meeting.

MOTION by Commissioner Fischer, second by Commissioner Krant, to adjourn the EDA portion of the meeting at 6:47 p.m. ALL VOTED AYE. MOTION CARRIED.

The council recessed at 6:47 p.m. and reconvened at 6:55 p.m.

8.3. Resolution 12-016 Accepting Report and Calling for Public Hearing on the 2012 Resurfacing Project.

Mayor Lies referenced a memo dated January 17, 2012 from City Administrator Murphy regarding the resurfacing project.

City Administrator Murphy explained that at their meeting on January 10, 2012 the public works committee recommended resurfacing Woodridge Drive and Woodridge Circle only. Although initially the project included West Main Street, Crest Street, Sunset Drive and Hillcrest Drive, the public works committee recommended removing these portions from the project due to the aged infrastructure. It is the intent to do a reconstruction project on these streets when needed and make no investment in the resurfacing at this time. The preliminary public hearing will be held on February 21, 2012 where affected individuals will have an opportunity to review the proposed project and to address any concerns they have regarding the project with the city council and staff. The assessment detail is included in the preliminary report. The hearing is about the validity and necessity of the project. The assessment hearing will occur after the project is awarded. After the conclusion of the public hearing and citizen testimony, the Council will decide whether the project is warranted and necessary. If the Council deems the project necessary, the Council will then order staff to prepare the final plans and specifications for the 2012 resurfacing project.

City Engineer Duncan provided a PowerPoint presentation on the proposed project. The utilities are adequate for the resurfacing project and the project cost is estimated at $77,000. Because of the cul-de-sac design of the subject streets, staff is recommending a 20-foot property line offset to determine the lineal footage for assessment purposes.

Councilmember Trost noted the wide range of assessment amounts for the lots. City Engineer Duncan explained the corner-lot assessment calculation as per the City's assessment policy.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Resolution 12-016 Accepting Report and Calling for Public Hearing on the 2012 Resurfacing Project. ALL VOTED AYE. MOTION CARRIED.

8.4. Update on Dog Issue from Council Meeting of January 3, 2012.

Mayor Lies referenced a memo dated January 17, 2012 from City Administrator Murphy regarding a dog issue.

City Administrator Murphy explained that Councilmember Pingalore requested an update on the council action taken regarding the request to allow a third dog at 125½ North Meridian Street.

Councilmember Pingalore suggested an amendment to the council action of January 3, 2012 pertaining to the allowance of three dogs at 125 ½ North Meridian Street by requiring the two younger dogs to be spade or neutered.

Acting City Attorney Mary Tietjen explained the council has the option to reconsider the motion from January 3rd and add further conditions, or a new motion may be made that incorporates the recent developments. In reference to the expense the may be incurred, Mayor Lies questioned whether the City has the authority to require the dogs to be spade or neutered. City Attorney Tietjen explained the council may create such conditions deemed reasonable and within in a practical timeframe, although it may be questionable as to whether the action will be enforceable. Councilmember Chard inquired as to the proper way to reconsider past council action on allowing the third dog. Councilmember Trost commented that he was not pleased with how the information was presented at the last council meeting and believed there was confusion as to the release of public information in comparison to the confidential information.

Councilmember Coop asked how the City will proceed if the motion is rescinded. City Administrator Murphy explained staff would advise the dog owner of the council action to rescind the allowance of three dogs and that he would need to abide by the ordinance of the 2-dog maximum. The Police Department would notify the dog owner to comply with the ordinance within 30 days. A citation would be issued in the event the dog owner does not comply. In reference to the three dog licenses that were issued, Councilmember Schneider questioned whether there should be a refund of one of the licenses.

MOTION by Councilmember Trost, second by Councilmember Coop, to RESCIND the previous council action of January 3, 2012 that read as follows:

> *"to grant permission to Christopher McNamar, 125 ½ North Meridian Street, to allow these three dogs to remain at the residence for up to one year, and that no replacement dog is allowed in the event one of the dogs dies or is removed from the premise. Furthermore, the owner is required to obtain city dog licenses for the three dogs. Staff is directed to do a follow-up on the dogs after the one-year period."*

ALL VOTED AYE. MOTION CARRIED.

With the rescinding of action, Mayor Lies commented that the dog owner is now required to abide by the ordinance of the two-dog limit.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Park Board, 5:00 p.m. Monday, Jan. 30.
2. Public Safety, 4:00 p.m., Wednesday, Feb. 1.
3. City Council, 6:00 p.m., Monday, Feb. 6.
4. EDA, 5:00 p.m., Monday, Feb. 13.
5. Planning Commission, 7:00 p.m., Monday, Feb. 13.

The council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Chard, to adjourn at 7:43 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary