**BELLE PLAINE CITY COUNCIL**
**REGULAR SESSION**
**JANUARY 19, 2016**

**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 Tuesday, January 19, 2016 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 Finance Director Dawn Meyer, Public Works Superintendent Al Fahey, Community Development Director Cynthia Smith Strack, City Engineer Joe Duncan and City Attorney Mary Tietjen filling in for Bob Vose. City Administrator Holly Kreft was not present. 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 January 4, 2016.**
**4.2. Work Session (Joint Planning) Minutes of January 4, 2016.**
**4.3. Committee-of-the-Whole Minutes of January 7, 2016.**
**4.4. Resolution 16-007 Approving Minor Subdivision for 412 North Elm Street.**
**4.5. Resolution 16-011 Re-Appointing Dick Coleman as a Member of the Economic Development Authority.**
**4.6. Resolution 16-012 Appointing Ashby Carter and Brittney Cotner as Members of the Planning Commission and Catherine Tarbell and Joe Lenz as Alternates.**
**4.7. Resolution 16-013 Appointing/Re-Appointing Ben Stier and Rachel Kelm as Members of the Park Board and Nick Jensen as an Alternate.**
**4.8. Resolution 16-014 Approving Façade Loan Request by Neisen's Corner Bar, 101 East Main Street.**
**4.9. Resolution 16-015 Accepting Cash Donation of Charitable Gambling Proceeds from Friends of the Library.**
**4.10. Authorize the Purchase of Microsoft Office Professional 2016 Software.**
**4.11. Approving Update on Wellhead Protection Plan Phase II.**

MOTION by Councilmember Coop, second by Councilmember Pressley, to approve the consent agenda as follows: 4.1. Regular Session Minutes of January 4, 2016, 4.2. Work Session (Joint Planning) Minutes of January 4, 2016, 4.3. Committee-of-the-Whole Minutes of January 7, 2016, 4.4. Resolution 16-007 Approving Minor Subdivision for 412 North Elm Street, 4.5. Resolution 16-011 Re-Appointing Dick Coleman as a Member of the Economic Development Authority, 4.6. Resolution 16-012 Appointing Ashby Carter and Brittney Cotner as Members of the Planning Commission and Catherine Tarbell and Joe Lenz as Alternates, 4.7. Resolution 16-013 Appointing/Re-Appointing Ben Stier and Rachel Kelm as Members of the Park Board and Nick Jensen as an Alternate, 4.8. Resolution 16-014 Approving Façade Loan Request by Neisen's Corner Bar, 101 East Main Street, 4.9. Resolution 16-015 Accepting Cash Donation of Charitable Gambling Proceeds from Friends of the Library, 4.10. Authorize the Purchase of Microsoft Office Professional 2016 Software and 4.11. Approving Update on Wellhead Protection Plan Phase II. 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.**

Doug Sweeney, Supervisor, Ridgeview Ambulance, was present. The Council acknowledged receipt of the monthly and also the annual 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 and acknowledged all those involved in keeping Belle Plaine a safe community. The Council acknowledged receipt of the monthly and also the annual 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 unable to attend. The Council acknowledged receipt of the Administration report.

**6.PUBLIC FORUM.**

**6.1. RECOGNITION OF INVOLVED CITIZENS.**

No one spoke during the public forum.

**7. PUBLIC HEARINGS.**

**7.1. Conditional Use Permit. The City Council will consider public comment on a request by Ashton Pankonin, owner of property at 106 Main Street East, for the establishment of a one bedroom studio apartment behind the Main Street entrance commercial space at 106 Main Street East.**

Mayor Pingalore referenced a memo dated January 19, 2016 from Community Development Director Smith Strack regarding a request for a conditional use permit.

Community Development Director Smith Strack explained that Ashton Pankonin, Applicant, requests a Condition Use Permit to establish a one bedroom apartment to the rear of the storefront at 106 Main Street East. The proposed rental unit is intended to be located behind existing commercial space. The residential rental unit will comprise 27% of the total area of the building qualifying it as accessory use subordinate to the principal commercial use. Two parking stalls are available immediately north of the proposed apartment on the Applicant's property. The Planning Commission recommended approval of the Conditional Use Permit.

Mayor Pingalore opened the public hearing at 6:48 p.m. and asked for public comment.

Applicant Ashton Pankonin, 320 South Walnut Street, asked for consideration of approval of the Conditional Use Permit for his property located at 106 East Main Street.

MOTION by Councilmember Pressley, second by Councilmember Chard, to close the public hearing at 6:49 p.m. ALL VOTED AYE. MOTION CARRIED.

**7.1.1. Resolution 16-008 Conditional Use Permit for the Establishment of a One-Bedroom Studio Apartment at 106 East Main Street.**

Councilmember Chard recommended the assigned parking stalls be identified as tenant parking due to the close proximity of the civic parking lot. Mr. Pankonin concurred.

MOTION by Councilmember Chard, second by Councilmember Pressley, to approve Resolution 16-008 Conditional Use Permit for the Establishment of a One-Bedroom Studio Apartment at 106 East Main Street. ALL VOTED AYE. MOTION CARRIED.

**7.2. Ordinance 16-01. The City Council will consider public comment on proposed Ordinance 16-01 to repeal and replace Section 1107.23 of the City Code relating to rental housing. The proposed rental housing standards update existing language related to rental licensing and inspection. In addition the proposed standards update general requirements for rental properties, complaint and appeal procedures, and the compliance action process.**

Mayor Pingalore referenced a memo dated January 19, 2016 from Community Development Director Smith Strack regarding Ordinance 16-01.

Community Development Director Smith Strack explained the City placed a rental code into effect in 2005. The code established a rental inspection program and performance standards. The code approved in 2005 is no longer valid based on case law and updates to Minnesota Statutes. Staff has initiated an amendment which was reviewed by the City Attorney. Comments from the Attorney's Office have been incorporated in the draft. Proposed ordinance 16-01 is a complete repeal and replacement of Section 1107.23. The Ordinance: (a) defines 'rental housing unit', (b) requires licenses for rental units, (c) establishes a procedure for obtaining a license, (d) establishes basic maintenance requirements, (e) outlines a compliance review process, (f) provides for revocation of licenses following Council hearing, (g) establishes a process for handling renter complaints, and (h) provides for code enforcement. The Building Official is responsible for rental code enforcement. The Planning Commission held a public hearing on the request on January 11, 2016 and approved a resolution recommending the City Council approve Ordinance 16-01.

Mayor Pingalore opened the public hearing at 6:53 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Trost, second Councilmember Pressley, to close the public hearing at 6:54 p.m. ALL VOTED AYE. MOTION CARRIED.

**7.2.1. Adoption of Ordinance 16-01, Repealing and Replacing Section 1107.23 of the City Code Regarding Rental Housing Inspection.**

MOTION by Councilmember Trost, second Councilmember Pressley, to adopt Ordinance 16-01, Repealing and Replacing Section 1107.23 of the City Code Regarding Rental Housing Inspection. ALL VOTED AYE. MOTION CARRIED.

**7.2.2. Resolution 16-009 Authorizing Summary Publication of Ordinance 16-01.**

MOTION by Councilmember Coop, second by Councilmember Pressley, to approve Resolution 16-009 Authorizing Summary Publication of Ordinance 16-01. ALL VOTED AYE. MOTION CARRIED.

**8. BUSINESS.**

**8.1. Presentation of Claims.**

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

**8.2. Resolution 16-010 Approving Concept Plan for Ridgeview Medical at 165 West Commerce Drive.**

Present were Mariann Wiebusch and Jim Schmitt of The Lutheran Home Association, Scott Aspensen of RSP Architechts, Mark Rausch of Alliant Engineering, Sara Aulizia and John Prondzinksi of Ridgeview Medical.

Mayor Pingalore referenced a memo dated January 19, 2016 from Community Development Director Smith Strack regarding the concept plan as submitted by Ridgeview Medical Center.

Community Development Director Smith Strack explained that Ridgeview Medical Center proposes a mixed use development at 165 Commerce Drive West. Phase I of the project includes a 12,500 square foot medical clinic, a 9,500 square foot fitness/wellness center, and a 55 unit senior care center (25 senior apartments and 30 assisted living/memory care units). Phase II could include vertical expansion of the clinic and the addition of a pharmacy. The project is being processed as a planned unit development (PUD) concurrent with platting. The initial PUD review phase is concept plan. Community Development Director Smith Strack provided an overview of the City's PUD overlay process. The Planning Commission reviewed the concept plan at their meeting on January 11, 2016 and recommended approval by the City Council. City Staff and Ridgeview Medical representatives presented information on the physical aspects of the proposed health campus.

John Prodzinski addressed the Council regarding the proposed project. Scott Aspensen explained the concept plan and noted the schematics are draft at this point. The overall intent of the campus is to provide a cohesive feel for the public and residents. Mayor Pingalore inquired about future expansion plans. Mr. Prodzinski explained that footings are planned to allow an expansion of an additional two stories to the medical clinic and the site accommodates future parking needs. The additional floors will provide an opportunity for the specialty clinical services to expand as the need arises. The clinic and wellness center will provide various forms of therapy and RMC hopes to have a sports rehabilitation program integrated with the school district. Councilmember Trost inquired about awnings and Mr. Prodzinski explained the proposed entrance coverings, including the traffic lanes in the rear of the building for emergency service vehicles. Councilmember Chard inquired about the single ingress/egress to the site. Mr. Prodzinski explained the similarities with 15-acre site in Chaska which also has only a single access and there have been no issues. A brief discussion followed as to the possibility of adding an emergency access. City Engineer Duncan explained that he will be reviewing the plans and providing a traffic analysis for the project to determine any Commerce Drive reconfiguration. Councilmember Pressley explained a maximum density of nine dwelling units/acre was discussed at the Planning Commission meeting and it was the consensus to move forward as indicated.

Smith Strack presented staff and consultant comments regarding the concept plan and outlined recommended conditions for approval, including development entitlements.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 16-010 Approving Concept Plan for Ridgeview Medical at 165 West Commerce Drive. ALL VOTED AYE. MOTION CARRIED.

Mayor Pingalore thanked the Ridgeview Medical and Lutheran Home representatives and also City staff for their efforts in bringing the medical and housing facility to our community.

**8.3. Update on the 2016 Street Improvement Project – Sidewalks and Storm Water Drainage.**

Mayor Pingalore referenced a memo dated January 19, 2016 from City Administrator Kreft.

Acting City Administrator Dawn Meyer referenced the packet memo and explained that at the July 20, 2015 meeting, the City Council accepted the preliminary engineering report and called for the public hearing for the 2016 street improvement project. The hearing was held on August 17, 2015. The project consists of Forest Street East, one block of Oak Street North and two blocks of Court Street East. Notices were mailed to a total of 57 property owners. At the public hearing, property owners noted concerns with stormwater drainage at the intersection of Forest and Oak Streets, concerns with visibility due to the retaining wall on Walnut Street/Highway 15, and concerns with including sidewalks with the project.

The Public Works Committee has reviewed the sidewalk configuration. The Committee considered sidewalks as part of the overall sidewalk plan and recommended that they be considered on Forest Street, pending the outcome of detailed survey information. This was also reviewed by the Park Board, who recommended that sidewalks be included. After the detailed survey was reviewed, the recommendation is for the Council to consider including a sidewalk on Forest Street from the Walnut Street intersection to the eastern terminus on the south side of Forest Street. The Committee recommended against a sidewalk on Oak Street in favor of considering a north-south sidewalk when the property to the east develops.

The Public Works Committee also reviewed information from City Engineer Duncan regarding the stormsewer system for the intersection of Forest and Oak Streets. The Committee discussed options to improve the stormsewer system including increasing the size of the inlet and stormsewer pipe in Forest Street (from 24” to 36”) or increasing the size of the stormsewer pipe and increasing the size of the stormsewer pipe located between 760 and 780 Forest Street (from 24” to 36”). The Committee noted concerns with the proximity of the pipe to the houses for that option, so staff completed additional analysis of that option. The Committee reviewed the additional information and recommended that upgrades to both of the pipes be included with the project.

Since the retaining wall is located along Walnut Street/Highway 25 within MnDOT right-of-way, no changes to the retaining wall are planned.

Also, the former Haefner Building located at 551 Beaver Street has been purchased by a new owner. Pursuant to the Haefner’s Subdivision approved in 2013, the cul-de-sac must be improved upon transfer or change in use. The cost will be 100% paid by the property owner, but will be included as an alternate in the 2016 Street Project.

City Engineer Duncan provided an overview of the issues related to the 2016 street improvement project. Because Forest Street will be reconstructed approximately five feet north of its current location it may provide an improved site line to the south for motorists entering the intersection of Forest Street and Walnut Street. There may be difficulties with the replacement of the increased stormsewer pipe but City Engineer Duncan believes it can be accomplished. Proposed plans were discussed with the affected property owners and they were in support of the project. City Engineer Duncan and Public Works

Superintendent Fahey explained the City will be responsible for engineering costs associated with the installation of the cul-de-sac on Beaver Street and the property owner will be responsible for the construction cost.

It was the consensus of the Council to accept the recommendations of the Public Works Committee regarding the 2016 street improvement project and directed Staff to proceed with updates as presented for the 2016 Street Improvement Project.

**8.4. Resolution 16-016 Authorizing Submittal of Grant Applications to the Scott County Community Development Agency for Economic Development Related Projects.**

Mayor Pingalore referenced a memo dated January 19, 2016 from Community Development Director Smith Strack regarding Scott County CDA grants.

Community Development Director Smith Strack provided a PowerPoint presentation and explained the Scott County CDA has $340,000 available for the grant 2016 cycle. Completed applications are due by January 29, 2016 and require submittal authorization by Council resolution. Staff and the EDA have identified four potential grant projects, prioritized as:

1. Assist property owners in platting commercial and/or industrial property within the Hwy 169 Corridor to obtain shovel ready status. Anticipated project cost: $30,000-$55,000. Local match $1 for each $2 of grant. Local match from property owners with perhaps assistance from City sources.
2. Feasibility report – extension of north sanitary interceptor, includes meeting with area property owners. Project cost: $17,000. Local match $1 for each $2 of grant. Local match from community development annual expense line item.
3. Purchase ‘Smart Job Board’ software and add to website. Project cost: $5,000. Local match $1 per $1 grant. Source of local match would need to be identified.
4. Create mobile version of City website. Project cost: $5,000. Local match $1 per $1 grant. Source of local match would need to be identified.

Community Development Director Smith Strack further explained that total anticipated grant submittal request is $82,000. Total local match (presumes City covers 45% of local share for shovel ready) if all projects funded is $18,700. The proposed local match source would be a cost share with property owners and annual budget 2016. The EDA prioritized the projects and listed above and recommended the Council authorize grant submittal. Community Development Director Smith Strack recommends submittal of all projects in an effort to take advantage of this grant opportunity although it is not mandatory that the City proceed with any of the projects if awarded.

Councilmember Chard commented the City currently has a feasibility report for the north sanitary sewer interceptor. City Engineer Duncan explained the existing report does not include the area east from where the interceptor ends. This subject area includes approximately 1,000 acres, encompassing the areas east from the Highway 169 underground casing. Community Development Director Smith Strack explained that property owners, Jim and Roxanne Swedlund have advised they have received development inquiries for their property but the lack of sanitary sewer negates any activity. Other property owners in the area have also expressed interest in servicing their land with sanitary sewer. Councilmember Chard acknowledged the importance of servicing this area.

MOTION by Councilmember Pressley, second by Councilmember Coop, to approve Resolution 16-016 Authorizing Submittal of Grant Applications to the Scott County Community Development Agency for Economic Development Related Projects. ALL VOTED AYE. MOTION CARRIED.

**9. ADMINISTRATION.**

**9.1. Upcoming Meetings.**

**1. Design Committee, 5:15 pm, Monday, Feb. 1.**
**2. City Council, 6:30 pm, Monday, Feb. 1.**
**3. Work Session, 6:45 pm, Monday, Feb. 1.**
**4. Public Works, 11:00 am, Tuesday, Feb. 2.**
**5. Gala Palooza, Chamber/EDA Event, 5:30 pm, Wed., Feb. 3, Matt Saxe Chevrolet.**
**6. Public Safety, TBD.**
**7. EDA, 5:00 pm, Monday, Feb. 8.**
**8. Planning Commission, 6:30 pm, Monday, Feb. 8.**

The Council was reminded of the upcoming meetings as listed.

**10. ADJOURN.**

MOTION by Councilmember Coop, second by Councilmember Chard, to adjourn at 7:48 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Bonnie Vinkemeier
Acting Recording Secretary