

APPROVED

**BELLE PLAINE CITY COUNCIL
REGULAR MEETING
MARCH 15, 2021**

1. PLEDGE OF ALLEGIANCE.

Mayor Meyer 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, March 15, 2021 at 6:30 PM in the council chambers of City Hall, 218 North Meridian Street, Belle Plaine, MN. Mayor Meyer called the meeting to order with Councilmembers Krings, Coop, LeMieux and Chard.

Also present were City Administrator Meyer, Finance Director Jirik, Community Development Director Smith Strack, Police Chief Stier, Fire Chief Otto and Community Services Director Koller. Wanda Savage served as the video recording operator. City Engineer Duncan joined via zoom.

3. APPROVAL OF AGENDA.

MOTION by Councilmember LeMieux, 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 February 1, 2021.
- 4.2. Work Session Minutes of February 1, 2021.
- 4.3. Approve Temporary Liquor License for Belle Plaine Baseball Association.
- 4.4. Resolution 21-039 Resolution Approving Terms of a ROSE Loan to Matthew Kes for a Structure at 721 Main Street East.
- 4.5. Resolution 21-044 Appointing Luke Simonson as an Alternate Member of the Planning Commission.
- 4.6. Authorize Staff to Advertise to Seek Bids for the 2021 Pavement Maintenance Project.

MOTION by Councilmember Coop to move Consent Agenda item 4.4 Resolution 21-039 Resolution approving terms of a ROSE loan to Matthew Kes for a Sturcture at 721 Main Street East to 7. Business item 7.4.

MOTION by Councilmember Coop, second by Councilmember LeMieux, to approve the consent agenda with change: ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

Ambulance Supervisor Sweeney was not present. The Council acknowledged receipt of the Ambulance report.

5.2. Fire Department.

Fire Chief Otto was present. Otto highlighted the Fire Department report.

5.3. Police Department.

Police Chief Stier was present. Stier highlighted the Police Department Report. Mayor Meyer thanked the Police, Fire and Ambulance for the Belle Plaine Dance State send off.

5.4. Community Services Director.

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Community Services Director Koller was present. Koller highlighted first day of Drivers Ed, K-2 basketball started, 3-6 basketball wrapped up, pre-school registration still ongoing, community brochure should be in resident's mailboxes by next week and the joint powers agreement termination will be in effect in June and school will be more in a partnership with City.

5.5. Community Development Department.

Community Development Director Smith Strack was present. Smith Strack highlighted the Community Development Report and noted sheds, decks, and fences require permits.

6. PUBLIC HEARINGS.

6.1. Conditional Use Permit Office, Storage, and Warehouse 721 Main Street East. The City Council will consider public comment on a conditional use permit application submitted by Matthew Kes Owner of the property at 721 Main Street East. A conditional use permit is required under Section 1105.13, Subd. 3 of the City Code pertaining to uses within the I/C Industrial Commercial District. If approved the conditional use permit would allow the operation of an office, storage, and warehouse use at 721 Main Street East.

PUBLIC HEARING OPEN AT 6:43 PM:

Strack presented information on the request. Strack noted Matthew Kes as, Applicant and Property Owner, submitted an application for consideration of a conditional use permit for 721 Main Street East. The CUP is required for a change in use of the building within the I/C Industrial Commercial District. The building is proposed to be used as lease space for office/storage/warehousing in conjunction with a contractor operation. No retail sales or outdoor storage will occur on site and no changes to the building footprint are proposed. Proposed conditions of use permit issuance include proof of site access established prior to recording of CUP and installation of parking, meeting surfacing and curb requirements as a proposed condition of approval. Strack stated the City Council is to hold a public hearing and take action on Resolution 21-040. Strack alluded to an email from the property owner at 111 Ash Street South included in the packet noting access is not available from that property.

Mayor Meyer invited the Applicant to speak. Matthew Kes provided an overview of his request. Kes alluded to a verbal conversation he had with the owner of property addressed as 111 Ash Street South. Kes represented the Property Owner had verbally agreed to allow access through 111 Ash Street South to 721 Main Street East. Kes inquired as to whether the verbal approval would be sufficient. The Council discussed with input from the City Attorney and reached consensus that written agreement or installation of a new driveway were acceptable. Attorney Vose noted that if the agreement has a term and is the agreement is not renewed the driveway would need to be constructed or the conditional use permit could be revoked. Attorney Vose also supplied suggested language to include in the conditional use permit regarding access.

Mayor Meyer asked for additional public input.

PUBLIC HEARING CLOSED at: 6:46 PM MOTION by Councilmember Coop, second by Councilmember Krings

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6.1.1. Resolution 21-040 A Resolution Conditionally Approving a Conditional Use Permit for Office, Storage, and Warehousing at 721 Main Street East in the I/C Industrial Commercial District. MOTION by Councilmember Chard, second by Councilmember Lemieux, to approve Resolution 21-040 A Resolution conditionally approving a conditional use permit for office, storage and warehousing at 721 Main Street East in the I/C Industrial Commercial District with amended condition number three relating to submittal of a written agreement demonstrating an approved access to property from 111 Ash Street South or improvement of driveway access from Main Street. Mayor Meyer, Councilmembers Chard, Krings and LeMieux VOTING AYE, Councilmember Coop VOTING NAY. MOTION CARRIED 4-1.

6.2 Petition For Vacation Of Alley Block 23. The City Council will consider a petition to vacate the first 100 feet of the alley west of Cherry Street in Block 23, Original Plat of the City of Belle Plaine, Scott County, Minnesota.

PUBLIC HEARING OPEN AT: 7:13 PM

Strack presented information on the petition for partial vacation of an east-west alley in Block 23 of the original townsite. The specific request is for vacation of the first 100' of the alley west of Cherry Street. More than 50% of the property owners abutting portion of the subject alley proposed for vacation have signed the petition. The potential purchaser of the property is Matthew Kes. Kes plans to develop the property which is zoned R-7 as twinhomes, townhomes, or quadraplexes under unified ownership. One family detached dwellings are not allowed in the R-7 District. The Petitioners represent topographic fluctuations make use of the alley impractical and prohibit driveway access. The City Council is scheduled to hold a public hearing on the request. Notice of proposed vacation published for two consecutive weeks, posted, and mailed to property owners within 350 feet of the subject parcels and utility service providers. Xcel Energy and CenterPoint Energy have provided written notice of no objection. No other comment for or against the easement vacation has been received. The Project Review Team has reviewed the petition. Site plans submitted for illustration purposes have not been reviewed for code consistency or feasibility. As such they are available for reference but have not been subject of review or approval.

Mayor Meyer asked for public comment. Sylvia Svihel, 830 State Street inquired about ability to add gravel or rock in the alley. Svihel was advised residents were not to add gravel or rock or change grade of alley. Svihel could establish turf on her half of the alley.

PUBLIC HEARING CLOSED AT: 7:18 PM MOTION by Councilmember LeMieux, second by Councilmemeber Coop

6.2.1. Resolution 21-041(A) A Resolution Approving Vacation Of the First One-Hundred (100) Feet Of The Alley West Of Cherry Street In Block 23, Original Plat Of The City Of Belle Plaine, Scott County, Minnesota.

The Council inquired as to ability to vacate entire alley. It was noted utilities are located in western portion of alley and so it was not a candidate for complete vacation.

Krings inquired as to Development Review Team recommendation. No recommendation was provided as request was development related.

MOTION by Mayor Meyer, second by Councilmember LeMieux, to approve Resolution 21-0451(A), A Resolution Approving Vacation Of the First One-Hundred(100) Feet Of The Alley West of Cherry Street In Block 23, Original Plat Of The City of Belle Plaine, Scott County, Minnesota

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with amended condition adding the east-west alley in Block 23 shall be vacated upon combination of the abutting lots and issuance of a building permit for an approved development on such lots. ALL VOTED AYE. MOTION CARRIED.

7. BUSINESS.

7.1. Presentation of Claims.

MOTION by Councilmember LeMieux, second by Councilmember Krings, to approve the presentation of claims. ALL VOTED AYE. MOTION CARRIED.

7.2. Resolution 21-042 Resolution Conditionally Approving a Concept Stage Planned Unit Development and Concept Plat for Ash and Evergreen Subdivision.

Strack presented information on the request. Strack stated Mark Eklo, the Applicant, and Stier Heritage Farms/Dale Stier, the Property Owner have applied for approval of a planned unit development concept plan and conceptual single-family residential subdivision plat for property abutting Ash Street South and Evergreen Street East. This is a 12-acre parcel in Belle Plaine Township. The concept includes 44 one family residential lots in two phases. Phase I includes 21 lots, Phase II the remaining 23 lots. The property is guided as low-density residential development and appropriate for zoning as R-3 One and Two-Family Residential District upon annexation. Density proposed is approximately 4 du/ac, consistent with planned density of 3-22 du/ac. The parcel is within the 2020 staging area. Planned unit development flexibility is proposed as a means of providing for affordable lot development while maintaining high quality residential development standards. The Applicant represents the lots will be marketed for two-story homes with three car garages, concrete driveways, shake vinyl accents on all gables facing the street, and minimum stone percentages on dwelling fronts. The Developer will require all home plans be reviewed for consistency with proposed standards. Evergreen Street will be required to be extended to the east property as part of Phase I. Linden Street will be built during Phase I as well. The portion of Ash Street north of the extension of Evergreen will be constructed during Phase I. When built out Ash Street will extend to Century Street near the southern parcel boundary. Century Street will be further addressed at the preliminary plat stage review. Sidewalk will be incorporated on one side of each street. A connection of an existing trail at the northwest corner of the property to sidewalk adjacent to street is proposed. Private financing of improvements and fee in lieu of parkland dedication are envisioned. Phase I construction is anticipated in 2021. The development is below the threshold for mandatory environmental review. Preliminary utility plans will be submitted at the preliminary plat/general PUD plan stage of development review. The concept has been distributed to the project review team. The review team has worked closely with the Applicant to define the subdivision concept. The Planning Commission reviewed the concept plan and has recommended conditional approval including PUD entitlements.

MOTION by Councilmember Krings, second by Councilmember Chard to approve Resolution 21-042 Resolution Conditionally Approving a Concept Stage Planned Unit Development and Concept Plat for Ash and Evergreen Subdivision. ALL VOTED AYE. MOTION CARRIED.

7.3. Resolution 21-043 Resolution Approving Lot Combination Lot 15 and Lot 16 Block 91 City of Belle Plaine (Alan & Kathleen Hennen)

Mayor Meyer introduced the agenda topic.

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Strack stated Alan and Kathleen Hennen Trust is the owner of property addressed as 122 Meridian Street South and legally described as Lot 15, Block 91, City of Belle Plaine. Alan and Kathleen Hennen are the owners of property legally described as Lot 16, Block 91 City of Belle Plaine. The lots are subject to a purchase agreement with Steve and Cara Cox. The owners and purchasers are requesting approval of a combination of said parcels to allow re-use of the parcels. Title commitment has been received and forwarded to the City Attorney for review. A process for combining lots and removing a platted lot line is not provided for within the City Code. City Attorney Vose has indicated past practice has been for the City Council to approve the lot combination by resolution.

The Council briefly discussed the request.

MOTION by Councilmember LeMieux, second by Councilmember Krings to approve Resolution 21-043 Resolution Approving Lot Combination Lot 15 and Lot 16 Block 91 City of Belle Plaine, Scott County, Minnesota. ALL VOTED AYE. MOTION CARRIED.

7.4. Resolution 21-039 Resolution Approving Terms of a ROSE Loan to Matthew Kes for a Structure at 721 Main Street East.

Councilmember Coop inquired about process.

MOTION by Councilmember Krings, second by Councilmember LeMieux to approve Resolution 21-039 Resolution Approving Terms of a ROSE Loan to Matthew Kes for a Structure at 721 Main Street East. Mayor Meyer, Councilmembers Chard, Krings and LeMieux VOTING AYE, Councilmember Coop VOTING NAY. MOTION CARRIED 4-1.

8. ADMINISTRATION.

8.1. Upcoming Tentative Meetings.

1. Design, Monday, April 5, 5:15 PM
2. City Council, Monday, April 5, 6:30 PM
3. Work Session, Monday, April 5, 6:45 PM
4. Public Works Committee, Thursday, April 8, 9:00 AM.
5. EDA, Monday, April 12, 5:00 PM.
6. Planning and Zoning, Monday, April 12, 6:30 PM.
7. Public Safety, Tuesday, April 13, 7:30 AM.

Mayor Meyer reminded the Council of the upcoming tentative meetings as listed.

9. ADJOURN.

MOTION by Councilmember LeMieux, second by Councilmember Coop, to adjourn the Regular Session at 7:40 PM. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Bonnie Vinkemeier
Acting Recording Secretary