BELLE PLAINE CITY COUNCIL
REGULAR SESSION
MARCH 19, 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 Monday, March 19, 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 City Attorney Bob Vose. Finance Director Meyer also served as the video recording operator.

3. APPROVAL OF AGENDA.

Mayor Lies requested the addition of agenda item "City Request for Scott County Support in Grant Application for CSAH 3 Overpass with Access."

MOTION by Councilmember Coop, second by Councilmember Chard, to approve the agenda with the addition of "City Request for Scott County Support in Grant Application for CSAH 3 Overpass with Access." ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of March 5, 2012.
4.2. Resolution 12-028 Appointing Jacqueline Hillstrom as Pool Manager.
4.3. Resolution 12-032 Appointing Kyle Sammons and Nicholas Bosquez as Volunteer Firefighters with the Belle Plaine Fire Department.
4.4. Resolution 12-034 Re-Establishing Unchanged Precincts and Polling Places for the City of Belle Plaine.
4.5. Resolution 12-036 Appointing Travis Latzke, Tyler Hartman, Bob Stier and Dan Stoutland as Seasonal Public Works Employees.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve the consent agenda as follows: .4.1. Regular Session Minutes of March 5, 2012, 4.2. Resolution 12-028 Appointing Jacqueline Hillstrom as Pool Manager, 4.3. Resolution 12-032 Appointing Kyle Sammons and Nicholas Bosquez as Volunteer Firefighters with the Belle Plaine Fire Department., 4.4. Resolution 12-034 Re-Establishing Unchanged Precincts and Polling Places for the City of Belle Plaine and 4.5. Resolution 12-036 Appointing Travis Latzke, Tyler Hartman, Bob Stier and Dan Stoutland as Seasonal Public Works Employees. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

Ridgeview Ambulance Manager Doug Sweeney was not 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.

Charlie Hartman, Huck's Shipwreck Saloon, requested council consideration of an ordinance amendment to allow Sunday liquor sales starting at 11:00 a.m. The City ordinance currently states no liquor sales before noon on Sunday.

City Administrator Murphy explained the $500 fee for an ordinance amendment.

7. PUBLIC HEARINGS.

7.1. Conditional Use Permit. The City Council will consider public comment on a request by KT Real Estate Holdings/Ag Power, 1051 Old Highway 169 Blvd, Belle Plaine, MN, for a conditional use permit to allow a reduction in the number of required parking spaces as required in the B-2, Highway Commercial District. Also considered will be the request for a non-conforming expansion permit to waive the requirement for perimeter curbing.

Mayor Lies referenced a memo dated March 19, 2012 from Community Development Director Rosenfeld regarding a request by Ag Power for a conditional use permit and non-conforming expansion permit.

Community Development Director Rosenfeld provided a Power Point presentation in summation of the request from Ag Power. She explained that Ag Power has submitted an application for the review of a conditional use permit to allow a reduction in the number of parking spaces required with the proposed addition. A request for a non-conforming expansion permit has also been received to consider the expansion of the non-conformity to the design standards for the proposed addition. The lot size is approximately 7.5 acres and is zoned B-2, Highway Commercial. In July 2000 a variance was approved for two- foot setback to rear property line for an addition to the building. On October 2005, a variance was approved for zero setback on parking lot on adjacent parcel on Ag-Power site. In February 2012, a site plan was approved for 20,000 square foot addition. The current site does not meet the parking requirements. There are only 32 identified standard parking spaces onsite. The zoning ordinance indicates a conditional use permit is necessary to allow a reduction from the off-street parking requirements. The applicant is asking to allow the existing parking spaces to remain as is and not be required to add any additional parking spaces. The addition will not take away existing parking stalls. If the CUP is approved and the parking area does not need to be expanded to meet parking requirements, the additional perimeter curb and striping is not required. The non-conforming expansion permit is not necessary for the parking aspects if the CUP is approved for the reduction from parking requirements.

The non-conforming expansion permit is necessary if the applicant does meet the design standards for the proposed addition. The proposed building elevations indicate the addition of the building will not meet design standards. The Design Committee has met to discuss the submitted building elevations and has requested additional information from the applicant. The additional information provided by the applicant at the Design Committee at their March 19 meeting included:

- A majority of the building (existing and phase 1) is comprised of prefinished metal building panels. The zoning ordinance indicates this material is considered Class II material.
- The applicant has outlined the percentage of class I, class II and class III materials used on the existing building and phase 1. It appears the percentage requirements are not met with the existing building or with phase 1. It also appears a reduction in the amount of class I material is not warranted (see attached design standards for reduction opportunities).
- The 4:1 wall ratio appears to be adhered to by a vertical metal strip, but there is no wall deviation.
- There will be additional landscaping added to phase 2 of the project.
- The new color of the addition will match the existing portion of the shop (see color illustration).
- Phase 2 will portray the site to have only one building. The internal floor plan represents a ramp to the lower building.

The Design Committee and the Planning Commission recommended approval of the conditional use permit and non-conforming expansion permit for Ag Power.

Terry Siemon and Keith Siemon, Ag Power, were present.

Mayor Lies opened the public hearing at 6:12 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 6:13 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 12-029 Granting Approval of a Conditional Use Permit for KT Real Estate Holdings/AgPower, 1051 Old Highway 169 Blvd.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 12-029 Granting Approval of a Conditional Use Permit for KT Real Estate Holdings/AgPower, 1051 Old Highway 169 Blvd. ALL VOTED AYE. MOTION CARRIED.

2. Resolution 12-030 Approving Non-Conforming Expansion Permit for KT Real Estate Holdings/AgPower, 1051 Old Highway 169 Blvd.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 12-030 Approving Non-Conforming Expansion Permit for KT Real Estate Holdings/AgPower, 1051 Old Highway 169 Blvd. ALL VOTED AYE. MOTION CARRIED.

7.2. Ordinance 12-02. The City Council will consider public comment on proposed Ordinance 12-02 pertaining to driveway regulations. It is appropriate for the Council to continue the public hearing until a recommendation is received from the Planning Commission.

Mayor Lies explained the Planning Commission is expected to make a recommendation on proposed Ordinance 12-02 pertaining to driveway regulations at their meeting on April 9, 2012.

Mayor Lies opened the public hearing at 6:14 p.m. The public hearing will be continued until the council meeting on April 16, 2012.

7.3. Redevelopment Project No. 1. The City Council will consider public comment on the proposed Redevelopment Project No. 1. The purpose of this proposed action is to facilitate the creation of five grant programs for homeowners within the City of Belle Plaine in cooperation with the Housing and Redevelopment Authority in and for the City of Belle Plaine.

Mayor Lies referenced a memo dated March 19, 2012 from Community Development Director Rosenfeld regarding HRA incentive programs.

Community Development Director Rosenfeld explained the HRA is considering housing incentive options to utilize the funds in the HRA account. After further discussion by the HRA, staff was directed to provide policies and programs for certain housing incentive options. In order to implement some of the programs it is necessary for the Council to adopt the Redevelopment Plan, in which a public hearing is necessary. The Planning Commission has confirmed the Redevelopment Plan is consistent with the City's Comprehensive Land Use Plan. This was necessary prior to Council action on the Plan. The HRA met prior to the Council meeting this evening to made a recommendation to the Council to approve the Redevelopment Plan and the proposed programs. Resolution 12-031, recommends approval of the Redevelopment Plan, and approval of the associated programs to utilize HRA funds for housing programs within the City of Belle Plaine. The proposed Redevelopment Plan and housing program policies and applications were included with Community Development Director Rosenfeld's memo. A summary was included for each of the six programs: 1. Single Family Home Down Payment Grant Program, 2. Clean up Day Grant Program, 3.Christmas in July Grant Program, 4. Energy Efficient Improvements Grant Program, 5. Residential Façade Beautification Grant Program and 6. Realtor Forum.

Mayor Lies opened the public hearing at 6:18 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 6:19 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 12-031 Approving Redevelopment Plan for Redevelopment Project No. 1 and Various Grant Programs and Related Policy and Procedures Proposed by the Housing and Redevelopment Authority in and for the City of Belle Plaine.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve Resolution 12-031 Approving Redevelopment Plan for Redevelopment Project No. 1 and Various Grant Programs and Related Policy and Procedures Proposed by the Housing and Redevelopment Authority in and for the City of Belle Plaine. 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 as presented. ALL VOTED AYE. MOTION CARRIED.

8.2. 2011 Audit Report – Brad Falteysek, Abdo, Eick & Meyers.

Mayor Lies welcomed Brad Falteysek from Abdo, Eick & Meyers LLP, the City's auditing firm.

Mr. Falteysek presented the City's 2011 annual audit and management letter. He provided an overview of the auditing process and reviewed each of the funds. He noted the revenues are not covering the expenses for the water and sewer enterprise funds.

Councilmember Trost inquired about the city's per capita debt as compared to other cities.

MOTION by Councilmember Coop, second by Councilmember Chard, to accept the 2011 audit report and management letter as presented by Abdo, Eick & Meyers LLP. ALL VOTED AYE. MOTION CARRIED.

8.3. Wayne Schmidt - Request Related to Building Permit Fees.

Mayor Lies referenced a memo dated March 19, 2012 from Community Development Director Rosenfeld regarding a request from Wayne Schmidt related to building permit fees.

Mr. Schmidt asked for consideration of modifying the conditions listed on Resolution 12-027 adopted March 5, 2012 to allow “owner-occupied or owner-occupied when sold by the builder.”

The council took no action.

8.4. Resolution 12-033 Proceeding with Narrow-Banding Requirements for Outdoor Emergency Warning Sirens and Replacement of Siren at West Forest Street and North Grove Street.

Mayor Lies referenced a memo dated March 19, 2012 from Police Chief Stolee regarding outdoor emergency warning sirens.

Police Chief Stolee explained the The City of Belle Plaine has five (5) outdoor emergency earning sirens that are activated by the Scott County dispatch center. These warning sirens are required the FCC (Federal Communications Commission) to be re-banded to accept low frequency signals instead of high frequency signals. The FCC requirements must be met prior to December 31st, 2012 or the outdoor emergency warning sirens will not work.The City of Belle Plaine Emergency Management will benefit from an addition of a base station radio and control station allowing for activation of all sirens manually.The outdoor warning sirens can be monitored for status reports on failures and proper working condition from the control station as well.The cost of the narrow banding requirement will be $18,483.46.Additionally, the outdoor warning siren located at the intersection of West Forest Street and North Grove Street is out dated and in need of significant repair and replacement. It is recommended to replace all components at this siren location including the 50-55 foot Class II wood pole on which it would be mounted. The cost replacement for this outdoor warning siren will be $17,314.90.On July 5th, 2011, a resolution was accepted by the Council to accept a grant, made available from the Minnesota Homeland Security Emergency Management, through Scott County, to be compensated for $5,043.90 upon completion of the FCC outdoor warning siren requirements. The combined initial cost of this project is $35,798.58. This total amount is estimated to be $30,798.58 after the grant money is distributed to the City of Belle Plaine. The outdoor warning siren narrow-banding and replacement of the siren at West Forest Street and North Grove Street was discussed at the Public Safety Committee on March 7, 2012 and was recommended to be brought forward for approval. The Police Department and the Finance Department has prepared for this anticipated expense and it is a 2012 budgeted item.

Finance Director Meyer explained that FrontLine is the preferred provider and is working with the Scott County siren system, therefore, the City obtained only one quote.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 12-033 Proceeding with Narrow-Banding Requirements for Outdoor Emergency Warning Sirens and Replacement of Siren at West Forest Street and North Grove Street. ALL VOTED AYE. MOTION CARRIED.

The council recessed at 6:52 p.m. and reconvened at 6:57 p.m.

8.5. Ordinance 12-03, Amending the City Code by Amending Chapter 3, Section 307.01, Pertaining to Definition of Restaurant.

Mayor Lies referenced a memo dated March 19, 2012 from City Administrator Murphy regarding proposed Ordinance 12-03.

City Administrator Murphy explained that at the February 27 City Council work session, Council directed staff to proceed with an ordinance amendment that would revert language back to its pre-2007 status. The Ordinance amendment as drafted would reverse council action of 2007. A question was raised during the work session as to why the language defining a restaurant was changed in 2007. City Administrator

Murphy explained the question started with the application by Emma Krumbees for an on-sale intoxicating liquor license and its effect on the maximum allowed on-sale licenses. A question was also raised about why some other cities able to allow bars to be open on Sunday.

Councilmember Trost commented that the cities of Henderson and Jordan allow Sunday liquor for establishments with minimal food service. Councilmember Pingalore expressed concern for those liquor establishments who have made an investment in upgrading their kitchen facilities to meet the State's definition of a "small restaurant." Councilmember Trost commented that the liquor establishments have not remodeled or upgraded since 2007. Mayor Lies noted the request by Charlie Hartman, Huck's Shipwreck Saloon, during the public forum asking for consideration of an ordinance amendment to allow Sunday liquor sales at 11:00 a.m. instead of noon,

MOTION by Councilmember Trost, second by Councilmember Schneider, to approve Ordinance 12-03, Amending the City Code by Amending Chapter 3, Section 307.01, Pertaining to Definition of Restaurant. Councilmember Pingalore VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

The council recessed at 7:11 p.m. and reconvened at 7:14 p.m.

8.6. City Request for Scott County Support in Grant Application for CSAH 3 Overpass with Access.

Mayor Lies welcomed Scott County Commissioners Joe Wagner and Dave Menden. Mayor Lies explained the City is seeking to apply for the MnDOT Trade and Economic Development (TED) grant for the construction of an overpass with access at CSAH 3. For a successful grant application, it is important to obtain the support of Scott County.

City Engineer Duncan provided a Power Point presentation on the CSAH 3 project and summarized the work to date. The TED grant application is due April 27, 2012 and selection award is slated for May 18, 2012.

Scott County Commissioner Wagner supported the City on their efforts to obtain an overpass with access at CSAH 3 and TH169 and believes there is a community need. Scott County Commissioner Menden also supported the City's efforts in the road improvement and grant application. Mayor Lies inquired as to whether Scott County has earmarked $700,000 for the overpass. Commissioner Wagner stated he will investigate and report back. Councilmember Trost commented that it is important to have Scott County support and referenced the joint efforts that are needed for the Belle Plaine Trail improvements. Councilmember Pingalore suggested the City Council meet with the Scott County Board. Mayor Lies concurred, and suggested to invite MnDOT officials as well.

9. ADMINISTRATION.
9.1. Upcoming Meetings.
1. Park Board, 5:00 p.m., Tuesday, March 20.
2. Work Session, 6:00 p.m., Monday, March 26.
3. City Council, 6:00 p.m., Monday, April 2.
4. Public Safety, 4:00 p.m., Wed. April 4.
The council was reminded of the upcoming meetings as listed.

10. ADJOURN.
MOTION by Councilmember Pingalore, second by Councilmember Coop, to adjourn at 7:32 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary