

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
APRIL 15, 2019**

1. PLEDGE OF ALLEGIANCE.

Mayor Christopher 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, April 15, 2019 at 6:30 PM in the council chambers of City Hall, 218 North Meridian Street, Belle Plaine, MN. Mayor Chris Meyer called the meeting to order with Councilmembers Ben Stier, Cary Coop, Paul Chard and Renee LeMieux present.

Also present were City Administrator Dawn Meyer, Finance Director Amy Jirik, Community Development Director Cynthia Smith Strack, Public Works Superintendent Al Fahey, City Engineer Joe Duncan, Sergeant Terry Stier filling in for Police Chief Tom Stolee, City Attorney Bob Vose, Ambulance Supervisor Doug Sweeney, Assistant Fire Chief Steve Otto, and Community Education Director Assistant Dorothy Saulsbury. Wanda Savage served as video recording operator.

3. APPROVAL OF AGENDA.

Mayor Meyer explained that further review is necessary, therefore Business Agenda Item 7.4. Ordinance 19-08 Small Cell Wireless Facility Aesthetic Requirements and Construction Criteria, will be removed from tonight's agenda. This item will be brought back at a future meeting.

MOTION by Councilmember Coop, second by Councilmember Chard, to remove Business Agenda Item 7.4. Ordinance 19-08 Small Cell Wireless Facility Aesthetic Requirements and Construction Criteria, and to approve the remaining agenda as presented. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of April 1, 2019.

4.2. Approve Large Assembly Permit for the Seasonal Farmers Market Event by the Belle Plaine Historical Society at Court Square for the May to October Season.

4.3. Approve Large Assembly Permit for St. John's Lutheran Church, Spring Festival at 148 S. Chestnut Street for May 5, 2019.

4.4. Approve Temporary On-Sale 3.2% Intoxicating Liquor License for Fundraising Event at St. John Lutheran Church on May 5, 2019.

MOTION by Councilmember LeMieux, second by Councilmember Coop, to approve the consent agenda items as follows: 4.1. Regular Session Minutes of April 1, 2019; 4.2. Approve Large Assembly Permit for the Seasonal Farmers Market Event by the Belle Plaine Historical Society at Court Square for the May to October Season; 4.3. Approve Large Assembly Permit for St. John's Lutheran Church, Spring Festival at 148 S. Chestnut Street for May 5, 2019; and 4.4. Approve Temporary On-Sale 3.2% Intoxicating Liquor License for Fundraising Event at St. John Lutheran Church on May 5, 2019. ALL VOTED AYE. MOTION CARRIED.

FIRE BILL APPEAL – RYAN MOLDESTAD, 800 RIVERVIEW LANE, BELLE PLAINE, MN

Mayor Meyer introduced the Fire Bill Appeal by Mr. Ryan Moldestad.

Finance Director Jirik explained that on January 30, 2019 the Belle Plaine Fire Department was paged to respond to 800 Riverview Lane for an emergency. The City of Belle Plaine billed the owner for the call per the City's policy and fee schedule and the property owner is responsible for the bill. Fire Chief Stier agrees with the billing information. The City does not reduce or dismiss fire bill charges unless there is a

discrepancy regarding type of billing. Attached to Finance Director's Jirik memo was a copy of the appeal from the property owner and the original bill.

Mr. Moldestad addressed the Council and explained he called emergency services after he smelled gas at his residence. The Fire Department searched the premises and then left after finding no leak. A short time later, Moldestad smelled gas again and he called CenterPoint Energy. A gas leak was found.

Councilmember Chard recommended this issue be referred to the Public Safety Committee for further review of the policy.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

Ridgeview Ambulance Supervisor Doug Sweeney was present. Mayor Meyer acknowledged appreciation when he referenced a letter from the Minnesota Department Health that favorably outlined the strengths of Ridgeview Ambulance. The Council acknowledged receipt of the Ambulance Department report.

5.2. Fire Department Report

Assistant Fire Chief Steve Otto was present. The Council acknowledged receipt of the Fire Department report.

5.3. Community Services Report.

Community Services Representative Dorothy Saulsbury was present. The Council acknowledged receipt of the Community Services Report.

5.4. Police Report.

Investigator Terry Stier was present. The Council acknowledged receipt of the Police Department Report.

5.5 Community Development Report.

Community Development Director Cynthia Smith Strack was present. The Council acknowledged receipt of the Community Development Report.

6. PUBLIC HEARINGS.

Mayor Meyer introduced the agenda item.

6.1. Rezoning Jane Properties, LLC. CSAH 64/Hickory Boulevard. The City Council will consider public comment on a request by Jane Properties LLC to rezone approximately 32 acres of property north of the intersection of CSAH 64/Main Street and Hickory Boulevard recently annexed to the City. Zoning proposed is I/C Industrial Commercial which accommodates future commercial and light industrial uses by conditional use permit.

Community Development Director Smith Strack explained that Jane Properties LLC is the fee owner of three parcels proposed for rezoning to I/C Industrial Commercial District. The subject property is north of the intersection of CSAH 64/Main Street and Hickory Boulevard. With the exception of the far western parcel remnant resulting from interchange construction, the property was annexed into the City in October of 2018. The remnant parcel is currently zoned B-2 Highway Commercial. The remaining parcels consisting of over 30 acres has not been classified for zoning purposes since annexation. All parcels are proposed for I/C Industrial Commercial District. The Planning Commission has recommended approval.

Mayor Meyer opened the public hearing at 6:48 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 6:49 p.m. ALL VOTED AYE. MOTION CARRIED.

6.1.1. Ordinance 19-07 An Ordinance Rezoning Approximately 32-Acres of Property North of CSAH 64 and Hickory Boulevard to I/C Industrial Commercial.

MOTION by Councilmember Coop, second by Councilmember Stier, to adopt Ordinance 19-07 An Ordinance Rezoning Approximately 32-Acres of Property North of CSAH 64 and Hickory Boulevard to I/C Industrial Commercial. ALL VOTED AYE. MOTION CARRIED.

6.2. Preliminary Plat Jane Properties Subdivision. The City Council will consider public comment on a request by Jane Properties LLC for preliminary plat review and consideration for Jane Properties Subdivision.

Mayor Meyer introduced the agenda item.

Community Development Director Smith Strack explained that Shaun Johnson, President of Jane Properties LLC requests public hearing and consideration of preliminary and final plats for Jane Properties Subdivision. The proposed plat includes the creation of three platted nonresidential lots and three outlots on property located north of CSAH 64/Main and Hickory Boulevard. The Council previously approved a conceptual plat for the property. The preliminary plat and utility plans were attached to Community Development Director Smith Strack's memo. The proposed plat is consistent with the Comprehensive Plan (2030 & 2040) and I/C Industrial Commercial District zoning standards. Woodland preservation and wetland protection standards are accommodated. The plat is broadly consistent with future transportation plans. The Park Board recommends approval of installation of sidewalk and trail as represented with a fee-in-lieu of parkland dedication of \$45,000. MnDOT, Scott County, and City Attorney Vose have reviewed the plat and submitted comments. A blanket easement across Outlot C will provide for Prosper Street (formerly Ski Street) extension to the east property line. Outlot B will be deeded to the City. An access easement across Outlot C to Outlot B will be filed. The Planning Commission recommended conditional approval of the preliminary plat.

Councilmember Coop inquired whether the City is requiring \$50,000 title insurance. Community Development Director Smith Strack responded it will be required at the time of action on the final plat.

Mayor Meyer opened the public hearing at 6:55 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 6:56 p.m. ALL VOTED AYE. MOTION CARRIED.

6.2.1. Resolution 19-055, A Resolution Conditionally Approving A Preliminary Plat for Jane Properties Subdivision.

MOTION by Councilmember Coop, second by Councilmember Stier, to approve Resolution 19-055, A Resolution Conditionally Approving A Preliminary Plat for Jane Properties Subdivision. ALL VOTED AYE. MOTION CARRIED.

6.3 Non-Conforming Use Expansion Permit Front Yard Setback: Lavonne Bratsch 210 Cedar Street South. The City Council will consider public comment on a request by Lavonne Bratsch, owner of property at 210 Cedar Street South for a non-conformance expansion permit under Code Section

1102.03. If approved the non-conformance expansion permit would allow expansion of a residence at 210 Cedar Street South with an existing non-conforming front yard setback.

Mayor Meyer introduced the agenda item.

Community Development Director Smith Strack explained that Lavonne Bratsch has applied for a non-conformance expansion permit under Section 1102.03 of the Code. If approved, the non-conformance expansion permit would allow a 1,152 sf expansion to an existing residence consisting of habitable space and an attached garage at 210 Cedar Street South. The property is within the R-3 One and Two Family Residence District and is legal non-conforming relative to front yard required setback at 24 ½ feet versus 30' required. The 476 sf house addition and 676 sf attached garage are proposed to be setback 25 feet from the front property line. The proposed expansion appears meets other code performance standards. The Planning Commission recommended approval.

Mayor Meyer opened the public hearing at 6:59 p.m. and asked for public comment.

Contractor Wayne Schmidt, 23100 Oakcrest Trail, representing the property owner, explained the proposed expansion would allow Ms. Bratsch to improve accessibility to the home as she reaches her retirement years. The addition would blend well in the neighborhood. In an effort to save the cost of a survey for the project, the applicant advised the property pins were located.

Community Development Director Smith Strack further explained that a professional grading plan is required. Because the property pins were located, no survey will be required.

MOTION by Councilmember Coop, second by Councilmember LeMieux, to close the public hearing at 7:02 p.m. ALL VOTED AYE. MOTION CARRIED.

6.3.1. Resolution 19-056 (A) A Resolution Conditionally Approving a Non-Conformance Expansion Permit Pertaining To A Non-Conforming Front Yard Setback At 210 Cedar Street South.

MOTION by Councilmember Coop, second by Councilmember LeMieux, to approve Resolution 19-056 (A) A Resolution Conditionally Approving a Non-Conformance Expansion Permit Pertaining To A Non-Conforming Front Yard Setback At 210 Cedar Street South. ALL VOTED AYE. MOTION CARRIED.

6.4. Conditional Use Permit Auto Graphics Printing and Detailing 725 Main Street East. The City Council will consider public comment on a conditional use permit application submitted by Scott Danielson (Applicant) and Mathew Hartman (Property Owner) for the property at 725 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 automobile graphic printing and attachment use at 725 Main Street East.

Mayor Meyer introduced the agenda item.

Community Development Director Smith Strack explained that Scott Danielson (Applicant) and Matt Hartman (Property Owner) have submitted an application for consideration of a conditional use permit for 725 Main Street East. The CUP is required for a change in use of the building within the I/C Industrial Commercial District. Danielson proposes to operate an automobile graphics printing and application operation at the site with ancillary production of wooden benches. Danielson represents a maximum of twelve (12) customer vehicles will be stored outdoors at the site. Three employees are to be housed at the site. No changes to the building footprint or exterior site is proposed, except that the Applicant represents the parking lot will be re-stripped and a gravel access on the east side of the lot will be removed and replaced with turf. The Planning Commission recommended approval.

Mayor Meyer opened the public hearing at 7:06 p.m. and asked for public comment. There was no response.

MOTION by Councilmember LeMieux, second by Councilmember Coop, to close the public hearing at 7:07 p.m. ALL VOTED AYE. MOTION CARRIED.

6.4.1. Resolution 19-057 A Resolution Conditionally Approving a Conditional Use Permit for Auto Graphics Printing and Attachment at 725 Main Street East in the I/C Industrial Commercial District.

MOTION by Councilmember Stier, second by Councilmember Coop, to approve Resolution 19-057 A Resolution Conditionally Approving a Conditional Use Permit for Auto Graphics Printing and Attachment at 725 Main Street East in the I/C Industrial Commercial District. ALL VOTED AYE. MOTION CARRIED.

6.5. Ordinance 19-05 Outdoor Storage. The City Council will hear public comment on proposed Ordinance 19-05, an Ordinance repealing and replacing Section 1107.08 of the City Code pertaining to outdoor storage.

Mayor Meyer introduced the agenda item.

Community Development Director Smith Strack explained that last Spring the Planning Commission considered an update to Section 1107.08 of the City Code pertaining to outside storage. Following Planning Commission review the City Council redirected the proposed Code amendment back to the Public Works Committee for input. The Public Works Committee referred the matter to department heads for further discussion. Following a meeting in November of 2018 the amendment was referred to the City Attorney for redraft. City Attorney Vose updated the code and department heads have subsequently reviewed. Full repeal and replacement of existing text is proposed. The amendment is intended to clarify what may or may not be stored outside, especially within residential zones. The amendment increases the number of recreational type items (i.e. boats, trailers, RV, ATV, etc) that can be stored on site at any one time from two items to three items. Recreational vehicles and equipment are further defined within the proposed code amendment.

Mayor Meyer opened the public hearing at 7:13 p.m. and asked for public comment. There was no response.

MOTION by Councilmember LeMieux, second by Councilmember Coop, to close the public hearing at 7:14 p.m. ALL VOTED AYE. MOTION CARRIED.

6.5.1. Ordinance 19-05, an Ordinance Repealing and Replacing Section 1107.08 of the City Code Pertaining to Outdoor Storage.

MOTION by Councilmember LeMieux, second by Councilmember Coop, to adopt Ordinance 19-05, an Ordinance Repealing and Replacing Section 1107.08 of the City Code Pertaining to Outdoor Storage. ALL VOTED AYE. MOTION CARRIED.

6.5.2. Resolution 19-058 A Resolution Authorizing And Approving Summary Publication of Ordinance 19-05, an Ordinance Repealing and Replacing Section 1107.08 of the City Code Pertaining to Outdoor Storage.

MOTION by Councilmember LeMieux, second by Councilmember Coop, to approve Resolution 19-058 A Resolution Authorizing And Approving Summary Publication of Ordinance 19-05, an Ordinance Repealing and Replacing Section 1107.08 of the City Code Pertaining to Outdoor Storage. ALL VOTED AYE. MOTION CARRIED.

6.6. Ordinance 19-06 Off-Street Parking. The City Council will hear public comment on proposed Ordinance 19-06, An Ordinance Amending Sections 1107.12, Subd. (4)(6), 1107.12, Subd. 4(8)(E), Section 1107.12, Subd. 4(8)(G), 1107.12, Subd. (5)(2), 1107.12, Subd. (5)(3), and 1107.12, Subd. 12 of the City Code Pertaining to Off-Street Parking.

Mayor Meyer introduced the agenda item.

Community Development Director Smith Strack explained that last Spring the Planning Commission considered an update to Section 1107.12 of the City Code pertaining to off street parking. Following Planning Commission review the City Council redirected the proposed Code amendment to the Public Works Committee for input. The Public Works Committee referred the matter to department heads for further discussion. Department heads and City Attorney Bob Vose discussed a proposed redraft at a meeting in November of 2018. Department heads have subsequently reviewed and approved the redraft. Ordinance 19-06 provides clarification of certain parking standards including, but not limited to those pertaining to allowable surfaces, impervious surface setbacks, and driveway setbacks. Ordinance 19-06 specifies required parking areas are to be surfaced with asphalt or concrete. Impervious surfaces must be setback at least five feet from property lines and driveways must meet setback standards from property lines and street intersections.

Mayor Meyer opened the public hearing at 7:13 p.m. and asked for public comment. There was no response.

MOTION by Councilmember LeMieux, second by Councilmember Coop, to closed the public hearing at 7:14 p.m. ALL VOTED AYE. MOTION CARRIED.

6.6.1. Ordinance 19-06 An Ordinance Amending Sections 1107.12, Subd. (4)(6), 1107.12, Subd. 4(8)(E), Section 1107.12, Subd. 4(8)(G), 1107.12, Subd. (5)(2), 1107.12, Subd. (5)(3), and 1107.12, Subd. 12 of the City Code Pertaining to Off-Street Parking.

MOTION by Councilmember LeMieux, second by Councilmember Coop, to adopt Ordinance 19-06 An Ordinance Amending Sections 1107.12, Subd. (4)(6), 1107.12, Subd. 4(8)(E), Section 1107.12, Subd. 4(8)(G), 1107.12, Subd. (5)(2), 1107.12, Subd. (5)(3), and 1107.12, Subd. 12 of the City Code Pertaining to Off-Street Parking. ALL VOTED AYE. MOTION CARRIED.

6.6.2. Resolution 19-059 A Resolution Authorizing And Approving Summary Publication of Ordinance 19-06, An Ordinance Amending Sections 1107.12, Subd. (4)(6), 1107.12, Subd. 4(8)(E), Section 1107.12, Subd. 4(8)(G), 1107.12, Subd. (5)(2), 1107.12, Subd. (5)(3), and 1107.12, Subd. 12 of the City Code Pertaining to Off-Street Parking.

MOTION by Councilmember LeMieux, second by Councilmember Coop, to approve Resolution 19-059 A Resolution Authorizing And Approving Summary Publication of Ordinance 19-06, An Ordinance Amending Sections 1107.12, Subd. (4)(6), 1107.12, Subd. 4(8)(E), Section 1107.12, Subd. 4(8)(G), 1107.12, Subd. (5)(2), 1107.12, Subd. (5)(3), and 1107.12, Subd. 12 of the City Code Pertaining to Off-Street Parking. ALL VOTED AYE. MOTION CARRIED.

7. BUSINESS.

7.1. Presentation of Claims. 7.1.1. Aquatic Center Project – Pay Request No. 4 to Bradbury Stamm Construction Winkelman, LLC.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve the Presentation of Claims and Pay Request No. 4 to Bradbury Stamm Construction Winkelman, LLC, for the Aquatic Center Project. ALL VOTED AYE. MOTION CARRIED.

7.2. Jane Properties Subdivision.

Mayor Meyer introduced the agenda item.

Community Development Director Smith Strack explained the City requires execution of a developer's agreement in conjunction installation of subdivision improvements. Attached with Community Development Director Smith Strack's memo was the proposed developer's agreement for Jane Properties. The Council approved the preliminary plat for Jane Properties Subdivision earlier this evening. Community Development Director Smith Strack summarized the conditions of the developer's agreement. After consideration of the development agreement action on the final plat is requested.

7.2.1. Resolution 19-060 A Resolution Approving a Developers Agreement for Jane Properties Subdivision and Authorizing and Directing Execution Thereof.

MOTION by Councilmember Coop, second by Councilmember Stier, to approve Resolution 19-060 A Resolution Approving a Developers Agreement for Jane Properties Subdivision and Authorizing and Directing Execution Thereof. ALL VOTED AYE. MOTION CARRIED.

7.2.2. Resolution 19-061 A Resolution Approving Final Plat of Jane Properties Subdivision.

MOTION by Councilmember Coop, second by Councilmember Stier, to approve Resolution 19-061 A Resolution Approving Final Plat of Jane Properties Subdivision. ALL VOTED AYE. MOTION CARRIED.

7.3. Shinehouse Lot Split.

Mayor Meyer introduced the agenda item.

Community Development Director Smith Strack explained that Jennifer Shinehouse has applied for a minor subdivision to split PID 200080120. The subject property is zoned R-1 Single Family Residential. Both resulting tracts appear to meet lot area, width, and performance standards of the R-1 District. If the split is approved, no further subdivision of the property is allowed for five years. Driveway access for the newly created parcel will be from Robert Circle. The Planning Commission recommended approval.

7.3.1. Resolution 19-062 A Resolution Approving Administrative Subdivision of 116 Oakwood Drive.

Mayor Meyer stated that because he is the adjoining property owner, he will abstain from the vote.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 19-062 A Resolution Approving Administrative Subdivision of 116 Oakwood Drive. Mayor Meyer ABSTAINED. ALL OTHERS VOTED AYE. MOTION CARRIED.

7.4. Call for Special Joint Meeting: April 30, 2019.

Community Development Director Smith Strack explained that Dollar General and Casey's Store have filed applications for conditional use permit and site plan review. To accommodate their construction timelines a special joint session of the Planning Commission and City Council.

The special joint meeting with the City Council and Planning Commission was scheduled for Tuesday, April 30, 2019 at 6:30 p.m.

8. ADMINISTRATION.

8.1. Upcoming Meetings.

1. Aquatic Center Tour, 9:10 AM, Wednesday, April 17. (City Council Only)
2. Design, 5:15 PM, Tuesday, April 30.
3. Joint City Council & Planning Commission Meeting, 6:30 PM, Tuesday, April 30.
4. Design, 5:15 PM, Monday, May 6.
5. City Council, 6:30 PM, Monday, May 6.
6. Work Session, 6:45 PM, Monday, May 6.
7. Public Works Committee, 9:00 AM, Thursday, May 9.
8. EDA, 5:00 PM, Monday, May 13.
9. Planning Commission, 6:30 PM, Monday, May 13.
10. Public Safety, 4:30 PM, Tuesday, May 14.

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

9. ADJOURN.

MOTION by Councilmember Stier, second by Councilmember LeMieux, to adjourn the meeting at 7:25 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Bonnie Vinkemeier
Dawn Meyer
Acting Recording Secretaries