

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
APRIL 18, 2011**

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, April 18, 2011 at 6:10 p.m. at the Government Center, 218 North Meridian Street, Belle Plaine, MN. Mayor Tim Lies called the meeting to order with Councilmembers Gary Trost, Cary Coop, Paul Chard, Scott Schneider 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. Beth Dempsey served as the Video Recording Operator.

3. APPROVAL OF AGENDA.

Councilmember Trost requested the addition of agenda item 8.5. Belle Plaine Trail Road Condition and East Commerce Drive Lane Addition.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the agenda with the addition of 8.5. Belle Plaine Trail Road Condition and East Commerce Drive Lane Addition. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of April 4, 2011.

4.2. Approval of Temporary 3.2% Intoxicating Liquor On-Sale License for the Belle Plaine Baseball Association.

4.3. Resolution 11-041 Approving Joint Powers Agreement Between State of Minnesota and City on Behalf of Scott Joint Prosecution Association; and Approving Master Subscriber Agreement for Minnesota Court Data Services Between the Office of State Court Administration and the City of Belle Plane, on Behalf of Scott Joint Prosecution Association.

MOTION by Councilmember Trost, second by Councilmember Pingalore, to approve the consent agenda as follows: 4.1. Regular Session Minutes of April 4, 2011, 4.2. Approval of Temporary 3.2% Intoxicating Liquor On-Sale License for the Belle Plaine Baseball Association, and 4.3. Resolution 11-041 Approving Joint Powers Agreement Between State of Minnesota and City on Behalf of Scott Joint Prosecution Association; and Approving Master Subscriber Agreement for Minnesota Court Data Services Between the Office of State Court Administration and the City of Belle Plane, on Behalf of Scott Joint Prosecution Association. 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.

Mayor Lies announced the City Council will not accept comments from the area townships and past ambulance volunteers regarding the former 201 Ambulance Fund due to threatened litigation by the area townships. He said he appreciates the attendance of many of the individuals present here tonight, but due to threatened litigation, the City's legal counsel has advised that no persons speak on this topic. Mayor Lies further explained that the representatives of the area townships were informed of this process.

Ted Kornder, St. Lawrence Township, asked for a refund of \$10 for the copies of documents that he paid the City a few months ago for copies of documents. Mayor Lies advised that he contact staff regarding this matter.

7. PUBLIC HEARINGS.

7.1. Conditional Use Permit – 348 South Meridian Street. The City Council will accept public comment on a request by Todd Derner for a conditional use permit to allow the construction of a 1,140 sq.ft. detached garage at 348 South Meridian Street, in the R-3, Single and Two-Family Residential District.

Mayor Lies referenced a memo dated April 18, 2011 from Community Development Director Rosenfeld regarding a request for a conditional use permit by Todd Derner.

Community Development Director Rosenfeld explained the property owner at 348 Meridian Street South, Todd Derner, is requesting the review of a conditional use permit to allow a 1,140 square foot detached garage on the property. The zoning ordinance requires the approval of a conditional use permit for detached garages and accessory buildings exceeding nine hundred (900) square feet in the R-3 Single and Two Family Residential District. The setbacks are met. The Planning Commission recommended conditional approval.

Mayor Lies opened the public hearing at 6:24 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Schneider, second by Councilmember Coop, to close the public hearing at 6:25 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 11-039 Granting Approval of a Conditional Use Permit to Allow the Construction of a 1,140 sq. ft. Detached Garage at 348 South Meridian Street.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-039 Granting Approval of a Conditional Use Permit to Allow the Construction of a 1,140 sq. ft. Detached Garage at 348 South Meridian Street. ALL VOTED AYE. MOTION CARRIED.

7.2. Special Home Occupation Permit – 1028 Creekview Lane. The City Council will accept public comment on a request by Jennifer Nagorski to allow the operation of a hair salon at 1028 Creekview Lane.

Mayor Lies referenced a memo dated April 18, 2011 from Community Development Director Rosenfeld regarding a request for a special home occupation permit.

Community Development Director Rosenfeld explained that the property owner at 1028 Creekview Lane, Jennifer Nagorski, is requesting the review of a Special Home Occupation/Conditional Use Permit to allow the operation of a hair salon within her home. Certain special home occupation uses require the approval of a conditional use permit. Those uses include, but are not limited to: barber and beauty services, photography studio, group lessons, saw sharpening, small appliances and small engine repair and the like. This type of use requires the approval of a conditional use permit. The Planning Commission recommended approval with conditions as outlined in the proposed resolution.

Mayor Lies opened the public hearing at 6:26 p.m. and asked for public comment. No one spoke at the public hearing.

MOTION by Councilmember Coop, second by Councilmember Schneider, to close the public hearing at 6:27 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 11-040 Granting Approval of a Special Home Occupation Permit to Allow a Hair Salon at 1028 Creekview Lane.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-040 Granting Approval of a Special Home Occupation Permit to Allow a Hair Salon at 1028 Creekview Lane. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

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

8.2. Ordinance 11-02 Amending Section 307.01 of the City Code Relating to the Definition of "Beer."

Mayor Lies referenced a memo dated April 18, 2011 from City Administrator Murphy regarding proposed Ordinance 11-02.

City Administrator Murphy explained that at the April 18, 2011 City Council meeting, the Council directed staff to prepare an ordinance amendment to allow for temporary beer licenses for beer above 3.2% alcohol. This amendment will allow any organization to apply for a temporary license to sell strong beer. If passed, the Ordinance amendment will take effect once it is published in the official newspaper.

City Attorney Bob Vose explained proposed Ordinance 11-02 eliminates the distinction between malt liquor commonly known as 3.2. beer and strong beer. With the passage of this ordinance, a temporary license will allow a non-profit organization to sell 3.2. or strong beer.

MOTION by Councilmember Trost, second by Councilmember Schneider, to approve Ordinance 11-02 Amending Section 307.01 of the City Code Relating to the Definition of "Beer." ALL VOTED AYE. MOTION CARRIED.

8.3. Status of City Building at 123 West Main Street.

Public Works Superintendent Fahey explained that he has obtained quotes to mitigate the mold issue at the City facility located at 123 West Main Street. It was the consensus of the Council to direct Public Works Superintendent Fahey to proceed with the lowest quote for mold mitigation at 123 West Main Street.

8.4. Resolution 11-002A Amending the 2011 Committee Appointments by Re-Establishing the Episcopal Church Restoration Ad Hoc Committee.

Mayor Lies explained that there are outstanding issues with the repair and maintenance of the historic Episcopal Church restoration project. He recommended the ad hoc committee be re-established. Councilmembers Cary Coop and Paul Chard volunteered to serve on the ad hoc committee.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 11-002A Amending the 2011 Committee Appointments by Re-Establishing the Episcopal Church Restoration Ad Hoc Committee, and appointing Councilmembers Chard and Coop to the committee. ALL VOTED AYE. MOTION CARRIED.

8.5. Belle Plaine Trail Road Condition and East Commerce Drive Lane Addition.

Councilmember Trost commented on the need for maintenance of Belle Plaine Trail. Motorists have complained about the poor condition and deep potholes. Councilmember Trost also recommended the Council consider adding a right turn lane on Commerce Drive at East Main Street for improved traffic flow.

It was the consensus to direct these issues to the Public Works Committee for review and recommendation.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Public Works, 8:30 a.m., Thursday, April 21.**
- 2. Arbor Day Tree Planting, 4:45 p.m., Monday, April 25.**
- 3. Park Board, 5:00 p.m., Monday, April 25.**
- 4. Clean Up/Recycle Day, 8:00 a.m. to noon, Saturday, April 30.**
- 5. City Council, 6:00 p.m., Monday, May 2.**
- 6. Public Safety, 4:00 p.m., Wednesday, May 4.**

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Chard, to adjourn at 6:45 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,
Patricia Krings
Recording Secretary