

**BELLE PLAINE CITY COUNCIL AND JOINT PLANNING COMMISSION
MAY 20, 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, May 20, 2019 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 Ben Stier, Cary Coop, Paul Chard and Renee LeMieux present.

Also present were City Administrator Meyer, Finance Director Jirik, Community Development Director Smith Strack, Public Works Superintendent Fahey, City Engineer Duncan, City Attorney Vose, Fire Chief Stier and Police Chief Stolee. Wanda Savage served as video recording operator.

3. APPROVAL OF AGENDA.

MOTION by Councilmember Coop, second by Councilmember Chard to approve the agenda as presented. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of May 6, 2019.

4.2. Closed Session Minutes of May 8, 2019.

4.3. Large Assembly Permit and Road Closure Request by Belle Plaine Festival and Events for Bar-B-Q Days Celebration on July 19, 20 and 21, 2019.

4.4. Approving Temporary Strong Beer License for Belle Plaine Festival and Events for Bar-B-Q Days on July 19, 20 and 21, 2019.

4.5. Resolution 19-072 Approving Change Order No. 3 for the Aquatic Center.

4.6. Resolution 19-073 Appointing Public Works Seasonal Employees.

4.7. Resolution 19-074 Accepting the Audio Visual Contract for the Council Chambers.

4.8. Resolution 19-079 Appointing Seasonal Life Guards and Water Safety Instructors for the 2019 Belle Plaine Aquatic Center Season.

4.9. Resolution 19-080 Accepting Privately Installed Watermain, Sanitary Sewer, and Collector Street Modifications Dedicated To The City of Belle Plaine (Ridgeview Health Campus).

Motion by Councilmember Coop, second by Councilmember LeMieux, to approve the consent agenda items as follows: 4.1. Regular Session Minutes of May 6, 2019; 4.2. Closed Session Minutes of May 8, 2019; 4.3. Large Assembly Permit and Road Closure Request by Belle Plaine Festival and Events for Bar-B-Q Days Celebration on July 19, 20 and 21, 2019; 4.4. Approving Temporary Strong Beer License for Belle Plaine Festival and Events for Bar-B-Q Days on July 19, 20 and 21, 2019; 4.5. Resolution 19-072 Approving Change Order No. 3 for the Aquatic Center; 4.6. Resolution 19-073 Appointing Public Works Seasonal Employees; 4.7. Resolution 19-074 Accepting the Audio Visual Contract for the Council Chambers; 4.8. Resolution 19-079 Appointing Seasonal Life Guards and Water Safety Instructors for the 2019 Belle Plaine Aquatic Center Season and 4.9. Resolution 19-080 Accepting Privately Installed Watermain, Sanitary Sewer, and Collector Street Modifications Dedicated To The City of Belle Plaine (Ridgeview Health Campus). ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Report.

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

5.2. Fire Report.

Fire Chief Stier was present. Stier highlighted his report.

Mayor Meyer inquired on current Fire department openings. Stier explained four applications were submitted for three openings. Stier explained the City is seeing a shortage in replacements as fire departments in other cities have experienced. The Council acknowledge receipt of the Fire Department report.

5.3. Community Services Report

Community Services Director Chevalier was not present. The Council acknowledged receipt of the Community Services report.

5.4. Police Report.

Chief Stolee was present. Stolee highlighted items on the Police Report.

Mayor Meyer requested an update on TruNarc. Stolee provided an overview on the device and noted officers were just trained the equipment.

5.5. Community Development Report.

Community Development Director Smith Strack was present. Smith Strack highlighted items on the Community Development report.

Mayor Meyer inquired on Dollar General and Casey's timelines. Smith Strack explained building permits and platting are needed before construction can begin.

6. CALL TO ORDER PLANNING AND ZONING COMMISSION

6.1. ROLL CALL.

The Planning and Zoning Commission met in Joint session on Monday, May 20, 2019 at City Hall 218 North Meridian Street, Belle Plaine, MN. Secretary Kiecker called the meeting to order at 6:39 PM with Commissioners Ashton Pankonin and alternate Lee Petersen present. Commissioners Ryan Herrmann, Ashby Carter and Ashley Cauley were not present.

6.2. APPROVAL OF AGENDA.

MOTION by Commissioner Petersen, second by Commissioner Pankonin, approve the agenda as presented. ALL VOTED AYE. MOTION CARRIED.

7. PUBLIC HEARINGS.

Mayor Meyer introduced the agenda item.

7.1. Annual Liquor License Renewals. The City Council will receive and consider public comment on the annual liquor License renewals for the period July 1, 2019 through June 30, 2020.

City Administrator Meyer explained all liquor licenses are renewed on an annual basis.

Mayor Meyer opened the public hearing at 6:41 PM and asked for public comment. There was no response.

MOTION by Councilmember Coop, second by Councilmember Chard to close the public hearing at 6:41 PM. ALL VOTED AYE. MOTION CARRIED.

7.1.1. Resolution 19-076 Approving Annual Renewal of Liquor License for 2019/20.

MOTION by Councilmember Coop, second by Councilmember Stier, to approve Resolution 19-076 approving Annual Renewal of Liquor License for 2019/20. ALL VOTED AYE. MOTION CARRIED.

Mayor Meyer introduced the agenda item.

7.2. Belle Court Apartments – 561 Elk Street South. Troy Schrom, Schrom Construction LLC/Belle Court LLC. The Planning Commission and City Council will consider public comment on a request to approve a development stage Planned Unit Development plan for two 36-unit apartment structures with ancillary parking facilities at 561 Elk Street South.

Community Development Director Smith Strack explained that Troy Schrom of Schrom Construction LLC/Belle Court LLC is requesting approval of a staged planned unit development for two 36 unit apartment structures at 561 Elk Street South. Smith Strack presented a slideshow reviewing the proposed development plan and how it fits with planned land use and zoning. Smith Strack explained the process of the joint Planning and Zoning and City Council public hearing, and action items after public comment. Smith Strack explained the two 36 unit apartments are proposed as phased three story buildings, featuring 2 studio, and 10 two bedroom per story project with detached garages and in suite laundry. Smith Strack noted the site history of planned twin homes and two 40-unit apartments for the area citing road, stormwater, drinking water and sanitary sewer were installed to specifics. Smith Strack explained Belle Court Apartments is consistent with the 2030 and 2040 comprehensive plans. Smith Strack noted the Planned Unit Development entitlements proposed are: Two principal structures on one lot, increased height, garages in front of principal structures and minimum square footage reduction. Smith Strack explained staff has reviewed the project including driveway access and requested sidewalk connection be incorporated. Smith Strack also noted Elk Street was built as a minor collector street. Smith Strack reviewed parking, landscaping, design and proposed lighting. Smith Strack explained staff also reviewed utilities noting surveying, testing and videoing will be needed and service lines will be illustrated on final PUD plan. Smith Strack noted the Fire Code review and referenced an email included in the packet from the State Deputy Fire Marshall. Smith Strack explained Belle Court will need rental licenses for each apartment unit and participation in crime free housing program is required. Smith Strack explained on site management is also suggested for the building. Smith Strack explained the applicant is in the audience.

Mayor Meyer opened the public hearing at 7:03 PM and asked for public comment.

Acting Chair Kiecker opened the Planning Commission public hearing at 7:03 PM and asked for public comment.

Doug Anderson, 525 S. Elk Street, agreed the City of Belle Plaine does need affordable housing however disagrees with the placement citing his part in a neighborhood group trying to preserve the neighborhood. Anderson suggests increased traffic and lack of sidewalk on a private roadway as a hazard. Anderson stated a petition with 168 signatures of neighborhood people has been obtained by his group. Anderson also stated allowing this complex will change his neighborhood and the direction of the city.

Dennis Moriarty, 24 Woodridge Drive, stated his support of affordable housing. Moriarty cited the lack of affordable housing contributing to the high number in homelessness within the metro. Moriarty stated a person living in Scott County would need to make \$18.60 per hour to afford a modest two-bedroom

apartment working an average of 68 hours per week.

Andrew Ralston, 110 Chatfield Circle, explained high density decreases property value and his concern of losing value in his property close to the proposed apartments. Ralston stated living next to a strip club affects property value by only one percent more than living next to low-income housing. Ralston suggests already low school ratings will continue to drop along with an increase in crime with the addition of high-density apartment buildings. Ralston suggests rezoning the property for single-family housing.

Forrest Maxwell, 524 Oak Village Court, stated the current neighborhood is friendly and respectful. Maxwell requests the City preserve the current neighborhood and not allow the apartments.

John Esgar, 549 Elk Street South, stated concerns over the private drive serving 600 vehicles daily passing 18 ft. from his living room and kitchen windows. Esgar suggested safety concerns on an already busy Elk Street and children crossing a private road.

Donna Robb, 1012 Prairie Oak Drive, stated concerns regarding the low-income housing and the effects on the area. Robb suggested lack of transportation for most low-income people, citing a better area closer to jobs and amenities would be a better fit for low-income housing. Robb also cited concerns over no elevator within the building limiting disabled people not having a choice in safer upper level apartments.

Brendan Weldon, 533 S. Elm Street, stated concerns with drainage and storm sewers. Weldon inquired as to who would pay for solutions of issues.

Al Hennen, 516 Oak Village Court, stated his being a lifelong resident and the continued increase in taxes despite town growth. Hennen noted an already long police report in the weekly paper. Hennen requests the council do what is right.

Allen Bernard, 532 Oak Village Court, stated concerns with more traffic and a building with no elevator causing strain on medical responders. Bernard suggested the City is being unfair to the people who live in the neighborhood who "built this town".

Jim Lange, 721 E. Forest Street and 540 Oak Village Court, stated concerns with moving into his new home if apartments are being built.

Phoebe Einertson, 406 South Street, stated concerns with increase in traffic and the number of people on the sidewalk. Einertson explained the City set the standard of the area when it approved townhomes and patio homes in the price range of \$250,000-\$300,000.00 and believes allowing for the apartment complex moves away from said set standard. Einertson showed a board with pictures citing lack of room with two vehicles and a pedestrian walkway.

Mike Shaughnessy, 522 Oak Village Court, explained the neighborhood as a wonderful place to live. Shaughnessy faults the City with refusing to rezone the property and requests the property be rezoned.

Dan Whitney, 418 W. South Street, state his appreciation for the apartments however has concern for the children. Whitney cited no place for the children to play and no green space.

Manley Stier, 609 Elk Street, stated his fire service of 33 years. Stier stated the site plan should have another access according to the fire code 503.1.2. Stier suggested the developer should be making concessions rather than the City.

Lisa Korba, 100 Oakwood Drive, stated her concern with traffic and inexperienced teenage drivers adding to an already busy road.

Rose Bast, 1000 W. South Street, stated concerns with increased students walking to school with increased traffic. Bast suggested patio homes a better fit for the area.

Dorothy Micheal, 201750 Hillcrest, stated parents moved into town from Jordan for safety and assistance. Micheal suggests if apartments are approved, she will be concerned about their safety.

Al Bartolomei, 920 Oakwood Drive, stated his concern with the property zoning. Bartolomei suggested the apartment should be built in another area with similar buildings. Bartolomei suggests property value decreasing for hard working residents.

Ken Retzer, 617 S. Elk Street, expressed concern over the apartments noting when he built his home more patio homes were expected.

Ryan McCann, 204 Oakwood Circle, expressed concern over the apartments. McCann suggest the council take time and make the right decision.

MOTION by Commissioner Pankonin, second by Commissioner Petersen, to close the public hearing at 7:55 PM. ALL VOTED AYE. MOTION CARRIED.

MOTION by Councilmember Coop, second by Councilmember Stier, to close the public hearing at 7:55 PM. ALL VOTED AYE. MOTION CARRIED.

Commissioner Kiecker thanked the audience for speaking and noted the issue before the planning board is if the complex fits within City Code. Commissioner Pankonin noted a change in minimum standards for apartments is being reviewed for reduction, which would eliminate the need for a public hearing. Pankonin stated no reason to not allow the application. Commissioner Petersen agreed with Kiecker and Pankonin's comments.

7.2.1. (Planning Commission Consideration, Specify Resolution A or B)

Resolution PZ 19-019(A) A Resolution Recommending The City Council Conditionally Approval A Development Stage Planned Unit Development Plan For Belle Court Apartments 561 Elk Street South.

Resolution PZ 19-019(B) A Resolution Recommending The City Council Deny A Development Stage Planned Unit Development Plan For Belle Court Apartments 561 Elk Street South.

MOTION by Commissioner Pankonin, second by Commissioner Petersen, to approve Resolution PZ 19-019(A) A Resolution Recommending The City Council Conditionally Approval A Development Stage Planned Unit Development Plan For Belle Court Apartments 561 Elk Street South. ALL VOTED AYE. MOTION CARRIED.

MOTION BY Commissioner Pankonin, second by Commissioner Petersen to adjourn at 7:58 PM. ALL VOTED AYE. MOTION CARRIED.

City Administrator Meyer explained a petition was received and a letter from Jelene Johnson, which was handed out to Council for review and is now part of the public record for review.

Mayor Meyer explained a recommendation for approval has been received from the Planning Commission and is now before the Council for discussion.

Councilmember Stier inquired the difference between low income and workforce housing. Community Development Director Smith Strack explained a variety of terms are used however workforce housing is available for people making 60% or below the area median income. Area median income for 2019 is \$100,000.00. Smith Strack explained Scott County uses 30% or less of the median income to define low-

income housing. Mayor Meyer stated the property was zoned multifamily housing since 2004 and a previous project was approved for the lot as was the initial intent. Meyer inquired if the City can legally change the zoning. City Attorney Vose explained the issue before council is about a planned unit development, which was decided a long time ago. Vose explained if code already allowed for the adjustments being requested no public hearing would have been needed. Meyer inquired on the traffic and street concerns with the pending development. City Engineer Duncan explained Elk Street was constructed as a minor collector with the ability to handle several thousand cars per year. Duncan explained new subdivisions are being built within the City with 32 ft. streets, which only allows for parking on one side of the street. Duncan also noted once development occurs in the area those developments will also feed into Elk Street which was built to handle the traffic. Councilmember Stier inquired on staffs research on the affect of property values. Community Development Director Smith Strack explained Habitat for Humanity suggests it does not. Smith Strack suggests asking the County Assessor. Councilmember Chard stated he receives regular calls looking for rentals in town. Chard sees the need for workforce housing but does not want to see a reduction in the square footage allowed.

7.2.2. (City Council Consideration, Specify Resolution A or B)

Resolution 19-071 A Resolution Conditionally Approving A Development Stage Planned Unit Development Plan For Belle Court Apartments 561 Elk Street South.

Resolution 19-071(B) A Resolution Denying A Development Stage Planned Unit Development Plan For Belle Court Apartments 561 Elk Street South.

MOTION by Councilmember Coop, second by Councilmember Chard to approve Resolution 19-071 A Resolution Conditionally Approving A Development Stage Planned Unit Development Plan For Belle Court Apartments 561 Elk Street South with the addition that staff address safety concerns and walkway. ALL VOTED AYE. MOTION CARRIED.

8. ADJOURN PLANNING AND ZONING.

8.1. PLANNING AND ZONING ADJOURNS.

9. BUSINESS.

9.1. Presentation of Claims.

9.1.2. Aquatic Center Project – Pay Request No. 5 to Bradbury Stamm Construction Winkelman, LLC.

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

Mayor Meyer called for a recess at 8:16 PM.

Mayor Meyer resumed the meeting at 8:20 PM.

9.2. Resolution 19-077 Authorizing Preliminary Report for the Proposed 2020 Street Improvement Project.

MOTION by Councilmember Coop, second by Councilmember LeMieux, to approve Resolution 19-077 Authorizing Preliminary Report for the Proposed 2020 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

9.3 Ordinance 19-09 An Ordinance Repealing and Replacing Chapter 109.00 of the City Code Pertaining to Criminal History Background Checks for employment and license applicants.

City Administrator Meyer explained the a repeal and replacement of Chapter 109.00 of the City Code pertaining to Criminal History Back ground checks for employment and license applicants was updated to follow the BCA statue. The ordinance was reviewed by both City Attorney Vose and Chief Stolee.

MOTION by Councilmember Coop, second by Councilmember Stier, to approve Ordinance 19-09 An Ordinance Repealing and Replacing Chapter 109.00 of the City Code Pertaining to Criminal History Background Checks for employment and license applicants. ALL VOTED AYE. MOTION CARRIED.

MOTION by Councilmember Coop, second by Councilmember LeMieux to approve resolution 19-078 allowing summary publication for Ordinance 19-09 An Ordinance Repealing and Replacing Chapter 109.00 of the City Code Pertaining to Criminal History Background Checks for employment and license applicants. ALL VOTED AYE. MOTION CARRIED.

9.4. Fourth of July and Labor Day Discussion.

City Administrator Meyer suggested a review of the schedule for July 4th and Labor Day.

Mayor Meyer moved to cancel the July 1st City Council meeting and keep the Tuesday meeting date for Labor Day.

10. ADMINISTRATION.

10.1. Upcoming Meetings.

1. City Offices Closed in Observance of Memorial Day, Monday, May 21.
2. Design, 5:15 PM, Monday, June 3.
3. City Council, 6:30 PM, Monday, June 3.
4. Work Session, 6:45 PM, Monday, June 3.
5. Community Conversations, Union Square Park, 5:30-7:30 PM, Wednesday, June 5.
6. Joint City Council/Scott County Board Bus Tour, 5:00 PM, Thursday, June 6.
7. EDA, 5:00 PM, Monday, June 10.
8. Planning, 6:30 PM, Monday, June 10.
9. Public Safety, 4:30 PM, Tuesday, June 11.
10. Public Works, 9:00 AM, Thursday, June13.

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

11. ADJOURN.

11.1. City Council Adjourns.

MOTION by Councilmember Stier, second by Councilmember LeMieux, to adjourn the meeting at 8:25 PM. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Renee Eyrich
Recording Secretary