

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
MAY 21, 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, May 21, 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 and Michael Pingalore present. Councilmember Chard arrived at 6:04 p.m.

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.

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

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of May 7, 2012.

4.2. Resolution 12-052 Appointing Temporary Seasonal Employees for the Belle Plaine Community Pool.

4.3. Resolution 12-053 Approving Temporary Strong Beer On-Sale Liquor License for Chamber of Commerce for Bar B Q Days Celebration.

4.4. Resolution 12-054 Approving Temporary 3.2% Intoxicating Liquor License for Belle Plaine Softball Association.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve the consent agenda as follows: 4.1. Regular Session Minutes of May 7, 2012, 4.2. Resolution 12-052 Appointing Temporary Seasonal Employees for the Belle Plaine Community Pool, 4.3. Resolution 12-053 Approving Temporary Strong Beer On-Sale Liquor License for Chamber of Commerce for Bar B Q Days Celebration and 4.4. Resolution 12-054 Approving Temporary 3.2% Intoxicating Liquor License for Belle Plaine Softball Association. 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. He provided a brief update on the status of the library ceiling repair. The Council acknowledged receipt of the City Administration report.

6. CERTIFICATE OF APPRECIATION.

1. Belle Plaine Firefighter Chris Meyer – 20 years of service.

Mayor Lies presented Chris Meyer with a certificate of appreciation for his 20 years of service as a volunteer firefighter, including six years as Fire Chief.

6.1. PUBLIC FORUM.

No one spoke at the public forum.

Councilmember Chard arrived at 6:04 p.m.

7. PUBLIC HEARINGS.

7.1. Conditional Use Permit. The City Council will consider public comment on a request for a conditional use permit for an auto and transmission repair store by property owner Allen M. Jensen at 815 East Prairie Street in the B-2, Highway Commercial District.

Mayor Lies referenced a memo dated May 21, 2012 from Community Development Director Rosenfeld regarding a request for a conditional use permit.

Community Development Director Rosenfeld provided a Power Point presentation and explained that Allen Jensen, property owner at 815 Prairie Street East, is requesting the review of a conditional use permit for an auto and transmission repair business. This type of use requires a conditional use permit in the B-2 Highway Commercial zoning district. There is currently no CUP on this property for this type of use. The property is legally described as Belle Subdivision, Lot 3, Block 1. The property owner is not proposing additional improvements to the site. The site has two curb-cuts to the property while accessing Prairie Street East. The zoning ordinance requires a total of 10 spaces for this type of use and size of the building. Per the building plans, the property has 36 stall and exceeds the requirements for off-street parking. There are two outstanding issues prior to issuing a final certificate of occupancy for the building. These issues need to be taken care of prior to the business taking occupancy of the building. Mr. Jensen is in the process of providing the balance report for the HVAC system and a final as-built survey. No signage is being proposed at this time. Sign permits will be required prior to the erection of signage. The Planning Commission recommended approval, with contingencies.

Mayor Lies opened the public hearing at 6:10 p.m. and asked for public comment. No one responded.

MOTION by Councilmember Coop, second by Councilmember Schneider, to close the public hearing at 6:11 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 12-049 Granting Approval of a Conditional Use Permit to Allow An Auto and Transmission Repair Store at 815 East Prairie Street.

MOTION by Councilmember Trost, second by Councilmember Schneider, to approve Resolution 12-049 Granting Approval of a Conditional Use Permit to Allow An Auto and Transmission Repair Store at 815 East Prairie Street. ALL VOTED AYE. MOTION CARRIED.

Mr. Jensen introduced the new business owners, Harm Alken and Steve (unknown last name).

7.2. Moving Permit and Variance. The City Council will consider public comment on a request by Mark and Jelene Johnson for the proposed moving of a modular home to 325 North Chestnut Street, Belle Plaine. Also considered will be a request for a twelve (12) foot front yard variance and a seven (7) foot side-yard variance from Section 1105.07 to allow the use of a portion of the current footprint of the existing house, in the R-3, Single and Two-Family District.

Mayor Lies referenced a memo dated May 21, 2012 from Community Development Director Rosenfeld regarding a variance and moving permit request.

Community Development Director Rosenfeld explained that Mark and Jelene Johnson, property owners at 325 Chestnut Street North, are requesting the review of a variance and moving permit in order to move in a modular home, constructed on a new foundation that would encroach the side yard setback seven (7) feet and the front yard setback thirteen (13) feet. The property is legally described as Lot 1 and North ½ of Lot 2, Block 114, City of Belle Plaine and R-3, Single and Two-Family Residential Zoning District. The property currently has an access to Court Street and to Chestnut Street. Court Street is being reconstructed as part of the 2012 Street Reconstruction Project. The existing home currently encroaches the front yard setback nine (9) feet, and the side yard setback seven (7) feet. The property owner is requesting the same encroachment to the side yard setback, and an increased encroachment to the front yard setback. They are currently 12' from the accessory structure. With the new home the distance between structures will be decreased to 10', which meets zoning requirements. The Planning Commission recommends approval of the variance and moving permit, with contingencies.

Mayor Lies opened the public hearing at 6:16 p.m. and asked for public comments. There was no response.

MOTION by Councilmember Coop, second by Councilmember Schneider, to close the public hearing at 6:17 p.m. ALL VOTED AYE. MOTION CARRIED.

Property owners Mark and Jelene Johnson were present.

Councilmember Schneider asked if the maximum lot coverage will be exceeded. Community Development Director Rosenfeld replied if the property owner adds a breezeway between the house and garage, then it may require a variance for lot coverage. City Attorney Vose explained that it is not typical to prohibit the property owner from seeking future variances for the property and therefore recommended removal of the condition that was listed on the proposed resolution. Councilmember Chard inquired about whether the detached garage will be demolished to allow for the construction of a new, attached garage. Mark Johnson replied yes.

1. Resolution 12-050 Granting Approval of Variances for Mark and Jelene Johnson at 325 North Chestnut Street.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Resolution 12-050 Granting Approval of Variances for Mark and Jelene Johnson at 325 North Chestnut Street, with the removal of condition "no other variances are granted." ALL VOTED AYE. MOTION CARRIED.

2. Resolution 12-051 Granting Approval of a Moving Permit for Mark and Jelene Johnson at 325 North Chestnut Street.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Resolution 12-051 Granting Approval of a Moving Permit for Mark and Jelene Johnson at 325 North Chestnut Street. ALL VOTED AYE. MOTION CARRIED.

7.3. Continued Hearing - Ordinance 12-02. The City Council will consider public comment on proposed Ordinance 12-02 pertaining to driveway regulations.

Mayor Lies referenced a memo dated May 21, 2012 from Community Development Director Rosenfeld regarding proposed Ordinance 12-02, driveway regulations.

Community Development Director Rosenfeld explained that per the recommendation from the Planning Commission, modifications to the zoning ordinance language are being proposed for the off-street parking section of the ordinance, specifically to design elements related to driveways. The Planning Commission recommended additional language and a driveway permit is instituted to clarify and stream line the process for those property owners looking to have wider driveways than what has been the requirement of twenty-four (24) feet for residential properties, as well as multiple driveways. At this time it is difficult for a property owner to have a driveway width larger than 24 feet (a variance is needed if not approved by the city engineer), and also to have more than one driveway (a conditional use permit is needed). Community Development Director Rosenfeld outlined the proposed changes. The Planning Commission recommended approval.

Mayor Lies announced continuation of the public hearing at 6:31 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Trost, second by Councilmember Chard, to close the public hearing at 6:32 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Trost was opposed to allowing wider driveways and he recalled a previous discussion that this may result in an increase in storm water drainage. Public Works Superintendent Fahey explained that there are many homeowners with three-stall garages and the intent of the ordinance is to accommodate access. Councilmember Schneider explained the Planning Commission had discussed this issue at length as well.

1. Reading of Ordinance 12-02, Amending the City Code by Adding/Modifying Language to Section 1107.12 Off-Street Parking.

MOTION by Councilmember Trost, second by Councilmember Coop, to adopt Ordinance 12-02, Amending the City Code by Adding/Modifying Language to Section 1107.12 Off-Street Parking. ALL VOTED AYE. MOTION CARRIED.

2. Resolution 12-056 Authorizing Summary Publication of Ordinance 12-02, Off Street Parking Regulations.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve Resolution 12-056 Authorizing Summary Publication of Ordinance 12-02, Off Street Parking Regulations. ALL VOTED AYE. MOTION CARRIED.

3. Resolution 12-057 Modifying the City's 2012 Fee Schedule by Adding Driveway Permit Fee.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 12-057 Modifying the City's 2012 Fee Schedule by Adding Driveway Permit Fee. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

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

8.2. Large Assembly Permit for German Days Event.

Mayor Lies referenced a memo dated May 21, 2012 from City Administrator Murphy regarding a large assembly permit for German Days.

City Administrator Murphy explained the Belle Plaine German Days Committee has submitted a revised large assembly permit application due to items that were omitted in the original application. The original application was submitted on May 2, 2012 and did not list all activities that were planned nor did it list the correct times for the assembly and subsequent time periods for road closure. City Ordinance requires large assembly permit applications to be submitted at least 60 days prior to the event for proper review by city staff and council. It is important to note that I have received two visitors that own businesses on Meridian Street that have expressed their wishes that the road closures be allowed for Saturday only, not Friday and Sunday. The application shows the following: a proposed carnival to be held on the 200 block of North Meridian St. on Friday and Saturday nights, classic car roll-in on the 100 block of East Main St. on Friday from 5pm to 9pm, Whitesidewalls concert on the 100 block of N. Meridian St. on Friday from 8pm to 12am, Mini Rods on the 100 block of W. Main St. on Saturday from 3pm to 6pm, professional wrestling on the 100 block of N. Meridian St. on Saturday from 6pm to 8pm and Captain May I concert on the 100 block of N. Meridian St. on Saturday from 8pm to 12am. Police Chief Stolee and the City Administrator Murphy spoke to carnival owner Mike Cody regarding his requirements for the proposed event. Mr. Cody stated that he would need to begin setting up at midnight on Thursday and would have the street free for traffic by the start of business Monday morning. Chief Stolee said that due to the late notice of the application and the extended length of the request, that he will need to call in officers for overtime shifts to provide security and will be more costly to the applicant than in previous years. Public Works Superintendent Fahey will need a list of signs needed by the German Days Committee and will need to work with them on the number of barricades needed, as the City has only a limited number available. Public Works Superintendent Fahey will need to inspect the 100 block of West Main Street the first business day after the mini-rod event and that the German Days Committee will be responsible for any repairs necessary to the street. The German Days Committee will also need to provide current liability insurance to the City prior to any work or preparations being made for the event. Staff is recommending approval with contingencies, and recommended denial of the carnival.

Councilmember Pingalore commented on the unsightly tire marks left on the roadway after the mini-rod event.

MOTION by Councilmember Trost, second by Councilmember Chard, to approve the large assembly permit as requested by the German Days Committee for June 15 and 16, with denial of the carnival. ALL VOTED AYE. MOTION CARRIED.

8.3. Lease/Purchase of Street Sweeper.

Mayor Lies referenced a memo dated May 21, 2012 from Public Works Superintendent Fahey regarding the lease of a street sweeper.

Public Works Superintendent Fahey explained the City's street sweeper is 10 years old and is in need of replacement. The Public Works Committee had discussion on this item. The cost of a new sweeper less trade is estimated at \$160,691.96 including taxes, with the options as listed in Public Works

Superintendent Fahey's memo. It is estimated to cost \$23,559.76 for repairs on the current sweeper. The public works committee did not make a recommendation to Council.

Councilmembers Chard and Trost inquired about contracting street sweeping services.

MOTION by Councilmember Trost, second by Councilmember Chard, to table action on the street sweeper to forward this issue back to the Public Works Committee for further review on the possibility of contracting street sweeping services. ALL VOTED AYE. MOTION CARRIED.

8.4. Resolution 12-055 Awarding Bid for the 2012 Street Improvement Project.

Mayor Lies referenced a memo dated May 21, 2012 from City Administrator Murphy regarding the bid for the 2012 street improvement project.

City Administrator Murphy explained the bids for the 2012 street improvement project were opened on May 17, 2012. The low and only bidder was Chard Tiling and Excavating from Belle Plaine. The bid amount was \$1,599,900.27 and the engineer's estimate was \$1,450,000.00. The bid is a little over 10% higher than the engineer's estimate.

City Engineer Duncan explained the components of the bid that exceeded engineer's estimate and the impact to the assessments. The Chestnut Street ravine component was 35% higher than the engineer's estimate and he recommended that portion be re-bid as a stand-alone project. The East Commerce Drive trail portion was also over the engineer's estimate. Councilmember Coop asked for more detail as to why the engineer's estimate was lower than the actual bid and the lone bid process. City Engineer Duncan explained that unit prices from the previous project are used in the calculations. There may be additional variables, such as contractor work load that affects the pricing. Councilmember Coop commented on the possibility on re-bidding the project, perhaps in January. He did not agree with increased assessments for some of the homeowners. Councilmember Chard expressed concern for re-designing the Chestnut Street ravine project, especially if the head pond is removed. Councilmember Chard asked about the bond, if the projects are bid separately. City Engineer Duncan explained that if the projects are bid separately, they can be combined for the purpose of the bonding process. Councilmember Trost was opposed to the East Commerce Drive trail project. He suggested that it be removed in its entirety and commented that it will not be used by pedestrians. He stated that sidewalks should be implemented only where there is pedestrian traffic, such as schools.

MOTION by Councilmember Pingalore, second by Councilmember Schneider, to approve Resolution 12-055 Awarding Bid for the 2012 Street Improvement Project, with the removal of the Chestnut Street ravine portion from the project. Councilmembers Trost and Coop VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.5. Resolution 12-058 Acceptance of Plans and Specifications for the 2012 Belle Plaine Trail Resurfacing Improvements and Authorization to Advertise for Bids.

Mayor Lies referenced a memo dated May 21, 2012 from City Administrator Murphy regarding the proposed improvement to Belle Plaine Trail.

City Administrator Murphy explained that Belle Plaine Trail has been deteriorating for a number of years and has gotten to the point where patching has ceased to be economically efficient for maintenance. The City has held numerous meetings with Belle Plaine Township regarding potential longer term fixes to the road. On April 30, 2012, the City and Township met and agreed on presenting two options to the Council for consideration. The options are: 1) (Estimated cost \$150,000) - Mill existing 1.5" bituminous pavement and dispose of millings, pave 4" of bituminous in two equal lifts including tack coat, blade and compact Class 2 limestone shouldering; 2) (Estimated Cost \$153,000) - Reclaim existing concrete and bituminous in-place, pave 4" of bituminous in two equal lifts including tack coat, blade and compact Class 2 limestone

shouldering. At the May 7, 2012 council meeting, representatives from Belle Plaine Township and residents of Belle Plaine Trail were in attendance and voiced their support for the project. Based on this support, the council directed City Engineer Duncan to prepare final plans and specifications for the project and directed City Attorney Vose to prepare a joint powers agreement with Belle Plaine Township for the funding of the project. The amount of obligation for each party as determined by the Orderly Annexation Agreement is reflected in the joint powers agreement drafted by City Attorney Vose. The Agreement has been sent to Belle Plaine Township Clerk Jean McDermid and there has been no response. This project is not budgeted for 2012 and will be funded by a direct spend down of the seal coat line item. If this project moves forward, there will not be a seal coat project this year and the seal coat schedule will be moved back one year. A joint work session has been scheduled with Belle Plaine Township for Thursday, May 24, 2012 to discuss funding.

Mayor Lies questioned whether action should be delayed until after the May 24th meeting. Public Works Superintendent Fahey explained that when staff met with the Belle Plaine Township Board, they were in agreement with the project. Now it appears that the Township prefers to replace the gravel only, and no bituminous. Councilmember Coop asked if the City proceed with seeking bids, if the township portion of the project could be removed before awarding the bid. City Engineer Duncan responded yes, that the bid is based on unit pricing. Councilmember Coop suggested that the public safety funds be used to pay for the project as it is a matter of public safety due to the poor condition of the road.

MOTION by Councilmember Trost, second by Councilmember Schneider, to approve Resolution 12-058 Acceptance of Plans and Specifications for the 2012 Belle Plaine Trail Resurfacing Improvements and Authorization to Advertise for Bids. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Filing for Candidacy Opens May 22.**
- 2. Joint Work Session with Belle Plaine Township – Belle Plaine Trail, 6:00 p.m. Thursday, May 24.**
- 3. City Offices Closed – Memorial Day, May 28.**
- 4. Park Board, 5:00 p.m., Tuesday, May 29.**
- 5. City Council, 6:00 p.m., Monday, June 4.**

The council was reminded of the upcoming meetings as listed.

10. ANNOUNCEMENT OF CLOSED PERSONNEL MEETING.

City Attorney Vose explained that the City Council will conduct a closed personnel meeting according to Statute 13D.01, Subd. 3, for the purpose of evaluating the job performance of the City Administrator.

10. ADJOURN.

MOTION by Councilmember Chard, second by Councilmember Pingalore, to adjourn at 8:05 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary