

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
JUNE 15, 2015**

1. PLEDGE OF ALLEGIANCE.

Mayor Michael Pingalore 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, June 15, 2015 at 6:30 p.m. in the council chambers of City Hall, 218 North Meridian Street, Belle Plaine, MN. Mayor Michael Pingalore called the meeting to order with Councilmembers Gary Trost, Cary Coop and Scott Schneider present. Councilmember Paul Chard was not present.

Also present were City Administrator Holly Kreft, Finance Director Dawn Meyer, Public Works Superintendent Al Fahey, Community Development Director Chelsea Alger, Police Chief Tom Stolee, City Engineer Joe Duncan and City Attorney Bob Vose. Wanda Savage served as the video recording operator.

3. APPROVAL OF AGENDA.

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

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of June 1, 2015.

4.2. Work Session Minutes of June 1, 2015.

4.3. Closed Session Minutes of June 1, 2015.

4.4. Resolution 15-066 Authorizing Mayor and City Administrator to Execute Contract with School District for Activities and Recreation Director.

4.5. Resolution 15-068 Restricting Park on the Enterprise Drive Extension and Overpass.

4.6. Resolution 15-069 Restricting Parking on Meridian Street (CSAH 3) and Commerce Drive.

4.7. Resolution 15-070 Authorizing Mayor and City Administrator to Execute Limited Use Permit for Enterprise Drive Overpass.

4.8. Accepting Resignation of Community Development Director Chelsea Alger and Authorizing Advertisement to Seek Candidates.

4.9. Resolution 15-074 Calling for Public Hearing on Wellhead Protection Plan Phase II.

4.10. Authorize the Re-Siding of the Red Barn Museum at Court Square.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve the consent agenda as follows: 4.1. Regular Session Minutes of June 1, 2015; 4.2. Work Session Minutes of June 1, 2015. 4.3. Closed Session Minutes of June 1, 2015; 4.4. Resolution 15-066 Authorizing Mayor and City Administrator to Execute Contract with School District for Activities and Recreation Director; 4.5. Resolution 15-068 Restricting Park on the Enterprise Drive Extension and Overpass; 4.6. Resolution 15-069 Restricting Parking on Meridian Street (CSAH 3) and Commerce Drive; 4.7. Resolution 15-070 Authorizing Mayor and City Administrator to Execute Limited Use Permit for Enterprise Drive Overpass; 4.8. Accepting Resignation of Community Development Director Chelsea Alger and Authorizing Advertisement to Seek Candidates; 4.9. Resolution 15-074 Calling for Public Hearing on Wellhead Protection Plan Phase II; and 4.10. Authorize the Re-Siding of the Red Barn Museum at Court Square. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

Ridgeview Ambulance provided a written monthly report. The Council acknowledged receipt of the Ambulance Department report.

5.2. Fire Department.

Fire Chief Matt Stier was not 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 Chelsea Alger was present. The Council acknowledged receipt of the Community Development Department report.

5.5. Administration Report.

City Administrator Holly Kreft was present. The Council acknowledged receipt of the Administration report.

6. RECOGNITION OF INVOLVED CITIZENS.

No one spoke during the public forum.

6.2. GERMAN DAYS PROCLAMATION.

Mayor Pingalore read the German Days Proclamation in observance of the German Days celebration June 19th and 20th.

7. PUBLIC HEARING.

7.1. CONTINUATION HEARING. *Ord. 15-04 Amendment to Allow Mini Storage, Rezone, Conditional Use Permit, and Site Plan.* The City Council will continuation the hearing on a request by Scott Schmidt, 31309 Scenic Byway, Henderson, MN: for an ordinance amendment to Section 1103.08, Subd. 5, and Section 1105.11, Subd. 4. to allow Mini-Storage as a Conditional Use in the B-3, Central Business District; and to Section 1105.01, Subd. 2 for a rezoning of the parcel in the southwest corner of Meridian Street N. and Court Street E. from R-7, Mixed Housing to B-3, Central Business District; and for a Conditional Use Permit and Site Plan to construct Mini-Storage on the subject parcel; and the parcel directly to the south.

Mayor Pingalore referenced a memo dated June 15, 2015 from Community Development Director Alger regarding various planning requests by Scott Schmidt.

Community Development Director Alger explained that Scott Schmidt has submitted application for the land use approvals in order to allow construction of two mini-storage units on the vacant parcels located in the southeast corner of Court Street and Meridian Street North. The properties currently consist of two different zoning districts; R-7 (Mixed Housing) for the northerly property, and B-3 (Central Business District) for the southerly; neither of which allow for mini-storage as a permitted or conditionally permitted use. They are surrounded by residentially zoned property to the north and west (R-3 Single and Two-Family Residential), the east (R-7), and south (B-3). In order to allow for the requested use, it will be necessary for Mr. Schmidt to gain approval of the following:

1. A text amendment to the Zoning Ordinance to allow for Mini-Storage as Conditional Use in the B-3 (Central Business) District;
2. A map amendment to the Zoning Ordinance, rezoning the northerly parcel from R-7 (Mixed Residential) to B-3 (Central Business District);
3. A Conditional Use Permit to operate Mini-Storage from the subject property; and
4. Site Plan approval for the Mini-Storage.

Mini-Storage is generally considered similar to warehousing, and is typically classified as an industrial use. Mini-Storage is currently permitted in the City's I-2, General Industrial District, as a Conditional Use. There are no other zoning districts that currently allow for such use; which is fairly consistent with the information reviewed for other communities in Scott County.

The first items to be addressed, before the remaining requests can be considered, are the two Zoning Ordinance Amendments; 1) the text amendment to allow Mini-Storage as a Conditional Use in the B-3 (Central Business) District; and 2) the map amendment to rezone the R-7 property to B-3, Central Business District. Approval of the CUP and Site Plan requests would be contingent upon approval of the requested Zoning Ordinance amendments.

The Planning Commission has reviewed the application against the criteria of the Zoning Ordinance. A text amendment to allow Mini-Storage in the B-3 District would be contrary to the specific policies and provisions of the Comprehensive Plan. The Planning Commission does not find Mini-Storage to be a compatible use within the provisions of the uses already permitted and conditionally permitted in the Central Business District, which are substantially commercial in nature. The Planning Commission also recommended denial of a map amendment rezoning the northerly parcel from R-7 (Mixed Residential) to B-3 (Central Business), which would be contrary to the Future Land Use Map of the Comprehensive Plan. The Belle Plaine Fire Chief has expressed concern regarding access on the site, and to the neighboring property to the west; due to the layout of the proposed buildings and drive lanes. Of particular concern is the distance proposed behind the southerly building; and the snow storage area, particularly if the alley portion is not improved. The southerly building, as proposed, does not meet rear yard setback; as further outlined in the site plan review. If approved, the Applicant will need to address these access concerns.

Staff has received feedback from two neighboring property owner expressing concern over the aesthetics of a mini-storage facility adjacent to the residential area; and that mini-storage is not an appropriate use for the downtown area.

The Planning Commission did not find the adoption of Ord. 15-04, which would allow for Mini-Storage as a Conditional Use to meet the conditions established for consideration of an Amendment to the B-3 Zoning District text. Therefore, they recommended denial of Ord. 15-04.

The Planning Commission did not find the adoption of Ord. 15-05, rezoning property from R-7 (Mixed Housing) to B-3 (Central Business) District, to meet the conditions established for consideration of an amendment to the B-3 Zoning District map boundary, without an amendment to the adopted Future Land Use Map. Therefore, they recommended denial of Ord. 15-05.

The Planning Commission recommended denial of the Conditional Use Permit and Site Plan to operate Mini-Storage on the property because Ord. 15-04 and 15-05 were not recommended for approval; and because the site plan does not adequately address the conditions necessary to allow the use.

Mayor Pingalore announced the continuation of the hearing at 6:44 p.m. and asked for public comment.

Applicant and property owner Scott Schmidt requested approval of his planning requests. He said the City doesn't need any more apartment dwellings and believes there is a strong need for mini-storage. He said the proposed 18-foot high roofline will serve as a transition between the Valor Company building and the residential housing. Mr. Schmidt said he has spoken with neighbors and they were in support.

Mike Gau, 130 East State Street, stated he was in favor of the mini-storage. He said the metal stamping operation of the Valor Company is more detrimental to the residential district than a mini-storage facility.

Mike Urista, 124 East Court Street, supports the requests by Scott Schmidt. Mr. Urista said he does not support public housing and believes a mini-storage facility would be of minimal impact to the neighborhood.

MOTION by Councilmember Coop, second by Councilmember Schneider, to close the public hearing at 6:50 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Schneider, who serves at the Council Liaison to the Planning Commission summarized the Board's recommendations. He said he agrees with the comments offered by the neighbors, and conditionally supports the request by Schmidt. Mayor Pingalore read aloud a letter from Planning Commissioner Anthony Hetzel who explained his reasoning for recommending denial on the requests.

1. Resolution 15-071 Denying Ordinance 15-04 Amendment to Allow Mini-Storage as a Conditional Use in the B-3 District.

MOTION by Councilmember Coop, second by Councilmember Trost, to adopt Resolution 15-071 Denying Ordinance 15-04 Amendment to Allow Mini-Storage as a Conditional Use in the B-3 District. Councilmember Schneider VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

2. Resolution 15-072 Denying Ordinance 15-05 to Rezone Property from R-7 to B-3 Located Near Meridian Street and Court Street.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve Resolution 15-072 Denying Ordinance 15-05 to Rezone Property from R-7 to B-3 Located Near Meridian Street and Court Street. ALL VOTED AYE. MOTION CARRIED.

3. Resolution 15-073 Denying Conditional Use Permit and Site Plan for Mini-Storage Facility Located Near Meridian Street and Court Street.

MOTION by Councilmember Coop, second by Councilmember Trost, to adopt Resolution 15-073 Denying Conditional Use Permit and Site Plan for Mini-Storage Facility Located Near Meridian Street and Court Street. ALL VOTED AYE. MOTION CARRIED.

7.2. Conditional Use Permit. The City Council will consider public comment on a request by Genesis Cooperative Association, 901 North 4th Street, LeSueur, MN, for a Conditional Use Permit to allow the addition of two 30,000 gallon propane storage tanks in the I/C, Industrial/Commercial District, at 820 East Main Street.

Mayor Pingalore referenced a memo dated June 15, 2015 from Community Development Director Alger regarding a request for a conditional use permit by Genesis.

Community Development Director Alger explained that Joe Spinler, General Manager of Genesis, has submitted application for a Conditional Use Permit in order to allow placement of two additional 30,000 gallon propane storage units on the property located at 820 East Main Street. Besides the Genesis business, the property also houses Cenex and Hardware Hank; and is located in the I-C, Industrial/Commercial Zoning District. In 2008, Genesis received a CUP to construct two grain bins on-site. Her memo outlined the conditional use permit regulations.

Notice was sent to all property owners within 350 feet of the proposed project. As of the date of this memo Staff has received feedback no comments either for or against the request. The Planning Commission recommended approval.

Mayor Pingalore opened the public hearing at 7:00 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Coop, second by Councilmember Trost, to close the public hearing at 7:01 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 15-064 Approving Conditional Use Permit for Genesis Cooperative Association for the Addition of Two 30,000 Propane Storage Tanks at 820 East Main Street.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve Resolution 15-064 Approving Conditional Use Permit for Genesis Cooperative Association for the Addition of Two 30,000 Propane Storage Tanks at 820 East Main Street. ALL VOTED AYE. MOTION CARRIED.

7.3. Ordinance 15-03. The City Council will consider public comment on proposed Ordinance 15-03, amending the Zoning Ordinance pertaining to Permitted Yard Space Encroachment, Section 1104.10; Conditional Uses in the B-2 and B-3 Highway Commercial and Central Business Districts, Sections 1105.10 and 1105.11; Front Yard Fence Regulations, Section 1107.02; and Fire Pit Regulations, Section 1107.14.

Mayor Pingalore referenced a memo dated June 15, 2015 from Community Development Director Alger regarding Ordinance 15-03.

Community Development Director Alger explained the following amendments to the Zoning Ordinance have been previously discussed and reviewed by the City Council at the June 1st Workshop. They are a compilation of various recommended amendments identified and reviewed by the Planning Commission over the last few months, as well as during a public hearing at their June 8th meeting.

Permitted Yard Encroachment

The Planning Commission determined that language pertaining to permitted yard encroachments, Section 1104.10, would alleviate some of the need for structural non-conforming expansion permits

Conditional Uses in the B-2 Highway Commercial District

The listing of Conditional Uses in the B-2 District (Section 1105.10, Subd. 4) includes "Any use that exceeds twenty thousand square feet of gross floor area." This should be clarified to state more specifically "Any use permitted in this District that exceeds twenty thousand square feet of gross floor area", alleviating the potential argument that the regulation would apply to ANY use over 20,000 square feet.

Residential in the B-3 District

The Planning Commission also asked that Staff reintroduce the language previously considered; that would allow residential as an accessory use only in the B-3 District. This was previously dismissed by the Council; with direction to pursue amending the B-3 District boundaries to remove as many of the residential properties as possible. The Planning Commission believed that discussion on this issue should be in concert with the Comprehensive Plan review process. The amended language pertaining to residential uses in the B-3 District, Section 1105.11 Subd. 4. Conditional Uses, more clearly defines the residential uses as an accessory use. The existing language pertaining to Item 8, Other Uses, was recommended by the League of MN Cities to be removed.

Front yard fence regulations

Based on a recent inquiry about placing a 3-foot picket fence in the front yard of a residential property, review of the fence regulations was necessary. The Planning Commission agreed the language was unclear and Staff did further research. In order to further clarify allowable fence height/type in front yard areas; the Planning Commission would recommend language amendments to Section 1107.02, Subdivision 4, as listed in the Ord. 15-03.

Fire Pit Regulations

The current fire pit and recreational fire regulations are outdated pursuant to the Minnesota Uniform Fire Code. Additionally, Code Official McCarty has indicated that it is not necessary to maintain both "Fire Pits" and "Recreational Fires" separately; and can be combined into one. Therefore, Staff is proposing the changes to Section 1107.14 Fire Pits and Recreational Fires as identified in Ord. 15-03. Community Development Director Alger explained the Planning Commission had recommended approval of the proposed Ordinance 15-03.

Mayor Pingalore opened the public hearing at 7:04 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Coop, second by Councilmember Trost, to close the public hearing at 7:05 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Adoption of Ordinance 15-03.

MOTION by Councilmember Coop, second by Councilmember Schneider, to adopt Ordinance 15-03 as presented. ALL VOTED AYE. MOTION CARRIED.

2. Resolution 15-065 Authorize Summary Publication of Ordinance 15-03.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 15-065 Authorize Summary Publication of Ordinance 15-03. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

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

8.2. Resolution 15-067 Authorizing Preliminary Report for 2016 Street Improvement Project.

Mayor Pingalore referenced a memo dated June 15, 2015 from City Administrator Kreft regarding the 2016 street improvement project.

City Administrator Kreft explained that as part of the 2015 Street Improvement Project process, the Public Works Committee reviewed the areas in need of reconstruction or reclaim. The areas were prioritized to balance the significant current needs with the financial ability of the City to address those needs. Contributing factors include characteristics such as surface condition, maintenance history, utility material, age and condition. At their June 2, 2015 meeting the Committee discussed the 2016 project and recommended that it be considered on a timeframe similar to past projects with the improvement hearing held in late August/early September. The Committee reviewed the areas for consideration and recommended that a project of East Forest Street and a portion of East Court Street. The area was televised last year and the sanitary sewer is in acceptable condition. The condition of the watermain is not known and will need to be researched during the report development. The Committee recommended the completion of the preliminary report to determine if a full reconstruct is needed and if all of Forest Street east of Walnut Street will be included or only a portion of it.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 15-067 Authorizing Preliminary Report for 2016 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Independence Day Observed, City Offices Closed, Friday, July 3.**
- 2. Design Committee, 5:15 pm, Monday, July 6.**
- 3. City Council, 6:30 pm, Monday, July 6.**
- 4. Work Session, 6:45 pm, Monday, July 6.**
- 5. Public Safety, TBD.**
- 6. Public Works, 11:00 am, Thursday, July 9.**
- 7. Dive-In Movie Night, 8:00 pm, Friday, July 10.**

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Trost, second by Councilmember Coop, to adjourn at 7:08 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary