

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
JUNE 20, 2016**

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 20, 2016 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, Henry Pressley and Paul Chard present.

Also present were Interim City Administrator Dawn Meyer, Public Works Superintendent Al Fahey, Community Development Director Cynthia Smith Strack, Police Investigator Terry Stier, 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 6, 2016.

4.2. Work Session Minutes of June 6, 2016.

4.3. Resolution 16-075 Approval Grant Application to Metropolitan Council for Destination Belle Plaine 2040.

4.4. Resolution 16-080 Appoint Kyle Strobel and Alex Erickson as Members of the Belle Plaine Fire Department.

4.5. Approve Large Assembly Permit for the Belle Plaine Fire Relief Association.

4.6. Approving Temporary Intoxicating Liquor License for the Belle Plaine Fire Relief Association.

4.7. Resolution 16-081 Appointing Roger Pivec as Public Works Seasonal Employee.

4.8. Authorize the Purchase of Brush Hog for Public Works Department.

4.9. Approving Temporary 3.2% Intoxicating Liquor License for Our Lady of the Prairie Catholic Church.

MOTION by Councilmember Coop, second by Councilmember Pressley, to approve the consent agenda as follows: 4.1. Regular Session Minutes of June 6, 2016, 4.2. Work Session Minutes of June 6, 2016, 4.3. Resolution 16-075 Approval Grant Application to Metropolitan Council for Destination Belle Plaine 2040, 4.4. Resolution 16-080 Appoint Kyle Strobel and Alex Erickson as Members of the Belle Plaine Fire Department, 4.5. Approve Large Assembly Permit for the Belle Plaine Fire Relief Association, 4.6. Approving Temporary Intoxicating Liquor License for the Belle Plaine Fire Relief Association, 4.7. Resolution 16-081 Appointing Roger Pivec as Public Works Seasonal Employee, 4.8. Authorize the Purchase of Brush Hog for Public Works Department and 4.9. Approving Temporary 3.2% Intoxicating Liquor License for Our Lady of the Prairie Catholic Church. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

The Council acknowledged receipt of the Ambulance Department report.

5.2. Fire Department.

Fire Chief Matt Stier was present. The Council acknowledged receipt of the Fire Department report.

5.3. Police Department.

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

5.4. Community Development Department.

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

5.5. Administration Report.

Interim City Administrator Dawn Meyer was present. The Council acknowledged receipt of the Administration report.

6. RECOGNITION OF INVOLVED CITIZENS.

No one spoke during the public forum.

7. PUBLIC HEARINGS.

7.1. Continued Hearing – Variance Request. The City Council will consider public comment on a request by Michael and Lisa Korba, 100 Oakwood Drive, Belle Plaine, MN for a variance from Section 1105.05, Subd. 5(3)(a), to reduce the minimum front yard setback 30 feet to 25 feet in the R-1, Single Family Residential District to accommodate an addition to an attached garage on the subject property.

Community Development Director Smith Strack explained that Michael and Lisa Korba have filed a variance application for relief from a portion of the front yard setback. On May 16, 2016 the City Council opened and continued the public hearing on the variance request and postponed action until a recommendation was received from the Planning Commission. At their meeting on June 7, 2016, the Planning Commission recommended the variance be denied based on the fact the Applicant could construct a detached structure on the lot or set the proposed attached third stall back further on the lot to avoid the setback.

Mayor Pingalore announced the continuation of the public hearing at 6:40 p.m. and asked for public comment.

Mike Korba, 100 Oakwood Drive, applicant, requested approval of the variance requested. He said he has a unique-shaped lot that necessitates the 5-foot variance request. He expressed concern for building a detached garage in the rear portion of his lot due to the close proximity to the bluff.

MOTION by Councilmember Trost, second by Councilmember Coop, to close the public hearing at 6:42 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Pressley stated that as Council Liaison, he supports the recommendation of the Planning Commission to deny the variance request.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve the variance request by Mike Korba and to direct Staff to prepare a resolution accordingly for approval at the City Council meeting on July 5, 2016. Councilmember Pressley VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

7.2. Variance Request. The City Council will consider public comment on a request by Kenneth and Kay Inglett, 840 Court Street East, Belle Plaine, MN for variance consideration. The Applicants are seeking a variance from Code Section 1107.12, Subd. 5(2)(1)(C) regarding driveway surfacing and Code Section 1107.12, Subd 5(2)(B)(1)(d) regarding minimum lot width to qualify for a second driveway for access to an existing accessory structure.

Community Development Director Smith Strack explained that Kenneth and Kay Inglett, 840 Court Street East request consideration of two variances related to a second driveway. First, a variance from Section 1107.12, Subd. 5(2)(B)(1)(d), to reduce the minimum front yard width for a second driveway from 125' to 112 feet. Also, a second variance to Section 1107.12, Subd. 5(2)(1)(c) relating to driveway surfacing with concrete or asphalt. The Applicants have an existing detached accessory structure that was being accessed from the eastern terminus of Court Street prior to the 2016 street improvement project. Prior to the street project, curbing and asphalt surfacing did not extend fully to the east end of the roadway right-of-way. During the street project, curbing and asphalt surfacing was extended to the east end of the road right-of-way. The Inglett's are unable to access the detached accessory structure from the existing driveway. The request a variance for a second driveway but at this time propose only to install a curb cut. The existing lot doesn't meet the minimum width for a second driveway (125 feet) under Code. In addition, the Applicant requests permission to install a curb cut but not a driveway. Under Code a driveway must be surfaced with concrete or asphalt. The Planning Commission denied a variance to the required minimum lot width for a second driveway and relief from surfacing requirements.

Mayor Pingalore opened the public hearing at 6:46 p.m. and asked for public comment.

Ken Inglett, 840 East Court Street, applicant, requested approval of the variances. He said he accessed his detached garage and underground garage prior to the street project, which caused the installation of high-back curb and preventing him from driving onto his lot. He has a sprinkler system installed on his property, further preventing him from utilizing his yard to access the detached garage. Mr. Inglett believes he should have been grandfathered-in with the driveway access. Due to the high cost of improvement, Mr. Inglett said it is not feasible to install a hard-surface driveway.

Councilmember Coop inquired as to when the detached garage was built. Mr. Inglett replied that it was approximately ten years ago.

MOTION by Councilmember Trost, second by Councilmember Chard, to close the public hearing at 6:51 p.m. ALL VOTED AYE. MOTION CARRIED.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve the variances as requested by Ken and Kay Inglett at 840 East Court to allow a second driveway curb cut without the need to install a hard-surface driveway and direct Staff to prepare a resolution accordingly for adoption at the City Council meeting on July 5, 2016. Councilmembers Trost and Coop VOTED AYE. Mayor Pingalore and Councilmembers Chard and Pressley VOTED NAY. MOTION FAILED.

Councilmember Chard explained that he is opposed to the variance as it will set a precedent and many residents will be coming forward with similar requests. He noted that it is possible for the applicant to

access the back garage through the yard, therefore a variance is not justified. Mayor Pingalore concurred. Councilmember Pressley also concurred, further explaining the Planning Commission's reason for denial. Councilmember Trost was in support of the variance as the City approved the construction of the garage 10 years ago without requiring a hard surface driveway. City Attorney Vose commented that research may be needed to determine driveway regulations at the time of the construction of the garage.

1. Resolution 16-076 Deny Variance Request for Driveway Surfacing and Second Driveway at 840 East Court Street.

MOTION by Councilmember Pressley, second by Councilmember Chard, to adopt Resolution 16-076 Deny Variance Request for Driveway Surfacing and Second Driveway at 840 East Court Street. Mayor Pingalore and Councilmembers Pressley and Chard VOTED AYE. Councilmembers Trost and Coop VOTED NAY. MOTION CARRIED.

7.3. Conditional Use Permit. The City Council will consider public comment on a conditional use permit application submitted by Chris Wyman for the property at 405 Enterprise Drive. The conditional use permit, if approved, would allow the operation of a used automobile dealership, ancillary auto repair, and ancillary U-Haul rental as provided by Code Section 1105.10, Subd. 4, (3) conditional uses in the B-2 Highway Business District.

Community Development Director Smith Strack explained that Chris Wyman, d.b.a. Belle Plaine Motor Company, LLC. has filed for a conditional use permit to allow used auto sales with ancillary auto repair and rental trailer use at 405 Enterprise Drive. Section 1105.10, Subd. 4(3) allows "motor vehicle fuel sales, truck stop or auto repair, including minor and tire and battery stores" and Section 1105.10, Subd. 4(5) allows "open or outdoor service, sale and rental other than those specified as a principal use". The Planning Commission approved a resolution recommending the City Council approve the CUP with specified conditions.

Mayor Pingalore opened the public hearing at 7:06 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 7:07 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmembers Trost and Coop noted the maximum number of vehicles allowed on the site and asked whether the maximum of 50 vehicles (40 cars and 10 trucks) includes employees and customers. Staff replied affirmatively. City Attorney Vose recommended the word "parked" be added to contingency No. 2 listed in the resolution to clarify the maximum number that includes employees and customers. Community Development Director Smith Strack explained the Planning Commission held a lengthy discussion regarding the volume of auto repair as it compares to auto sales and wanted to ensure the business is primarily a used auto dealership with auto repair as an accessory use.

1. Resolution 16-077 Conditional Use Permit for Used Auto Dealership, Auto Repair, and Rental at 405 Enterprise Drive.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 16-077 Conditional Use Permit for Used Auto Dealership, Auto Repair, and Rental at 405 Enterprise Drive. ALL VOTED AYE. MOTION CARRIED.

7.4. Ordinance 16-07, Solar Energy Systems. The City Council consider public comment on proposed Ordinance 16-09, which, if approved, will repeal and replace Section 1107.18 of the City Code relating to energy systems, including solar. The proposed Ordinance will provide for solar energy systems as accessory and principal uses in certain zoning classifications and assign

specific performance standards, and provides for utility scale solar energy systems in the A-2 Rural Residential District.

Community Development Director Smith Strack explained that in January the City Council authorized and directed the Planning Commission develop a Code amendment relating to solar energy systems as allowed uses within the City. The Council and Planning Commission held a work session on draft language on April 18, 2016. The Council at that time called for a public hearing on Ordinance 16-07. The Planning Commission approved a resolution recommending the City Council approve Ordinance 16-07 as presented.

Mayor Pingalore opened the public hearing at 7:16 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Trost, second by Councilmember Pressley, to close the public hearing at 7:17 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Ordinance 16-07, Pertaining to Solar Energy Systems.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Ordinance 16-07, Pertaining to Solar Energy Systems. ALL VOTED AYE. MOTION CARRIED.

2. Resolution 16-078 Authorizing Summary Publication of Ordinance 16-07.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 16-078 Authorizing Summary Publication of Ordinance 16-07. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

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

8.2. Resolution 16-079 Planned Unit Development Final Stage and Final Plat for Ridgeview Health Center.

Community Development Director Smith Strack explained that Ridgeview Medical has submitted the final Planned Unit Development plan and final plat for Ridgeview Health Center at 165 Commerce Drive West. The Planning Commission recommended conditional approval of the PUD and final plat.

MOTION by Councilmember Coop, second by Councilmember Pressley, to approve Resolution 16-079 Planned Unit Development Final Stage and Final Plat for Ridgeview Health Center. ALL VOTED AYE. MOTION CARRIED.

8.3. Resolution 16-082 Ordering Feasibility Report for the 2017 Street Improvement Project.

Interim City Administrator Meyer explained that over the past several months, the Public Works Committee has been reviewing areas of the City in an effort to prioritize future capital infrastructure improvements. Prioritization is necessary 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. The Public Works Committee is recommending to the City Council that the City Engineer be directed to prepare a Preliminary Engineering Report.

City Engineer Duncan explained that West Main Street between Buffalo Street and Crest Street and Elk Street between Main Street and State Street are proposed for reconstruction. Also included as an addendum will be the alleyways in Block 104 (100 block on the east side of South Meridian Street) as discussed at the Public Works Committee.

Mayor Pingalore commented that he would like the City to consider a street project every other year rather than each year. Staff explained the importance of maintaining a schedule for reconstruction, all which are necessary. Councilmember Trost suggested the alleyways in Block 104 be removed and considered for the 2018 project.

MOTION by Councilmember Chard, second by Councilmember Pressley, to approve Resolution 16-082 Ordering Feasibility Report for the 2017 Street Improvement Project, with the alleyways in Block 104 as an addendum. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Fire Department – Open House, 6:00 pm, Wednesday, June 22.**
- 2. City Offices Closed, Monday, July 4.**
- 3. Public Safety – TBD.**
- 4. Design Committee, 5:00 pm, Tuesday, July 5.**
- 5. City Council, 6:30 pm, Tuesday, July 5.**
- 6. Work Session, 6:45 pm, Tuesday, July 5.**
- 7. Public Works, 11:00 am, Wednesday, July 6.**

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Pressley, to adjourn at 7:31 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary