BELLE PLAINE CITY COUNCIL
REGULAR SESSION
JULY 17, 2017

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, July 17, 2017 at 6:30 p.m. in the council chambers of City Hall, 218 North Meridian Street, Belle Plaine, MN. Mayor Christopher Meyer called the meeting to order with Councilmembers Paul Chard, Ben Stier, Cary Coop, and Theresa McDaniel present.

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

3. APPROVAL OF AGENDA.

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

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of June 19, 2017.
4.2. Work Session Minutes of June 19, 2017.
4.3. Closed Personnel Minutes of June 19, 2017.
4.4. Committee of the Whole Minutes of June 19, 2017.
4.5. Resolution 17-084 Authorize the Close of Fund 534 and Transfer Remaining Balance.
4.6. Approve Temporary On-Sale Intoxicating Liquor License for Belle Plaine Fire Relief Association for Event on August 19, 2017.
4.7. Approve Large Assembly Permit for Belle Plaine Lions Club for Beep Ball Event at Tiger Park on August 6, 2017.
4.8. Approve Temporary On-Sale 3.2% Intoxicating Liquor License for Belle Plaine Lions Club for Beep Ball Event at Union Square on August 6, 2017.
4.9. Approve Temporary On-Sale 3.2% Intoxicating Liquor License for Belle Plaine Softball Fund Raising Event at Prairie Park on September 15-17, 2017.
4.10. Resolution 17-087 Accept Cash Donation from the Belle Plaine Chamber of Commerce for Pool Improvements and Downtown Improvements.
4.11. Resolution 17-085 Adopt Park Shelter Rental Policy.
4.12. Accept Resignation of Building Official Scott McCarty Effective August 2, 2017 and Authorize Interim Services and Advertising to Seek Candidates for Fill Vacancy.
4.13. Resolution 17-090 Rescind Policy and Eliminating the Limited Public Forum in Veterans Memorial Park.
4.14. Resolution 17-086 Accept Cash Donation from Friends of the Library for Library Improvements.
4.15. Accept Resignation of Administrative Assistant Patricia Krings Effective December 31, 2017 and Authorize Advertising to Seek Candidates to Fill Vacancy.

MOTION by Councilmember Coop, second by Councilmember McDaniel, to approve the consent agenda as follows: 4.1. Regular Session Minutes of June 19, 2017, 4.2. Work Session Minutes of June 19, 2017, 4.3. Closed Personnel Minutes of June 19, 2017, 4.4. Committee of the Whole Minutes of June 19, 2017, 4.5. Resolution 17-084 Authorize the Close of Fund 534 and Transfer Remaining Balance, 4.6. Approve Temporary On-Sale Intoxicating Liquor License for Belle Plaine Fire Relief Association for Event on August 19, 2017, 4.7. Approve Large Assembly Permit for Belle Plaine Lions Club for Beep Ball Event at Tiger Park on August 6, 2017, 4.8. Approve Temporary On-Sale 3.2% Intoxicating Liquor License for Belle Plaine Lions Club for Beep Ball Event at Union Square on August 6, 2017, 4.9. Approve Temporary On-Sale 3.2% Intoxicating Liquor License for Belle Plaine Softball Fund Raising Event at Prairie Park on September 15-17, 2017, 4.10. Resolution 17-087 Accept Cash Donation from the Belle Plaine Chamber of Commerce for Pool Improvements and Downtown Improvements, 4.11. Resolution 17-085 Adopt Park Shelter Rental Policy, 4.12. Accept Resignation of Building Official Scott McCarty Effective August 2, 2017 and Authorize Interim Services and Advertising to Seek Candidates for Fill Vacancy, 4.13. Resolution 17-090 Rescind Policy and Eliminating the Limited Public Forum in Veterans Memorial Park, 4.14. Resolution 17-086 Accept Cash Donation from Friends of the Library for Library Improvements, and 4.15. Accept Resignation of Administrative Assistant Patricia Krings Effective December 31, 2017 and Authorize Advertising to Seek Candidates to Fill Vacancy. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Community Services Department.

Community Services Director Mindy Chevalier was present. The Council acknowledged receipt of the Community Services Department report.

5.2. Public Works Department.

Public Works Superintendent Al Fahey was present. The Council acknowledged receipt of the Public Works Department report.

5.3. City Engineer Report.

City Engineer Joe Duncan was present. The Council acknowledged receipt of the City Engineer report.

5.4. Ambulance Department.

Ridgeview Ambulance Supervisor Doug Sweeney was present. The Council acknowledged receipt of the Ambulance Department report.

5.5. Fire Department.

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

5.6. Police Department.

Police Chief Tom Stolee was present. The Council acknowledged receipt of the Police Department report.

5.7. Community Development Department.

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

5.8. Administration Report.

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

5.9. MnDOT Representatives – Update on TH169 Overlay Project.
1. Jon Solberg, South Area Manager
2. Diane Langenbach, South Area Engineer

Mayor Meyer welcomed Jon Solberg, South Area Manager, and Diane Langenbach, South Area Engineer, of MnDOT.

Ms. Langenbach provided an overview of the proposed TH169 overlay project between Highway 282/TH169 in Jordan to Highway 19/TH169 south of Belle Plaine. The north section, Jordan to Belle Plaine, will be constructed 2018. The south section is planned for 2019. Details of the project include concrete overlay, reconfiguration at County Road 59 and extending certain turn lanes. The crossover lanes will be constructed later this year.

Mayor Meyer inquired about the 4-way stop sign at Main and Walnut/TH25 and the extension of acceleration and de-acceleration lanes at County Road 3/TH169. Ms. Langenbach explained that enhancements such as a larger stop sign and adding reflective tape to increase safety are planned for the Main Street/Walnut Street intersection. There will be an extension of the de-acceleration lanes, however not the acceleration lane.

Mayor Meyer thanked Ms. Langenbach and Mr. Solberg for the informative presentation.

5.10. ACKNOWLEDGEMENT
1. Green Step City Award – Diane McKeown

Diane McKeown, on behalf of GreenStep Cities, presented awards for the City's completion of Step 1 and Step 2 of the program. Mayor Meyer accepted the award.

5.11. VISITOR'S REQUEST.
1. Water Bill Appeal – Dan Whitney, 418 South Street West.

Dan Whitney, 418 South Street West, appealed the amount of his water bill. Council took no action and the bill remains as is.

6.0. PUBLIC HEARINGS.

6.1. Liquor License – Ann Topic, dba Borough Bowl. The City Council will consider public comment on a request by Ann Topic, dba Borough Bowl, for an on-sale, off-sale and Sunday intoxicating liquor license at 235 South Ash Street.

Interim City Administrator Meyer explained that Ann Topic, dba Borough Bowl, 235 South Ash Street, has requested approval of on and off sale and Sunday liquor licenses. Police Chief Stolee has conducted the required background investigation and recommends the City Council proceed with approval. The current liquor establishment at that address was operated by Ron Fry, HRF Management, LLC, and the City has obtained a written statement of his intent to sell the existing business to Ann Topic. Staff recommends approval of the liquor licenses with the conditions listed on proposed Resolution 17-079.

Mayor Meyer opened the public hearing at 7:08 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Chard, second by Councilmember Coop, to close the public hearing at 7:09 p.m. ALL VOTED AYE. MOTION CARRIED.

6.1.a. Resolution 17-079 Liquor Licenses for Ann Topic, dba Borough Bowl, 235 South Ash Street.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 17-079 Liquor Licenses for Ann Topic, dba Borough Bowl, 235 South Ash Street. ALL VOTED AYE. MOTION CARRIED.

6.2. Variance Request. The City Council will consider public comment on a request by Troy Cornelius, 325 Elm Street North, Belle Plaine, MN for a variance from Section 1105.07, Subd. 5(3)(a) to reduce the minimum front yard setback from 30 feet to 26 feet in the R-3, Single and Two Family Residential District, and a variance to Section 1105.07, Subd. 5(4)(a) to allow a detached accessory structure to be placed in front of an existing dwelling. If approved the variance would accommodate a 900 square foot detached accessory structure at the subject property.

Community Development Director Smith Strack explained that Troy Cornelius, owner of property at 325 Elm Street North, requests consideration of variances from Section 1105.07, Subd. 5(3)(a) to reduce the minimum front yard setback from 30 feet to 26 feet in the R-3, Single and Two Family Residential District. He also is requesting a variance from Section 1105.07, Subd. 5(4)(a) to allow a detached accessory structure to be placed in front of an existing dwelling. The configuration of the structures on the lot presents challenges. In addition, there are existing encroachment issues.

If granted, the variance will allow for the construction of a 25’ X 36’ (900 square foot) detached garage. The proposed detached garage would replace an existing shed in the front yard. The dwelling is addressed on Elm Street and setback 62 feet from the front property line. A front yard setback of 26 feet is proposed so as to retain an existing mature tree on site. The remaining performance standards are met, including separation from adjacent buildings and side, rear yard setbacks. The existing dwelling, constructed in 1860, is placed almost entirely within the Court Street right of way. The proposed structure conforms with lot coverage requirement.

Community Development Director Smith Strack listed the criteria for determining action on the variances. Staff recommends approval of a variance to Section 1105.07, Subd. 5(4)(a) thereby allowing the proposed detached accessory structure to be located in front of the building line of an established dwelling. Staff is does not have a recommendation regarding the front yard setback variance (Section 1105.07, Subd. 5(3)(a)) due to relatively small degree of variance requested versus value of mature trees. The Planning Commission recommended approval of Comprehensive Plan Amendment and Rezone.

Mayor Meyer opened the public hearing at 7:13 p.m. and asked for public comment.

Troy Cornelius, applicant, requested approval of the variances.

MOTION by Councilmember Coop, second by Councilmember Chard, to close the public hearing at 7:14 p.m. ALL VOTED AYE. MOTION CARRIED.

6.2.a. Resolution 17-080 Approve Variance to Allow a Detached Accessory Structure to be Placed in Front of an Existing Dwelling at 325 Elm Street North.

MOTION by Councilmember Coop, second by Councilmember Stier, to adopt Resolution 17-080 Approve Variance to Allow a Detached Accessory Structure to be Placed in Front of an Existing Dwelling at 325 Elm Street North. ALL VOTED AYE. MOTION CARRIED.

6.2.b. Resolution 17-081(A) Approve a Four (4) Foot Variance to a Required Front Yard at 325 Elm Street North.

Councilmember Chard commented that he understands the variance request is to save a large tree. The foundation for the proposed structure will be placed near the tree line and questioned whether the tree will survive.

MOTION by Councilmember Coop, second by Councilmember McDaniel, to ADOPT Resolution 17-081(A) Approve a Four (4) Foot Variance to a Required Front Yard at 325 Elm Street North. Councilmembers Coop and McDaniel VOTED AYE. Councilmembers Meyer, Chard and Stier VOTED NAY. MOTION FAILED.

MOTION by Councilmember Chard, second by Councilmember Stier, to DENY a four (4) foot variance to a required front yard at 325 Elm Street North and to direct Staff to prepare a resolution for adoption at the next Regular Session. Councilmembers Chard, Stier, Meyer and McDaniel VOTED AYE. Councilmember Coop VOTED NAY. MOTION CARRIED.

6.3. Comprehensive Plan Amendment and Rezoning Request. The City Council will consider public comment on a request by Troy M. Schrom, d.b.a. Schrom Construction and Dennis Moriarty on behalf of John E. Fogarty Estate (Property Owner). Schrom Construction requests consideration of a minor Comprehensive Plan amendment and rezoning for property at Church Street and Aspen Lane. The property is currently planned for and zoned as I-C Industrial Commercial. The Applicant requests rezoning to R-7 Mixed Housing. If approved, the requests will allow consideration of a 24-unit, two story apartment building on the subject property.

Community Development Director Smith Strack explained that Troy M. Schrom d.b.a. Schrom Construction proposes a two story, 24-unit apartment building at Aspen Lane and Church Street on approximately 1.45 acres currently owned by the John E. Fogarty Estate. The building footprint is approximately 10,000 sf fronting on Aspen Lane North with parking east of the structure access from State and Church Streets. The proposed development requires rezoning from I-C Industrial Commercial to R-7 Mixed Housing. The development is consistent with the Comprehensive Plan in many respects, although the future land use map will need updating to reflect change from commercial/industrial to multiple family housing. If plan amendment is authorized and rezoning approved, then the Applicant will move forward with platting the property (currently subject to registered land survey) and site plan approval.

The proposed planned land use is medium density residential. The proposed Comprehensive Plan amendment has been approved for minor (administrative) processing under Metro Council policies. A local public hearing is required, but the adjacent jurisdiction review requirement has been waived and Met Council staff will act internally on the amendment. The proposed administrative amendment applies to approximately 1.45 acres. Overall, the proposed apartment is consistent with Comprehensive Plan policies and associated systems plans transportation, parks/trails, economic development, utilities, housing, land use). The locale is transitional with a variety of potential uses possible. Infill of existing lots with a full complement of urban services is prioritized under the 2008 Plan.

Community Development Director Smith Strack explained the R-7 Mixed Housing (Medium to High Density) Residential District is intended to provide a district which allows for a full and complete range and intermixing of residential activities, and to accommodate development areas which existed prior to the establishment of this Ordinance. The Planning Commission recommended approval.

Troy Schrom, Schrom Construction, addressed the City Council and asked for approval. He explained there is a need for workforce housing in Belle Plaine and is supported by the recent housing market study. The site is shovel ready, therefore more favorable than the adjacent R-7 zoned property to the north. Mr. Schrom said that the City will receive water and sewer connection fees in the amount of $190,000.

Mayor Meyer opened the public hearing at 7:31 p.m. and asked for public comment.

Mayor Meyer read a letter dated July 11, 2017 from Jerry and Christine Plambeck, 840 East State Street, stating their opposition to the Comp Plan Amendment and rezone request.

Brian Grant, 781 State Street East, asked why the developer is seeking construction on the subject site when other R-7 properties are available. He also had concerns that the manager of the apartment complex will be available only on a part-time basis. The apartment complex would add 144 vehicle trips per day to this area. He said the stop sign is not being observed, with many drivers going through it without stopping, creating great danger for young children.

Ed Fogarty, 1155 Fall Circle, Chaska, MN, co-owner of the property, spoke in support of the project. He explained that he worked with Schrom Construction on the six duplexes that were recently built along Church Street and believes the apartment complex will provide needed housing for the City.

Ray Knutson, 820 State Street East, stated there is no need for rezoning because of available R-7, multi-family zoning adjacent to the subject property. The neighborhood will lose its character. The site of the proposed apartment complex is unfavorable due to its close proximity to Genesis and its chemical storage tanks. The traffic flow configuration of the apartment building will cause headlights to shine into his home.

Gwen Knutston, 820 State Street East, expressed concern for the safety of young children in the neighborhood due to increased traffic. She said no one stops at the stop sign, which is a safety concern. She also said that vehicle headlights will shine into her living room as a result of tenants leaving the apartment complex.

Jim Connolly, 320 Oak Street North, thanked Mr. Schrom for his willingness to make an investment in Belle Plaine. He asked if the project would generate enough property tax to offset the increase in emergency services. He believes the developer should pay the traffic improvements at the intersection of Main Street and Aspen Lane. He supports requiring a traffic study to be done at the developer's cost. He was opposed to rezoning the property and commented on the vote by the Planning Commissioners, which passed with only two votes to approve. He commented on the six duplexes as to the lack of lawn sprinklers and questioned the classification at Scott County taxation.

Nick Zwick, 860 State Street East, was opposed to the rezone. He expressed concern for the safety of young children and the loss of small-town character.

MOTION by Councilmember Coop, second by Councilmember Stier, to adjourn at 7:59 p.m. ALL VOTED AYE. MOTION CARRIED.

6.3.a. Resolution 17-082 Minor Comprehensive Plan Amendment for Schrom Construction for Property at Church Street and Aspen Lane.

MOTION by Mayor Meyer, second by Councilmember Chard,to approve Resolution 17-082 Minor Comprehensive Plan Amendment for Schrom Construction for Property at Church Street and Aspen Lane. Councilmembers Chard, Stier, and McDaniel VOTED NAY. Mayor Meyer and Councilmember Coop VOTED AYE. MOTION FAILED.

Councilmember Chard explained that he spoke with Mr. Schrom and Ed Fogarty at length about the proposed project. He suggested utilizing the existing R-7 parcel which would require the extension of State Street to the east. Councilmember Chard commented that traffic concerns will associated with either parcel. Mayor Meyer acknowledged that traffic is always a concern. Schrom Construction made a decision to provide needed housing options in the City. As with any project, the City will carefully review and make contingencies as required, including a traffic study at the expense of the developer. A commercial development at the proposed site may present increased disruptive issues for residents than a housing complex. Councilmember Stier agreed that a traffic study is needed to address the Main Street and Aspen Lane intersection. Councilmember Coop admitted that he was struggling as to a decision on this matter. He commented that the results of a traffic study will assist in his final decision as to the project. He has spoken with apartment dwellers who were in favor of having the apartment complex that would provide rental options. Councilmember Chard suggested tabling action until further discussion on the extension of State Street East. Community Development Director Cynthia Smith Strack explained the 60-day rule regarding zoning requests. City Attorney Vose explained the Council must take action as to approve, deny or table. The applicant will need to extend the 60-day review period.

MOTION by Mayor Meyer, second by Councilmember McDaniel, to TABLE action on Resolution 17-082 Minor Comprehensive Plan Amendment for Schrom Construction for Property at Church Street and Aspen Lane to allow time for further research on the extension of State Street East by Council and Staff. ALL VOTED AYE. MOTION CARRIED.

6.3.b. Adoption of Ordinance 17-09, An Ordinance Rezoning Certain Property at Church Street and Aspen Lane from I-C Industrial Commercial to R-7 Mixed Housing.

MOTION by Mayor Meyer, second by Councilmember Chard, to TABLE action on the adoption of Ordinance 17-09, An Ordinance Rezoning Certain Property at Church Street and Aspen Lane from I-C Industrial Commercial to R-7 Mixed Housing to allow time for further research on the extension of State Street East by Council and Staff. ALL VOTED AYE. MOTION CARRIED.

7. BUSINESS.

7.1. Presentation of Claims.

1. **Pay Request No. 6 and Final by Chard Tiling & Excavating, Inc. for $24,359.44 for the 2016 Street Improvement Project.**
2. **Pay Request No. 2 and Final by Allied Blacktop for $9,433.72 for the 2017 Pavement Maintenance Project.**
3. **Pay Request No. 2 by Wm Mueller & Sons for $459,796.98 for the 2017 Street Improvement Project**.

MOTION by Councilmember Coop, second by Councilmember McDaniel, to approve the Presentation of Claims, Pay Request No. 6 and Final by Chard Tiling & Excavating, Inc. for $24,359.44 for the 2016 Street Improvement Project, Pay Request No. 2 and Final by Allied Blacktop for $9,433.72 for the 2017 Pavement Maintenance Project, and Pay Request No. 2 by Wm Mueller & Sons for $459,796.98 for the 2017 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

7.2. Resolution 17-083 Approving Final Plat for Buesgens Commercial Center.

Community Development Director Smith Strack explained that in 2016 the City received a Scott County CDA grant to assist with platting of Buesgens Commercial Center as a means of creating shovel ready commercial lots. The plat differs from others in that a development project is not driving platting of the property. The City Council previously approved a preliminary plat for Buesgens Commercial Center. A development agreement has been approved by the Council. The plat is a four lot, four block subdivision of property. The Planning Commission reviewed the final plat at a regular meeting June 12, 2017 and recommended Council approval.

MOTION by Councilmember Coop, second by Councilmember Stier, to approve Resolution 17-083 Approving Final Plat for Buesgens Commercial Center. ALL VOTED AYE. MOTION CARRIED.

7.3. School District Request to Waive Permit Fees for Softball Complex.

Interim City Administrator Meyer explained the Belle Plaine School District has submitted a building permit application to construct a Softball Complex.

The permit fees for the School District's building that has a valuation of $130,00.00 total $11,483.70. Included in this are the Permit Fee of $1,278.00 and Plan Review of $830.70. The Permit and Plan Review fees are associated with staff time and internal expenses, the State Surcharge is a pass through fee that must be submitted to the State of Minnesota, the Tracer Box and Meter Fees are direct costs for the equipment the City supplies for structures, the Sewer and Water Connection fees are related to the cost of infrastructure and its maintenance. Staff recommends the Permit and Plan Review fees totaling $2,108.70 which are associated with staff time and internal expenses be waived, as in-kind due to the City's partnership with the School District.

Mayor Meyer welcomed Dr. Ryan Laager, Superintendent of Belle Plaine Schools.

Dr. Laager asked for consideration of waiving permit fees associated with the construction of a building to service the School's softball complex.

Councilmember Coop was opposed to waiving or reducing the fee. He explained that City residents also pay School District taxes, creating additional burden on City taxpayers for fees waived or reduced.

MOTION by Councilmember Stier, second by Councilmember Chard, to waive the permit fee of $1,278.00 and the plan review fee of $830.70 for a total of $2,108.70 as requested by the Belle Plaine School District for the construction of a building at their softball complex located at 1101 Commerce Drive West. Councilmember Coop voted NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

7.4. Resolution 17-088 Approving Plans and Specifications for the Block 102/104 Alley Improvement Project and Authorize Advertisement for Bids.

Interim City Administrator Meyer explained that at the May 1, 2017 meeting, the City Council accepted the preliminary engineering report and called for the public hearing for Block 102 and Block 104 alley improvement project. The hearing was held on June 5, 2017. The project consists of bituminous for the alley ways and storm sewer improvements for Block 104. The final plans and specifications have been prepared and the next step is for the Council to accept the final plans and specifications and authorize the advertisement for bids. Advertisement for bids will begin soon with the bid opening on Thursday, August 17, 2017 at 11:00 a.m. at City Hall. The bid opening date is contingent upon Scott County review, with an alternate bid opening date of August 31st.

MOTION by Councilmember Coop, second by Councilmember Stier, to approve Resolution 17-088 Approving Plans and Specifications for the Block 102/104 Alley Improvement Project and Authorize Advertisement for Bids. ALL VOTED AYE. MOTION CARRIED.

7.5. Resolution 17-89 Accepting Preliminary Report for the 2018 Street Improvement Project and Call for Hearing.

City Engineer Duncan provided the preliminary report and a presentation on the proposed 2018 street improvement project. The construction area includes Oakwood Circle, Robert Circle and Oakwood Drive north of South Street West. The total estimated cost of the project is $945,720.00, with no sidewalks planned for the area. The preliminary hearing is slated for August 21, 2017.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 17-89 Accepting Preliminary Report for the 2018 Street Improvement Project and Call for Hearing. ALL VOTED AYE. MOTION CARRIED.

8. 8. ADMINISTRATION.

8.1. Upcoming Meetings.
1. Design Committee, 5:15 pm, Monday, July 24.
2. City Council, 6:30 pm, Monday, August 7.
3. Work Session, 6:45 pm, Monday, August 7.
4. Public Safety, TBD.
5. Public Works, 9:00 am, Thursday, August 10.

The Council was reminded of the upcoming meetings as listed.

9. ADJOURN.

MOTION by Councilmember Coop, second by Mayor Meyer, to adjourn the Regular Session at 8:50 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
` Recording Secretary