

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
JULY 20, 2015**

1. PLEDGE OF ALLEGIANCE.

Vice Mayor Scott Schneider 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 20, 2015 at 6:30 p.m. in the council chambers of City Hall, 218 North Meridian Street, Belle Plaine, MN. Vice Mayor Scott Schneider called the meeting to order with Councilmembers Gary Trost, Cary Coop and Paul Chard present. Mayor Mike Pingalore was not present.

Also present were City Administrator Holly Kreft, Finance Director Dawn Meyer, Public Works Superintendent Al Fahey, 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 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 July 6, 2015.

4.2. Work Session Minutes of July 6, 2015.

4.3. Resolution 15-081 Authorizing Purchase of Election Equipment Through Scott County.

4.4. Resolution 15-082 Accepting Cash Donation from Belle Plaine Festival and Events for Pool Kick-Off Night.

4.5. Resolution 15-083 Authorize the Purchase and Installation of Entrance Monument by CD Products.

4.6. Resolution 15-084 Modifying the Job Description for the Community Development Director Position.

4.7. Authorizing Revised Marketing Efforts for 100 South Meridian Street.

4.8. Accept Resignation of Seasonal Public Works Employee Dustin Hemauer.

4.9. Resolution 15-087 Authorizing Appointment of a Temporary Part-Time Police Secretary.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve the consent agenda as follows: 4.1. Regular Session Minutes of July 6, 2015; 4.2. Work Session Minutes of July 6, 2015; 4.3. Resolution 15-081 Authorizing Purchase of Election Equipment Through Scott County; 4.4. Resolution 15-082 Accepting Cash Donation from Belle Plaine Festival and Events for Pool Kick-Off Night; 4.5. Resolution 15-083 Authorize the Purchase and Installation of Entrance Monument by CD Products; 4.6. Resolution 15-084 Modifying the Job Description for the Community Development Director Position; 4.7. Authorizing Revised Marketing Efforts for 100 South Meridian Street; 4.8. Accept Resignation of Seasonal Public Works Employee Dustin Hemauer; and 4.9. Resolution 15-087 Authorizing Appointment of a Temporary Part-Time Police Secretary. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

Ridgeview Ambulance Supervisor Doug Sweeney was present. He noted last month's report of May activity was inadvertently identified as April. 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 Chief Tom Stolee was present. The Council acknowledged receipt of the Police Department report.

5.4. Community Development Department.

City Administrator Kreft presented the Community Development Department report. 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. PUBLIC FORUM.

6.1. RECOGNITION OF INVOLVED CITIZENS.

No one spoke during the public forum.

7. PUBLIC HEARINGS.

7.1. Variance Request. The City Council will consider public comment on a request by Ryan Herrmann, 719 Beaver Street East, Belle Plaine, MN for a variance from Section 1105.07, Subd. 5, to allow a shed that encroaches 12-feet into the required side yard setback in the R-3, Single and Two-Family District, at 719 Beaver Street East.

Vice Mayor Schneider referenced a memo dated July 20, 2015 from City Administrator Kreft regarding the variance request.

City Administrator Kreft explained that Ryan Herrmann, applicant and property owner, has submitted a variance application to allow for a reduction in the minimum side street yard setback requirement, from 20-feet to 8-feet, on the property located at 719 East Beaver Street. The purpose for the request is to allow a 192 sq.ft. storage shed, placed on-site without a zoning permit and within a drainage/utility easement, to remain in the current location. In order to grant a variance, the Planning Commission and City Council should be able to make findings in support of the review criteria outlined in Section 1103.05. Included with City Administrator Kreft's memo were Staff's findings of these criteria. Staff does not find the applicant able to meet the review criteria required for granting of a variance and recommends denial of the variance request with the findings detailed in the resolution. The City received a letter of opposition from neighboring property owners, Mr. and Mrs. Ron Nagel, 509 Oak Street North, requesting the Commission to deny the requested variance. Juan Nazario, 505 Oak Street North, attended the Planning Commission public hearing and stated he agreed with the Nagel letter. He submitted the same letter noting he resided at 505 Oak Street North since 2004.

The Planning and Zoning Commission held a public hearing at their July 13, 2015 meeting. The applicant stated that his goal was to use his property to the fullest potential. He noted that the shed is located on a flat area adjacent to the house, but the only other flat area of the yard is the placement of a play structure. He stated that he built the shed to make sure storage was inside instead of outside. He also stated that he did not agree that the shed would decrease his neighbors' market values.

City Administrator Kreft further explained the Planning and Zoning Commission discussed the after the fact nature of the variance and that the applicant should have discussed the location of the shed with City staff before placing it in the current location. Chair Pressley noted concern with the neighbors' opposition with the location. Commissioner Ashby noted concerns with the precedent setting of the application. Commissioner Pankonin agreed and noted that a similar variance request in a different neighborhood was recently denied. Chair Pressley noted that the Commission has had a history of supporting property rights as long as they meet the requirements of the ordinance and the criteria for granting a variance. The Planning and Zoning Commission voted unanimously to recommend denial of the variance request as presented.

City Administrator Kreft further noted that on July 17th, Applicant Ryan Herrmann submitted a letter stating his intent to relocate the shed and bring it into compliance.

Vice Mayor Schneider opened the public hearing at 6:44 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Coop, second by Councilmember Chard, to close the public hearing at 6:45 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 15-085 Denial of After-the-Fact Variance to Allow a Shed to Remain in the Side Street Yard Setback at 719 East Beaver Street.

MOTION by Councilmember Coop, second by Councilmember Chard, to adopt Resolution 15-085 Denial of After-the-Fact Variance to Allow a Shed to Remain in the Side Street Yard Setback at 719 East Beaver Street. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

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

8.2. Resolution 15-086 Accepting Preliminary Report and Call for Public Hearing for the 2016 Street Improvement Project.

Vice Mayor Schneider referenced a memo dated July 20, 2015 from City Administrator Kreft.

City Administrator Kreft explained that City Engineer Joe Duncan has completed the preliminary engineering report for the 2016 street improvement project. It is appropriate for the City Council to accept the preliminary report and call for the improvement hearing for Monday, August 17, 2015. At that hearing, property owners will have an opportunity to review the proposed project and to address any concerns they have regarding the project with the City Council and Staff.

City Engineer Duncan provided a Power Point presentation on the proposed 2016 street improvement project, which included the televised sanitary sewer mains. The project area includes East Forest Street from Walnut Street to the easterly terminus; Oak Street from Court Street to Forest Street; and Court Street from Ash Street to the easterly terminus. The project includes portions that will be built to MSAS

standards. The location of sidewalks will be discussed at the upcoming Public Works Committee and Park Board meetings. The estimated project cost is \$1,450,000. Further details were included the preliminary report that was distributed to the Council.

Councilmember Chard inquired about the depth of the sanitary sewer on Court Street. City Engineer Duncan responded that the depth is not known at this stage of the project.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 15-086 Accepting Preliminary Report and Call for Public Hearing for the 2016 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

8.3. Schedule Interviews for EDA Commission Candidates.

Vice Mayor Schneider referenced a memo dated July 20, 2015 from City Administrator Kreft regarding interviews with the EDA Commission candidates.

City Administrator Kreft explained that City staff has advertised to seek candidates for the open position on the EDA due to the resignation of Commissioner Jacobs. Commissioner Jacobs term was February 1, 2013 – January 31, 2019, so the appointee will complete the remainder of this term. Staff recommended interviews be scheduled for Monday, August 3rd prior to the Council meeting.

The Council concurred with scheduling interviews starting at 6:05 p.m. on Monday, August 3rd.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Interview EDA Candidates, 6:00 pm, Monday, August 3.**
- 2. Design Committee, 5:15 pm, Monday, August 3, Tentative.**
- 3. City Council, 6:30 pm, Monday, August 3.**
- 4. Work Session, 6:45 pm, Monday, August 3.**
- 5. Public Works, 11:00 am Tuesday, August 4.**
- 6. Public Safety, TBD.**
- 7. Coffee with the Mayor, 7-9 am, Thursday, August 6.**
- 8. EDA, 5:00 pm, Monday, August 10.**
- 9. Planning, 6:30 pm, Monday, August 10.**

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Chard, to adjourn at 7:05 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary