

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
JULY 21, 2014**

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, July 21, 2014 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. Mayor Mike Pingalore was not present.

Also present were Interim City Administrator Dawn Meyer, Public Works Superintendent Al Fahey, Community Development Director Chelsea Alger, City Engineer Joe Duncan and City Attorney Bob Vose. Zachery Schoenecker served as the video recording operator.

3. APPROVAL OF AGENDA.

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

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of July 7, 2014.

4.2. Authorizing the Demolition of the Press Box at Tiger Park.

4.3. Authorize the Televising of Sanitary Sewer Lines.

4.4. Resolution 14-078 Appointing Wanda Savage as the Video Recording Operator.

4.5. Resolution 14-079 Authorizing Conveyance of Tax-Forfeited Land.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve the consent agenda as follows: 4.1. Regular Session Minutes of July 7, 2014, 4.2. Authorizing the Demolition of the Press Box at Tiger Park, 4.3. Authorize the Televising of Sanitary Sewer Lines, 4.4. Resolution 14-078 Appointing Wanda Savage as the Video Recording Operator, and 4.5. Resolution 14-079 Authorizing Conveyance of Tax-Forfeited Land. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

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

5.2. Fire Department.

The Council acknowledged receipt of the Fire Department report.

5.3. Police Department.

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.

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

6.0. PUBLIC FORUM.

6.1. RECOGNITION OF INVOLVED CITIZENS.

No one spoke at the public forum.

7. PUBLIC HEARINGS.

7.1. Conditional Use Permit and CONTINUED Variance Request. Shawn Larson, 1013 Provence Lane, Belle Plaine, MN has submitted a request to table the public hearing regarding this matter, and submitted authorization to extend the 60-day review period, for conditional use permit and variance requests from Section 1105.05, Subd.5 and 6 of the Zoning Ordinance to allow a detached garage to exceed height, square footage and maximum garage door height in the R-1 District.

Vice Mayor Schneider referenced a memo dated August 4, 2014 from Community Development Director Alger regarding the continued hearing.

Community Development Director Alger explained that Shawn Larson, applicant, 1013 Provence Lane, has submitted a request to table the above referenced matters until the August meeting; also submitting authorization for a second extension of the 60-day review period. The reason for the request is to allow additional time to review his request with Quest Development, executer of the restrictive covenants for Provence on the River. The Planning Commission and Council previously opened and continued the public hearing to their meetings on July 14 and 21, 2014, respectively. At their July 14th meeting, the Planning Commission reviewed the request by the applicant and approved tabling the matter until the August meeting.

MOTION by Councilmember Coop, second by Councilmember Chard, to accept the applicant's request to table action and continue the public hearing until August 18, 2014. ALL VOTED AYE. MOTION CARRIED.

7.2. Conditional Use Permit. The City Council will consider public comment on a request by Matthew Kes for a conditional use permit to allow multi-family residential as a principal use in the Central Business District, at 137 Meridian Street North.

Vice Mayor Schneider referenced a memo dated July 14, 2014 from Community Development Director Alger regarding a request for a conditional use permit by Matthew Kes.

Community Development Director Alger explained that Matthew Kes has submitted an application for a conditional use permit to allow conversion of the previous Bake Shop at 137 Meridian Street North into two, one-bedroom apartments. The Zoning Ordinance requires a Conditional Use Permit be obtained prior to construction or conversion of residential, as either a principal or accessory use, in the B-3, Central Business District.

The building occupies the majority of the lot area, and is land-locked other than the public access onto the sidewalk. The building is one level and was previously occupied by the Bake Shop, which closed approximately two years ago. There is currently no identified off-street parking for the property; nor is there opportunity on the property to provide for off-street parking, unless the applicant was to acquire and demo adjacent property to do so, or an Off-Site Parking Agreement with an eligible property is obtained.

Community Development Director Alger explained there are no specific conditional use standards identified in the zoning ordinance for residential uses in the B-3, Central Business District. With no space, or public access to the property other than the store front, the Applicant would need to provide alternative arrangements for off-street parking requirements. The Zoning Ordinance provides for off-site parking as an alternative to meeting parking needs, subject to certain conditions; one being that the parking be located no more than 100 feet from the normally used entrance of the residence(s) and, if accomplished through a lease with a third party, approval for this type of arrangement with the City Council and recording of the lease. The applicant will need to address off-street parking as a condition of approval. There were four business owners present at the Planning Commission meeting and all voiced opposition to allowing residential apartments at 137 North Meridian Street. At their meeting on July 14, 2014, the Planning Commission has recommended denial of the Conditional Use Permit.

Vice Mayor Schneider opened the public hearing at 7:38 p.m. and asked for public comment.

Community Development Director Alger acknowledged receipt of an email dated July 14, 2014 from downtown property owner Renee Christianson and also a letter from Deb Koepp, 118 North Meridian Street, both in opposition to the request.

Christine Panning, owner of Andy's Bar and Grill, 114 North Meridian Street, was opposed to the request. She stated the downtown is a commercial district and residential apartments as the primary use is not appropriate.

Matt Kes, 8951 Union Hill Boulevard., applicant, requested consideration of approval of the conditional use permit. He said there are many empty buildings in the downtown area and believes converting the former bake shop into residential apartments is a good way to utilize the vacant stores.

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

Councilmember Chard said he met with the applicant and walked through the building. He noted the building is landlocked and without alley access and has no available off-street parking. Councilmember Chard further commented that allowing the building to be converted to residential apartments on the main floor would negatively impact the downtown business district. Councilmember Trost inquired about the logistics with garbage cans and storage. Mr. Kes replied there is an area of five feet available behind the building. Vice Mayor Schneider, who serves as the Planning Commission liaison, said there were a number of business owners who expressed concern the lack of parking.

1. Resolution 14-077 Denying a Conditional Use Permit, Section 1105.11, Allowing a Principal Residential Use at 137 Meridian Street North in the B-3 District.

MOTION by Councilmember Trost, second by Councilmember Coop, to adopt Resolution 14-077 Denying a Conditional Use Permit, Section 1105.11, Allowing a Principal Residential Use at 137 Meridian Street North in the B-3 District. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

1. Pay Request No. 1 by Pearson Brothers, Inc. for \$59,258.97 for the 2014 Seal Coat Project.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve the Presentation of Claims and Pay Request No. 1 by Pearson Brothers, Inc. for \$59,258.97 for the 2014 Seal Coat Project. ALL VOTED AYE. MOTION CARRIED.

8.2. Large Assembly Permit by Belle Plaine Baseball Association for State Amateur Baseball Tournament at Union Square.

Vice Mayor Schneider referenced a memo dated July 21, 2014 from Interim City Administrator Meyer regarding a large assembly permit.

Interim City Administrator Meyer explained the Belle Plaine Baseball Association will be co-hosting the 2014 State Amateur Baseball Tournament at Tiger Park, Union Square, for three weekends in August. The Baseball Association has requested to add temporary fencing to enclose the concession area. The Department Heads have reviewed the request and determined the conditions that would need to be met as identified on the permit application, including the condition the temporary fencing is installed and removed by the Baseball Association with the coordination of the Public Works Department. The fence is allowed only between the dates of August 14 and September 3, 2014.

MOTION by Councilmember Trost, second by Councilmember Chard, to approve the Large Assembly Permit by Belle Plaine Baseball Association for State Amateur Baseball Tournament at Union Square. ALL VOTED AYE. MOTION CARRIED.

8.3. Large Assembly Permit by Belle Plaine Festival & Events for Circus on August 1, 2014.

Vice Mayor Schneider referenced a memo dated July 21, 2014 from Interim City Administrator Meyer regarding a large assembly permit.

Interim City Administrator Meyer explained the Belle Plaine Festival and Events has requested a large assembly permit for the Culpepper and Merriweather circus to be held at 5:00 pm and 7:30 pm on Friday, August 1, 2014. The Festival and Events group has asked permission to utilize the vacant city property located along South Street West, adjacent to the public works facility. The circus event was held at this location in 2011. The Department Heads have reviewed the request and determined the conditions that would need to be met as identified on the permit application, including the conditions as follows: 1. Submittal of a letter from Cambria with permission to utilize their property for parking, 2. Submittal of the food vending and/or concession licenses, 3. Submittal of the certificate of liability insurance by Culpepper & Merriweather Circus, listing the City of Belle Plaine as an additionally insured, 4. Submittal of the certificate of liability insurance by Belle Plaine Festival and Events for the circus event, 5. Submittal of detail information regarding the disposal methods for animal waste/feces, 6. Submittal of the parking plan, and 7. Responsible for the clean up and restoration of the City property by August 2, 2014.

MOTION by Councilmember Trost, second by Councilmember Chard, to approve the Large Assembly Permit by Belle Plaine Festival & Events for Circus on August 1, 2014. Councilmember Coop VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.4. Authorizing the Replacement of the HVAC System at the Police Department.

Vice Mayor Schneider referenced a memo dated July 21, 2014 from Public Works Superintendent Fahey regarding the replacement of the HVAC system at the Police Department.

Public Works Superintendent Fahey explained the heating and cooling system at the police department office building is in need of replacement. It is the original heating and cooling system and is no longer repairable. The old system had two furnaces and two thermostats to control the heating and cooling. The new system will have one system to control the open spaces and three mini-splits to control the three offices that are on the south side of the building. This replacement has been included in the budget and it is in the capital plan. A quote to replace the system with an energy efficient system at a cost of \$19,807 was included with Public Works Superintendent Fahey's memo.

Councilmember Chard recommended that Staff obtain more than one quote. It was the consensus of the Council to delay action on the HVAC replacement system until Staff obtains more quotes.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Episcopal Church Restoration Committee, 5:00 p.m., Tuesday, July 22.**
- 2. Design Committee, 5:15 p.m., Monday, August 4.**
- 3. City Council, 6:30 p.m., Monday, August 4.**
- 4. Work Session, 6:45 p.m., Monday, August 4.**
- 5. Public Works, 11:00 a.m., Tuesday, August 12.**

Vice Mayor Schneider reminded the Council of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Trost, second by Councilmember Chard, to adjourn at 7:15 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary