BELLE PLAINE CITY COUNCIL
REGULAR SESSION
JULY 25, 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, July 25, 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, Community Development Director Cynthia Smith Strack, 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 revised agenda that included business item 8.4. Resolution 16-100 Receive Report and Call for Public Hearing for the 2017 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of July 5, 2016.
4.2. Work Session Minutes of July 5, 2016.
4.3. Approve Large Assembly Permit for Belle Plaine River Fishing Contest.
4.4. Approve Temporary 3.2% Intoxicating Liquor License for Belle Plaine River Fishing Contest.
4.5. Resolution 16-093 Adopting Public Access Cable Television Policy
4.6. Accept Resignation of Firefighter Kyle Strobel.
4.7. Resolution 16-095 Appointing Aaron Provancha as a Member of the Belle Plaine Fire Department.
4.8. Resolution 16-089 Agreement with ESP for LED Lighting.
4.9. Resolution 16-096 Authorizing Execution of a Development Agreement with Ridgeview Belle Plaine Real Estate, LLC Relating to Ridgeview Health Campus.
4.10. Resolution 16-097 Authorizing Execution of a Memorandum of Planned Unit Development Entitlements Relating to Ridgeview Health Campus.
4.11. Resolution 16-098 Authorizing the Mayor and City Administrator to Execute Agreement with Critter Getters for Animal Control.
4.12. Resolution 16-099 Accepting Cash Donation from the Belle Plaine Chamber of Commerce.
4.13. Approving 3.2% Intoxicating Liquor License for the Jerry Connolly Memorial Softball Tournament by the Belle Plaine Softball Association.

MOTION by Councilmember Coop, second by Councilmember Pressley, to approve the consent agenda as follows: 4.1. Regular Session Minutes of July 5, 2016, 4.2. Work Session Minutes of July 5, 2016, 4.3. Approve Large Assembly Permit for Belle Plaine River Fishing Contest, 4.4. Approve Temporary 3.2% Intoxicating Liquor License for Belle Plaine River Fishing Contest, 4.5. Resolution 16-093 Adopting Public Access Cable Television Policy, 4.6. Accept Resignation of Firefighter Kyle Strobel, 4.7. Resolution 16-095 Appointing Aaron Provancha as a Member of the Belle Plaine Fire Department, 4.8. Resolution 16-089 Agreement with ESP for LED Lighting, 4.9. Resolution 16-096 Authorizing Execution of a Development Agreement with Ridgeview Belle Plaine Real Estate, LLC Relating to Ridgeview Health Campus, 4.10. Resolution 16-097 Authorizing Execution of a Memorandum of Planned Unit Development

Entitlements Relating to Ridgeview Health Campus, 4.11. Resolution 16-098 Authorizing the Mayor and City Administrator to Execute Agreement with Critter Getters for Animal Control, 4.12. Resolution 16-099 Accepting Cash Donation from the Belle Plaine Chamber of Commerce and 4.13. Approving 3.2% Intoxicating Liquor License for the Jerry Connolly Memorial Softball Tournament by the Belle Plaine Softball Association. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

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

5.2. Fire Department.

Fire Chief Assistant Steve Otto 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.

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

5.5. Administration Report – Pool Admission Fee for 50th Anniversary on August 12, 2016.

Interim City Administrator Dawn Meyer was present. She noted the upcoming 50th Anniversary celebration of the community pool. As part of the promotion, staff has suggested an admission fee of $.50 for the afternoon of August 12th.

MOTION by Councilmember Coop, second by Councilmember Pressley, to authorize the fee of $.50 for admission to the community pool for the afternoon of Friday, August 12, 2016 in honor of the 50th anniversary celebration. ALL VOTED AYE. MOTION CARRIED.

The Council acknowledged receipt of the Administration report.

6.0. RECOGNITION OF INVOLVED CITIZENS.

6.1. Utility Bill Appeal by Paul and Hannah Fordice, 501 East State Street.

Paul Fodice, 501 East State Street, asked for a reduction in his recent utility bill. He explained that he had an unusually high water usage reading of 43,000 gallons in June. His average monthly usage is 2,800 gallons. He cannot explain as to the high water usage and asked for forgiveness of his bill.

Councilmember Chard commented that a similar situation had occurred at his house as well and that it is unfortunate, but agrees it is the responsibility of the homeowner. Councilmember Trost commented on the presentation on meter operation, learning that a meter cannot over read. Councilmember Chard commented that it would be appropriate for the Public Works Assistant Superintendent to attend the Council meeting in the absence of the Public Works Superintendent. It was the consensus of the Council to uphold the City's policy regarding usage and therefore the bill amount will remain. A payment plan will be made available to Fordice.

7. PUBLIC HEARINGS.

7.1. Conditional Use Permit. The City Council will consider public comment on requests by Nathan and Elizabeth Hanson, owners of property at 140 Walnut Street South for a conditional use permit under Code Section 1103.08c Subd. 5(A)(2) and a non-conformance expansion permit under Code Section 1102.03. If approved the CUP and non-conformance expansion permit would allow the construction of a 1,040 square foot detached garage.

Community Development Director Smith Strack explained that Nathan and Elizabeth Hanson have applied for a conditional use permit under Code Section 1103.08, Subd. 5(A)(2) and a non-conformance expansion permit under Section 1102.03 of the Code. If approved, the CUP and non-conformance expansion permit would allow the construction of a 1,040 square foot detached garage (26' X 40') two feet from the side (north) property line at 140 Walnut Street South. The existing driveway would be used to access the detached garage. The existing dwelling has a footprint of 875 square feet.

Mayor Pingalore opened the public hearing at 6:56 p.m. and asked for public comment.

Nathan Hanson, 140 South Walnut Street, applicant, requested approval of the Non-Conforming Expansion Permit and Conditional Use Permit. He intends to remove the existing shed and construct a larger garage in its place. He said his neighbor's have no complaints about his proposed garage. Hanson wants to retain the use of his yard as much as possible and has paid an architect to assist in determining the best possible location, therefore a non-conforming expansion permit is requested to allow the new garage at the same alignment as the existing shed. Elizabeth Hanson explained their lot is only 67 feet wide and the existing driveway would align with the new garage. She presented a drawing of the proposed garage based on the Planning Commission's recommendation, indicating that it was not the best use of the property.

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

7.1.1. Resolution 16-091 Non-Conforming Expansion Permit at 140 South Walnut Street.

Community Development Director Smith Strack explained the Planning Commission's recommendation was to deny the non-conforming expansion permit request due to inconsistency with Code requirement that circumstances justifying the expansion are unique to the property and not caused by the landowner and not solely for the landowner's convenience. The effect of denial is the need to move the proposed garage three feet to the south.

Councilmember Trost was in favor of the non-conforming expansion permit request as he had lived in that neighborhood and is aware of the narrow lots and the many existing structures that are non-conforming. Councilmember Coop said he visited the site and observed the narrowness of the lot and also that the existing driveway would align with the new garage. He supports the non-conforming expansion permit request because he believes it would be a matter of public safety to allow Hanson to construct a garage that would be further away from the house. It appears a two-foot sideyard setback is typical in the neighborhood. Mayor Pingalore also supported the non-conforming expansion permit request because he believes aligning the new garage with the existing shed would prevent a 5-foot outdoor storage area along the side property line. Councilmember Pressley supports the findings of the Planning Commission and therefore is in favor of denial. Councilmember Chard was opposed to the non-conforming expansion permit request as well. He explained that he has purchased many older homes in this area and abides by the existing setback requirements. He also supports maintaining 5-foot sideyard setbacks for utility and drainage purposes.

MOTION by Councilmember Pingalore, second by Councilmember Coop, to adopt Resolution 16-091 B, Approving the Non-Conforming Expansion Permit at 140 South Walnut Street. Councilmembers Pingalore, Coop and Trost VOTED AYE. Councilmembers Pressley and Chard VOTED NAY. MOTION CARRIED.

7.1.2. Resolution 16-092 Conditional Use Permit at 140 South Walnut Street.

Community Development Director Smith Strack explained the Planning Commission recommended approval of the conditional use permit as it is consistent with the general review criteria.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve Resolution 16-092 Conditional Use Permit at 140 South Walnut Street. Councilmember Chard VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

7.2. Ordinance 16-011, Temporary Family Health Care Dwelling Units. The City Council will consider public comment on proposed Ordinance 16-11, An Ordinance Opting-Out of the Requirements of Minnesota Statutes Section 462.3593 Relating to Temporary Family Health Care Dwellings. If approved the Ordinance will exempt the City from the requirements of the Temporary Family Health Care Dwellings law. Opting-out of the law does not preclude the City from enacting code language relating to accessory dwelling units.

Community Development Director Smith Strack explained that at a joint work session the City Council and Planning Commission discussed a bill signed into law by Governor Dayton in May. The Temporary Family Health Care Dwellings law requires cities approve qualifying temporary accessory dwelling units unless the City opts out of the law. The City may enact local standards relating to accessory dwellings units in the event it opts out of the new law. The Planning Commission conducted a public hearing on proposed Ordinance 16-11 on July 11,2016 and recommend approval of Ordinance 16-011.

Mayor Pingalore opened the public hearing at 7:15 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 7:16 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Coop asked Staff if there is a down-side to this proposed Ordinance. Community Development Director Smith Strack explained there may be a need for this type of housing, but it would be prudent for a City to set regulations rather than the vagueness of the legislation.

7.2.1. Adoption of Ordinance 16-011.

MOTION by Councilmember Pressley, second by Councilmember Coop, to adopt Ordinance 16-011, An Ordinance Opting-Out of the Requirements of Minnesota Statutes Section 462.3593 Relating to Temporary Family Health Care Dwellings. 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 16-090 Authorizing Third Amendment to Purchase Agreement with Ridgeview Medical to Extend Closing Date.

Community Development Director Smith Strack explained that at the August 3, 2015 Council meeting, the Council authorized execution of a purchase agreement with Ridgeview Medical Center for the purchase of City owned property located on the northwest corner of TH 169 and CSAH 3. The purchase agreement included an original closing date of December 1, 2015. Due to on-going discussions with The Lutheran Home Association regarding partnering in an expanded project the Council in November 2015 authorized an amendment to the purchase agreement extending the closing date to May 1, 2016. On March 21, 2016 the Council approved a second amendment to the purchase agreement which extended the closing date to August 1, 2016; again allowing additional time for project design, review, and approval. The proposed third amendment extends the closing date to October 1, 2016. The amendment was drafted by Michael Melchert, RMC's attorney, and reviewed by the City Attorney.

MOTION by Councilmember Pingalore, second by Councilmember Pressley, to approve Resolution 16-090 Authorizing Third Amendment to Purchase Agreement with Ridgeview Medical to Extend Closing Date. ALL VOTED AYE. MOTION CARRIED.

8.3. Resolution 16-094 Joint Resolution of the City of Belle Plaine and Blakeley Township as to the Orderly Annexation of Property.

Applicant Kimberly Devine-Johnson and Pat Wier of Tru-North were present.

Community Development Director Smith Strack explained that Kimberly Devine-Johnson, Christopher Johnson, Tammy L. Devine, and Michael C. Carlson petition for annexation of 43.29 acres of property to the City of Belle Plaine. The aforementioned comprise 100% of owners of the property petitioned for annexation. Annexation is proposed to accommodate a five megawatt utility scale solar energy system. The property is the subject of pending administrative subdivision (parcel split) in Scott County/Blakeley Township and a pending application for interim use permit to allow ground mounted solar as a principal use (City). The Joint Planning Board (comprised of Township, City, County Officials) for the Blakeley Orderly Annexation Area met on July 11, 2016 to review the petition. The Joint Planning Board accepted the petition and voted unanimously to recommend the City and Township approve the proposed resolution. The Joint Planning Board approved tax reimbursement of $250 per acre and incorporating a statement regarding detachment of the parcel in the event an interim use permit is not issued within one year of annexation.

Councilmember Coop asked if the land will be tax exempt. Community Development Director Smith Strack explained the land is subject to a property taxes, but the solar equipment is subject to a production tax. Councilmember Chard commented that he would like to see about 50 homes constructed on this property rather than solar panels. Ms. Devine-Johnson responded that the family is interested only in conservation of the land and is not amenable to housing development on the property. Community Development Director Smith Strack explained the reimbursement of fees following a question by Mayor Pingalore.

MOTION by Councilmember Coop, second by Councilmember Pressley, to approve Resolution 16-094 Joint Resolution of the City of Belle Plaine and Blakeley Township as to the Orderly Annexation of Property. ALL VOTED AYE. MOTION CARRIED.

8.4. Resolution 16-100 Receive Report and Call for Public Hearing for the 2017 Street Improvement Project.

City Engineer Duncan provided a Power Point presentation on the proposed 2017 street improvement project. The proposed area includes the reconstruction of street and utility improvements of West Main

Street between Buffalo Street and Crest Street and Elk Street between Main Street and State Street. The alleyways in Block 104 are included in the report and may also be incorporated into the project as an alternate at the direction of the City Council. If the project moves forward, the preliminary assessment hearing will be held on August 15, 2016. The feasibility report was distributed.

Mayor Pingalore recommended the alley in Block 104 be removed from the project in an effort to reduce the tax burden. He also suggested a street improvement project every two years, rather than annually. Councilmember Coop agreed. Councilmember Chard was in favor of removing Block 104 alley from the project. He believes the alley is functional as it is. City Engineer Duncan explained the City's Capital Improvement Plan and the effect if projects are delayed. Infrastructure is the first priority. Councilmember Trost supported the removal of the Block 104 alley from the project as well. He commented that he preferred to have the feasibility report in a timely manner so he could review it closely. Councilmember Trost also commented on the alley between 1006 and 1008 West Main Street and noted certain utilities located there. He also pointed out a property that does not have street frontage, only alley access, located near North Elk Street. Councilmember Pressley asked if density has a bearing on a project. City Engineer Duncan replied that it has not been a factor.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 16-100 Receive Report and Call for Public Hearing for the 2017 Street Improvement Project, with the removal of the alley in Block 104 be removed from the project. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Personnel Committee – Interviews City Admin. Candidates- 6:00 pm, Tuesday, July 26.
2. Enterprise Drive Overpass Ribbon Cutting Ceremony, 3:00 p.m., Wednesday, July 27.
3. Design Committee, 5:15 pm, Monday, August 1.
4. City Council, 6:30 pm, Monday, August 1.
5. Work Session, 6:45 pm, Monday, August 1.
6. Public Works, 11:00 am, Tuesday, August 2.
7. Public Safety, TBD.
8. EDA, 5:00 pm, Monday, August 8.
9. Planning, 6:30 pm, Monday, August 8.
10. Primary Election, 7:00 am, Tuesday, August 9.

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Pressley, to adjourn at 8:08 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary