

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
AUGUST 21, 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, August 21, 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 Chard, to approve the agenda as presented. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of August 7, 2017.

4.2. Work Session Minutes of August 7, 2017.

4.3. Resolution 17-096 Call for Public Hearing on Final Assessment for the 2017 Street Improvement Project.

4.4. Resolution 17-097 Accepting the 2016 Street and Utility Project and Closing the 2016 Street Project Fund (487), Authorizing a Transfer to/from the 2016 Improvement Bond Fund (543) to Zero the Balance out of the 2016 Street Project Fund (487).

4.5. Large Assembly Permit for Half-Way to St. Patrick's Day Event on September 23, 2017.

4.6. Approve Contract with Springsted, Inc. for Employment Search and Authorize the Mayor and Interim City Administrator to Execute Agreement.

MOTION by Councilmember Coop, second by Councilmember McDaniel, to approve the consent agenda as follows: 4.1. Regular Session Minutes of August 7, 2017, 4.2. Work Session Minutes of August 7, 2017, 4.3. Resolution 17-096 Call for Public Hearing on Final Assessment for the 2017 Street Improvement Project, 4.4. Resolution 17-097 Accepting the 2016 Street and Utility Project and Closing the 2016 Street Project Fund (487), Authorizing a Transfer to/from the 2016 Improvement Bond Fund (543) to Zero the Balance out of the 2016 Street Project Fund (487), 4.5. Large Assembly Permit for Half-Way to St. Patrick's Day Event on September 23, 2017, and 4.6. Approve Contract with Springsted, Inc. for Employment Search and Authorize the Mayor and Interim City Administrator to Execute Agreement. 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. Ambulance Department.

Ridgeview Ambulance provided a written monthly report. The Council acknowledged receipt of the Ambulance Department report.

5.3. Fire Department.

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

5.4. Police Department.

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

Mayor Meyer commended the Fire Department and Police Department for their successful efforts in promoting National Night Out at Heritage Park.

5.5. Community Development Department.

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

6. PUBLIC HEARINGS.

6.1. 2018 Street Project Preliminary Hearing. The City Council will accept public comment on the proposed 2018 Street Improvement Project.

Interim City Administrator Meyer explained that at the July 17, 2017 meeting, the City Council accepted the preliminary engineering report and called for the public hearing for the 2018 street improvement project. The hearing will provide the property owners the opportunity to discuss the merits and necessity of the project with the Council. The project consists of street and utility improvements for Oakwood Circle, Robert Circle and Oakwood Drive north of South Street West. Notices were mailed to the affected property owners.

The total proposed cost of the project is estimated at \$945,720. The majority of improvements are assessed at 30%, except service lines which are 100% and oversizing which is not assessed. The total cost will be approximately 70% of City and 30% property owners.

City Engineer Duncan presented details of the project. The preliminary assessments were calculated according to the City's Assessment Policy. The Policy allows for adjustments due to pie-shaped and large lots. However, assessment amounts will be addressed at the final assessment hearing which will be held when the project nears completion. The Power Point presentation provided details of the street reconstruction project, including street width and the replacement of utilities.

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

Brenda Hallgren, 109 Robert Circle, stated there are elderly people living in the Robert Circle cul-de-sac and was concerned about vehicle access and emergency response during the construction period. City Engineer Duncan explained access will be addressed during the preparation of the final design plans.

Robert Palmer, 212 Oakwood Circle, questioned the assessment calculation and believes it is unfair. He listed the acreage and foot frontage of the two adjacent lots and compared those assessments to his. City Engineer Duncan will contact Mr. Palmer to discuss the calculation method for the project.

Lisa Korba, 100 Oakwood Drive, inquired about landscaping and trees that may be located in the right-of-way and the interest rate. City Engineer Duncan explained that homeowners will be notified of the impact and the project manager will be discussing this issue with individual owners. The interest rate will be determined at the time of the bond sale for the project.

Dan Strom, 105 Oakwood Drive, commented that the sanitary sewer line to his home is located in the back yard and inquired as to how it will impact his property. City Engineer Duncan explained that utilities in the back yard are not being considered at this time and the location of services will be determined during the preparation of the final plans. The other utility companies such as electrical, natural gas and cable will be notified of the construction project.

Greg Schwichtenberg, 200 Oakwood Circle, asked if the Xcel Energy transformer will be removed and also how the water assessment was calculated. City Engineer Duncan explained that the transformer is under Xcel Energy's jurisdiction. If the water service line meets current standards, then it will not be removed and replaced, thus no charge for the water service line assessment. The water main is assessed according to the City's Assessment Policy.

MOTION by Councilmember Coop, second by Councilmember Stier, to close the public hearing at 7:18 p.m. ALL VOTED AYE. MOTION CARRIED.

6.1.1. Resolution 17-098 Ordering Improvement and Directing Preparation of Final Plans and Specifications for the 2018 Street Improvement Project.

MOTION by Councilmember Coop, second by Councilmember Stier, to approve Resolution 17-098 Ordering Improvement and Directing Preparation of Final Plans and Specifications for the 2018 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

6.2. Conditional Use Permit (Garage Exceeding 900 Square Feet) and Non-Conforming Use Permit. The City Council will consider public comment on requests by Ronald Benck, 224 Church Street West, Belle Plaine, MN. The Applicant is seeking a conditional use permit under Section 1103.08, Subd. 5(A)(2) and a non-conforming expansion permit under Section 1102.03, Subd. 1. If approved the conditional use permit would allow a 1,200 square foot detached garage at the subject property.

Community Development Director Smith Strack explained that Ronald Benck (Contractor, Matt Kes) has 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 1,200 square foot detached garage eight (8) feet from the street side (west) property line at 224 Church Street West. An existing 320 sf detached garage, non-conforming to corner (street) side setback and alley setback, is proposed for demolition. A new 1,200 sf detached garage is proposed. Conditional use permits are required for detached garages exceeding 900 sf in area. The new garage will conform to the required alley setback but not the required corner (street) side setback. The Applicant proposes to place the new structure the same distance from the street side property line i.e. eight feet. A non-conformance expansion permit is required as a lengthier building wall is proposed. The nonconformance will not be intensified in that the new garage will not further encroach the required setback (i.e. be closer to the lot line). The Planning Commission recommended approval of the Conditional Use Permit and denial of the Non-Conforming Use Permit.

Mayor Meyer opened the public hearing at 7:23 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 7:24 p.m. ALL VOTED AYE. MOTION CARRIED.

6.2.1. Resolution 17-099 Conditional Use Permit to Allow 1,200 Square Foot Garage at 224 Church Street West.

MOTION by Councilmember Coop, second by Mayor Meyer, to approve Resolution 17-099 Conditional Use Permit to Allow 1,200 Square Foot Garage at 224 Church Street West. ALL VOTED AYE. MOTION CARRIED.

6.2.2. Resolution 17-100-B, DENYING Non-Conforming Use Permit for Garage Expansion at 224 Church Street West.

MOTION by Councilmember Coop, second by Councilmember Chard, to adopt Resolution 17-100-B, DENYING Non-Conforming Use Permit for Garage Expansion at 224 Church Street West. Councilmembers Chard and McDaniel VOTED AYE. Mayor Meyer and Councilmembers Coop and Stier VOTED NAY. MOTION FAILED.

6.2.2. Resolution 17-100-A, APPROVING Non-Conforming Use Permit for Garage Expansion at 224 Church Street West.

MOTION by Councilmember Coop, second by Mayor Meyer, to adopt Resolution 17-100-A, APPROVING Non-Conforming Use Permit for Garage Expansion at 224 Church Street West, contingent that the proposed detached garage is setback from Market Street a distance equal to the principal dwelling setback from Market Street (approximately 15 feet). ALL VOTED AYE. MOTION CARRIED.

City Attorney Vose recommended Staff obtain the appropriate documentation reflecting the applicant's revised request.

6.3. Conditional Use Permit (Garage Exceeding 900 Square Feet). The City Council will consider public comment on a request by Timothy Haas, 420 Chestnut North, Belle Plaine, MN. The Applicant is seeking a conditional use permit under Section 1103.08, Subd. 5(A)(2) to allow an addition to an existing garage resulting in a 1,192 square foot detached garage at the subject property.

Community Development Director Smith Strack explained that Timothy Haas has applied for a conditional use permit under Code Section 1103.08, Subd. 5(A)(2). If approved, the CUP would allow a 576 square foot addition to an existing 576 square foot detached garage, resulting in a 1,152 sf detached garage at 420 Chestnut Street North. Mr. Haas proposes a 24 by 24 foot (576 square foot) addition to an existing 24 by 24 (576 square foot) detached garage is proposed, resulting in a 1,152 square foot detached garage. Asphalt shingles are proposed. The detached garage will be used for parking and storage of personal items. An existing driveway will be used to access the detached garage. The Planning Commission recommended approval with the contingency that items currently stored outdoors will be moved indoors.

Mayor Meyer opened the public hearing at 7:31 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 7:32 p.m. ALL VOTED AYE. MOTION CARRIED.

6.3.1. Resolution 17-101 Conditional Use Permit to Allow 1,192 Square Foot Garage at 420 Chestnut Street North.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 17-101 Conditional Use Permit to Allow 1,192 Square Foot Garage at 420 Chestnut Street North. ALL VOTED AYE. MOTION CARRIED.

6.4. Easement Vacation. The City Council will consider public comment on a request by Shannon Keohane and Kate McGrane, 206 Main Street East, Belle Plaine, MN, to vacate drainage and utility

easements on a common lot line between 932 and 936 Riverview Lane. The specific request is to vacate the westerly five-foot drainage and utility easement of Lot 4, Block 2 and the easterly five-foot drainage and utility easement of Lot 3, Block 2 Provenge on the River First Addition located within the City of Belle Plaine, Scott County, MN.

Community Development Director Smith Strack explained the owners of property at 932 and 936 Riverview Lane, Shannon Keohane and Kate McGrane, have applied for vacation of drainage and utility easements on a common lot line between said properties. The specific request is to vacate the westerly five-foot drainage and utility easement of Lot 4, Block 2 and the easterly five-foot drainage and utility easement of Lot 3, Block 2 Provenge on the River First Addition. The Applicants also request approval of a combination of said parcels to allow construction of a dwelling in the center of the combined lots.

Mayor Meyer opened the public hearing at 7:34 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 7:35 p.m. ALL VOTED AYE. MOTION CARRIED.

6.4.1. Resolution 17-102 Vacate Drainage and Utility Easement on Common Lot Line Between 932 and 936 Riverview Lane.

MOTION by Councilmember Coop, second by Councilmember Stier, to approve Resolution 17-102 Vacate Drainage and Utility Easement on Common Lot Line Between 932 and 936 Riverview Lane. ALL VOTED AYE. MOTION CARRIED.

6.4.2. Resolution 17-104 Approving Lot Combination for Lot 3, Block 2 and Lot 4, Block 2, Provenge of the River First Addition.

MOTION by Councilmember Coop, second by Councilmember Stier, to approve Resolution 17-104 Approving Lot Combination for Lot 3, Block 2 and Lot 4, Block 2, Provenge of the River First Addition. ALL VOTED AYE. MOTION CARRIED.

7. BUSINESS.

7.1. Presentation of Claims.

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

7.2. Schrom Construction.

Community Development Director Smith Strack explained that Troy M. Schrom dba Schrom Construction LLC (Developer) and the John E. Fogarty Estate (Property Owner) request a minor comprehensive plan amendment and rezoning of a 1.45 acre parcel adjacent to Aspen Lane and Church Street. If approved the minor CPA and rezoning would allow for further consideration of a proposed 24-unit workforce housing project at the subject property. The Council postponed action on the requests at its July 17, 2017 regular meeting pending receipt of additional information. Information requested related to potential development costs of an adjacent 22-acre parcel, level of interest by Schrom Construction and/or parties of the Fogarty Estate in developing an adjacent 22-acre parcel, background on other appropriately zoned parcels with in the corporate boundaries, and potential adjustments to the proposed concept plan. The Council received requested information and reviewed the items during a work session on August 7, 2017.

The Developer's estimated project cost is \$2.7 to \$3 million. The proposed units will be one and two bedrooms with rent rates of \$850 for a one bedroom, \$995 for a two bedroom. The property is currently

planned and zoned for I-C Industrial Commercial. Changing the planned use to medium/high density residential and rezoning to R-7 Mixed Housing is proposed. The area is transitional in nature. The Planning Commission held a public hearing on the requests on July 10, 2017. Several members of the public provided testimony at the meeting. Concerns included overflow parking on-street, potential impact of increased traffic, viewshed changes, safety of children, and development costs.

Minnesota Statute 462.355, Subd. 3 allows for a simple majority in the case of amending a plan to accommodate affordable housing. Affordable housing in this context is development in which at least twenty (20) percent of the units are restricted to occupancy for at least ten years by persons whose income at the time of initial occupancy does not exceed sixty percent of the area medium income (AMI) which is \$85,800. Rezoning from an industrial/commercial to a residential zoning classification requires a simple majority vote.

Councilmember Chard explained that he has met with the applicant and members of the Fogarty family to discuss the extension of State Street. Councilmember Chard believes this is the best option and that the proposed development should be placed on an existing R-7 zoned property.

7.2.1. Resolution 17-082-A, APPROVING Minor Comprehensive Plan Amendment for Schrom Construction for Property at Church Street and Aspen Lane.

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

7.2.1. Resolution 17-082-B, DENYING Minor Comprehensive Plan Amendment for Schrom Construction for Property at Church Street and Aspen Lane.

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

7.2.2. 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 Councilmember Coop, second by Councilmember Chard, to take no action on proposed Ordinance 17-09, An Ordinance Rezoning Certain Property at Church Street and Aspen Lane from I-C Industrial Commercial to R-7 Mixed Housing as Ordinance 17-09 is unnecessary due to failed action related to a comprehensive plan amendment request. ALL VOTED AYE. MOTION CARRIED.

7.3. Resolution 17-103 Approving Concept Plan for Oak Village Second Addition.

Community Development Director Smith Strack explained that Matt Kes, Applicant, has purchased approximately four (4) acres of property at 561 Elk Street and proposes a mixed density residential planned unit development (PUD) and replatting. PUD and subdivision review begin with concept plan consideration. The property is zoned R-7 Mixed Housing. Mr. Kes requests concept plan approval and authorization to submit the preliminary and final plat concurrently. The property is legally described as Lot 7, Block 2 Oak Village and is accessed by a private drive (Outlot B Oak Village). Under previous development review, the lot designed/built to accommodate two story forty-unit apartment buildings. Applicant proposes a private development with seven single family lots and twelve attached units contained in four structures. A homeowner's association would provide for major structural maintenance (e.g. residing, reroofing).

In reference to the proposed private streets, Councilmember Coop commented the City will need to ensure easements for utilities located within the development. City Attorney Vose explained that a developers agreement would address easements and covenants.

Matt Kes addressed the Council and asked for consideration of allowing the existing private street that accesses the proposed development to become a City street. City Engineer Duncan explained that City standards require 60-foot right-of-way and a minimum width of 32 feet. The private street does not meet these standards. Mr. Kes will pursue obtaining the necessary right-of-way or easement from the homeowners.

MOTION by Councilmember Coop, second by Councilmember Chard, to TABLE action on Resolution 17-103 Approving Concept Plan for Oak Village Second Addition until September 5, 2017 to allow time for Mr. Kes to obtain necessary easements or road right-of-way in addition to having further discussion with Staff regarding the street configuration. ALL VOTED AYE. MOTION CARRIED.

8. ADMINISTRATION.

8.1. Upcoming Meetings.

- 1. Labor Day, Offices Closed, Monday, September 4.**
- 2. Design Committee, 5:15 pm, Tuesday, September 5.**
- 3. City Council, 6:30 pm, Tuesday, September 5.**
- 4. Work Session, 6:45 pm, Tuesday, September 5.**
- 5. EDA, 5:00 pm, Monday, September 11.**
- 6. Planning, 6:30 pm, Monday, September 11.**
- 7. Public Safety, TBD.**
- 8. Destination 2040, 6:00 pm, Wednesday, September 13.**
- 9. Public Works, 9:00 am, Thursday, September 14.**

The Council was reminded of the upcoming meetings as listed.

9. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Chard, to adjourn the Regular Session at 8:08 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary