BELLE PLAINE CITY COUNCIL
REGULAR SESSION
SEPTEMBER 19, 2011

1. PLEDGE OF ALLEGIANCE.

Mayor Tim Lies 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, September 19, 2011 at 6:30 p.m. at the Government Center, 218 North Meridian Street, Belle Plaine, MN. Mayor Tim Lies called the meeting to order with Councilmembers Cary Coop, Paul Chard, Scott Schneider and Michael Pingalore present. Councilmember Gary Trost was not present.

Also present were City Administrator David Murphy, Community Development Director Trisha Rosenfeld, Public Works Superintendent Al Fahey, Finance Director Dawn Meyer, Police Chief Tom Stolee, City Engineer Joe Duncan and City Attorney Bob Vose. Beth Dempsey served as the Video Recording Operator.

3. APPROVAL OF AGENDA.

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

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of September 6, 2011.
4.2. Authorizing Discontinuation of Membership with Minnesota Valley Council of Governments.
4.3. Approving Amended Joint Powers Agreement for Scott Joint Prosecutions Association and Authorizing Mayor and City Administrator to Execute Agreement.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the consent agenda as follows: 4.1. Regular Session Minutes of September 6, 2011, 4.2. Authorizing Discontinuation of Membership with Minnesota Valley Council of Governments, 4.3. Approving Amended Joint Powers Agreement for Scott Joint Prosecutions Association and Authorizing Mayor and City Administrator to Execute Agreement. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

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

5.2. Fire Department.

Fire Chief Randy Koepp 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 Trisha Rosenfeld was present. The Council acknowledged receipt of the Community Development Department report.

5.5. City Administration Report.

City Administrator David Murphy was present. The Council acknowledged receipt of the City Administration report.

6. PUBLIC FORUM.

No one spoke at the public forum.

7. PUBLIC HEARINGS.

7.1. Variance Request – 844 Lindsey Lane. The City Council will accept public comment on a request by Darrold and Connie Kern, 844 Lindsey Lane, Belle Plaine, for a six (6) foot variance from Section 1105.05 to allow the expansion of attached garage to encroach the north side yard setback in the R-1, Single Family District.

Mayor Lies referenced a memo dated September 19, 2011 from Community Development Director Rosenfeld regarding a variance request.

Community Development Director Rosenfeld explained the Planning Commission tabled action in order to allow additional time for the Commissioners to view the property and study this issue further.

Mayor Lies opened the public hearing at 6:36 p.m. and asked for public comment.

Darrold Kern, 844 Lindsey Lane, applicant, explained he would like to add on to his garage as he needs additional storage space. The topography of his lot deters the building of an accessory shed. Mr. Kern explained that his neighbors have supported the expansion of his attached garage.

MOTION by Councilmember Coop, second by Councilmember Chard, to continue the public hearing until October 17, 2011 to allow time to receive a recommendation from the Planning Commission. ALL VOTED AYE. MOTION CARRIED.

MOTION by Councilmember Chard, second by Councilmember Coop, to table action on Resolution 11-104, Granting a Variance to Allow the Expansion of Attached Garage at 844 Lindsey Lane, until a recommendation is received from the Planning Commission. ALL VOTED AYE. MOTION CARRIED.

7.2. Sign Variance – 1050 Enterprise Drive East. The City Council will accept public comment on a request by Choate and Company/dba McDonalds, 6078 Clarion Pass, Minnetonka, MN, for a fifteen (15) foot variance from Section 1107.20 of the Zoning Ordinance to allow a fifty (50) foot high sign at 1050 East Enterprise Drive, in the I-C, Industrial/Commercial District.

Mayor Lies referenced a memo dated September 19, 2011 from Community Development Director Rosenfeld regarding a request for a sign variance.

Community Development Director Rosenfeld explained that applicants, Choate & Company/dba McDonalds, are the new owners of the upcoming McDonalds restaurant located adjacent to the Coborn's Superstore. The owners are requesting the height of the McDonalds pylon sign to be at 50', which would require a 15' height variance. The requirement is 35' in height. The owner has not made application for a sign permit at this time. The sign will need to adhere to the setbacks for the placement of the structure, which is 10 feet from any street right-of-way line. In 2002 the City approved a sign height variance of 15 feet for the AmericInn. This pylon sign is positioned at 50 feet in height. The hardship identified was due to the distance the sign was to be located from TH 169 and an eastern tree line to be avoided in the site line for the sign. The elevation of TH 169 is higher than the location of the existing sign. In relation to the above information, the elevation for the proposed McDonalds sign is significantly higher than the location of the AmericInn sign. Staff is only recommending a variance of nine feet, allowing a 44 foot height for the proposed sign, which would be at the height level as the AmericInn sign. The ground elevation of the AmericInn sign location is six feet lower than the elevation at County Road 64. Community Development Director Rosenfeld also noted that Highway 169 is 25 feet lower than Enterprise Drive, the access road to McDonalds. The Planning Commission recommended approval of a 15 foot variance to allow a 50-foot high sign.

Mayor Lies opened the public hearing at 6:43 p.m. and asked for public comment.

Mark Hodd, Director of Operations, Chaote and Company, requested approval of a 15-foot variance for the proposed sign.

MOTION by Councilmember Coop, second by Councilmember Pingalore, to close the public hearing at 6:44 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Pingalore inquired about the height of Coborn's sign. Community Development Director Rosenfeld replied that it is 35 feet high.

1. Resolution 11-105 Granting Approval of a Sign Variance for McDonalds at 1050 East Enterprise Drive.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-105 Granting Approval of a 15-foot Sign Variance for McDonalds at 1050 East Enterprise Drive. ALL VOTED AYE. MOTION CARRIED.

7.3. Preliminary and Final Re-Plat for Diversified Business Park Third Addition and Conditional Use Permit and Variances. The City Council will accept public comment on a request by Oppidan/KTJ186 LLC for approval of a revised preliminary and final plat for Diversified Business Park Third Addition. Also considered will be conditional use permits and variances related to the proposed hair salon and wireless communication retail store for Lots 1 and 2, Block 1, Diversified Business Park Third Addition.

Mayor Lies referenced a memo dated September 19, 2011 from Community Development Director Rosenfeld regarding the re-plat, conditional use permits and variance requests related to Diversified Business Park Third Addition.

Community Development Director Rosenfeld explained that KTJ, 186, LLC, is requesting the review of the revised preliminary plat, final plat, amended conditional use permit for Lot 1, conditional use permit for Lot 2, and variance requests for both Lots 1 and 2. The purpose for these applications and procedures is the continuation from the approved concept plan to split the property into two separate lots, creating Lot 1 and Lot 2, Block 1 of Diversified Business Park Third Addition. The building encroaches the interior property line setbacks on both lots, therefore a variance has been requested. The variance request is to construct the building to the property line. The required setbacks for the I/C Zoning District is 20 feet. The proposed building is being built to the interior property line and would encroach the side yard setback 20 feet. There is an approved conditional use permit for the reduction in off-street parking and the restaurant use for Lot 1. The application submitted is to amend the existing CUP for Lot 1. The amended CUP will address the off-street parking adjustment and shared parking with Lot 2. A Conditional Use Permit is required for Lot 2 with the retail units. The conditional use permit will allow a hair salon at 1054 Enterprise Drive, and a wireless communications retail store at 1058 Enterprise Drive. The additional vacant retail unit will require a CUP prior to occupancy. The City is currently going through the process to update the variance language in the City Code. Until this process is completed, the City shall follow the State Statute as it pertains to variances. The findings are based on the new State Statute, Section 394.27, Subd 6 and 7.

Mayor Lies opened the public hearing at 6:53 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Coop, second by Councilmember Schneider, to close the public hearing at 6:54 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Chard noted the construction of the building has begun for McDonalds restaurant and retail center and inquired about the after-the-fact variance request. Mayor Lies commented the Council was informed of the intent during the concept approval process. Community Development Director Rosenfeld explained the applicant was advised of the risk and that the owner would revert to a single lot, if necessary.

1. Resolution 11-106 Granting Approval of a Revised Preliminary Plat for Diversified Business Park Third Addition.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-106 Granting Approval of a Revised Preliminary Plat for Diversified Business Park Third Addition. ALL VOTED AYE. MOTION CARRIED.

2. Resolution 11-107 Granting Approval of a Revised Final Plat for Diversified Business Park Third Addition.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-107 Granting Approval of a Revised Final Plat for Diversified Business Park Third Addition. ALL VOTED AYE. MOTION CARRIED.

3. Resolution 11-108 Granting Approval of a Conditional Use Permit Related to Off-Street Parking.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-108 Granting Approval of a Conditional Use Permit Related to Off-Street Parking. ALL VOTED AYE. MOTION CARRIED.

4. Resolution 11-109 Granting Approval of a Conditional Use Permit to Allow a Hair Salon at 1054 East Enterprise Drive.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-109 Granting Approval of a Conditional Use Permit to Allow a Hair Salon at 1054 East Enterprise Drive. ALL VOTED AYE. MOTION CARRIED.

5. Resolution 11-110 Granting Approval of a Conditional Use Permit to Allow a Wireless Communications Retail Store at 1058 East Enterprise Drive.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-110 Granting Approval of a Conditional Use Permit to Allow a Wireless Communications Retail Store at 1058 East Enterprise Drive. ALL VOTED AYE. MOTION CARRIED.

6. Resolution 11-112 Granting Approval of a 20-foot Variance to Allow the Construction of a Building to Encroach the Side Yard Setback on Lot 1, Block 1.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-112 Granting Approval of a 20-foot Variance to Allow the Construction of a Building to Encroach the Side Yard Setback on Lot 1, Block 1. ALL VOTED AYE. MOTION CARRIED.

7. Resolution 11-113 Granting Approval of a 20-foot Variance to Allow the Construction of a Building to Encroach the Side Yard Setback at Lot 2, Block 1.

MOTION by Councilmember Schneider, second by Councilmember Pingalore, to approve Resolution 11-113 Granting Approval of a 20-foot Variance to Allow the Construction of a Building to Encroach the Side Yard Setback at Lot 2, Block 1. ALL VOTED AYE. MOTION CARRIED.

7.4. Ordinance 11-09. The purpose of the hearing is to receive and consider public comment on proposed Ordinance 11-09, amending the City Code by amending Chapter 12, clarifying and defining "buildable land." Also considered will be amending the Zoning Ordinance, Sections 1103, clarifying and defining language pertaining to variances.

Mayor Lies referenced a memo dated September 19, 2011 from Community Development Director Rosenfeld regarding proposed Ordinance 11-09.

Community Development Director Rosenfeld explained proposed Ordinance 11-09 indicates changes to the City's zoning ordinance and the City's subdivision ordinance. The first is the language changes relative to variances. The second is language changes relative to park dedication requirements. In light of the recent court case, it is recommended at this time to bring the City's zoning ordinance into conformance with the new State Statute related to variances. Also being considered at this time are proposed changes to the City's Subdivision ordinance as it relates to park dedication.

Mayor Lies opened the public hearing at 7:01 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Schneider, second by Councilmember Pingalore, to close the public hearing at 7:02 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Coop inquired whether the proposed variance language is in compliance with State Statute and the definition of wetlands. City Attorney Vose replied the proposed ordinance is in accordance with the new State Statute, requiring practical difficulties rather than determination of hardship. Community Development Director Rosenfeld read the definition of wetlands from the Zoning Ordinance. City Engineer Duncan explained there is a designated wetland south of West Commerce Drive with additional wetlands delineated as shown on the Scott County website.

1. Adoption of Ordinance 11-09.

MOTION by Councilmember Coop, second by Councilmember Schneider, to adopt Ordinance 11-09, amending the City Code by amending Chapter 12, clarifying and defining "buildable land" and amending the Zoning Ordinance, Sections 1103, clarifying and defining language pertaining to variances. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

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

8.2. Resolution 11-114 Awarding Sale of $1,675,000 Bond for 2011 Street Project.

Mayor Lies referenced a memo dated September 19, 2011 from Finance Director Meyer regarding awarding the sale of bond for the 2011 street improvement project.

Finance Director Meyer explained the city council awarded the contract for the 2011 street reconstruction project for $2,029,684.85. On August 15, 2011 the City Council authorized the calling for the sale if G.O. improvement bonds for the purpose of financing the 2011 street reconstruction project. The City proceeded with a bond rating call from Standard & Poors, the conference call was held on September 9, 2011. Bids were taken on September 19, 2011.

Mark Ruff, financial advisor, Ehlers and Associates, provided a summary of the bond sale. The City's rating is AA- by Standard & Poor, and the low bid of 1.2962% was submitted by UMB Bank.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 11-114 Awarding Sale of $1,675,000 Bond for 2011 Street Project. ALL VOTED AYE. MOTION CARRIED.

Councilmember Pingalore thanked Finance Director Meyer and staff for their efforts resulting in the favorable bond rating and low interest rate.

The Council recessed at 7:24 p.m. and reconvened at 7:29 p.m.

8.3. Chamber of Commerce.

1. Large Assembly Permit.

Mayor Lies referenced a memo dated September 19, 2011 from City Administrator Murphy regarding a request for a large assembly permit.

City Administrator Murphy explained the Belle Plaine Chamber of Commerce has submitted a request for a large assembly permit for the Harvest Festival be held on October 8, 2011 at Court Square Park located at 410 North Cedar Street. The event will include a half-marathon, 5K run, craft fair, farmers market, polka music, clown performance and concessions. The Chamber is to provide dumpster and trash receptacles, signage and the cost of additional security requirements.

MOTION by Councilmember Chard, second by Councilmember Coop, to approve the large assembly permit by the Chamber of Commerce for the Harvest Festival on October 8, 2011. ALL VOTED AYE. MOTION CARRIED.

2. Temporary Intoxicating On-Sale Permit.

Mayor Lies referenced a memo dated September 19, 2011 from City Administrator Murphy regarding a request for temporary on-sale beer license by the Chamber of Commerce.

City Administrator Murphy explained the Chamber of Commerce has applied for a temporary intoxicating liquor license for their first annual Harvest Festival. The event will take place on October 8, 2011. The Chamber of Commerce meets all requirements for a temporary intoxicating license and the application has been reviewed and recommended for approval by Police Chief Stolee.

MOTION by Councilmember Coop, second by Councilmember Pingalore, to approve the request for temporary on-sale beer license by the Chamber of Commerce for the Harvest Festival on October 8, 2011. ALL VOTED AYE. MOTION CARRIED.

8.4. Resolution 11-094 Award Bid for the 2011 TH25 Lane Addition Project.

Mayor Lies referenced a memo dated September 19, 2011 from City Administrator Murphy regarding the bid award for the TH25 lane addition project.

City Administrator Murphy explained the TH 25 Lane Addition Project bid opening was held on September 16, 2011. The bids were tabulated. The project is scheduled to be completed by November 30, 2011.Staff recommends the award of the low bid to Chard Tiling at $197,043.27, contingent upon approval by MnDOT.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve Resolution 11-094 Award Bid for the 2011 TH25 Lane Addition Project to Chard Tiling for $197,043.27. ALL VOTED AYE. MOTION CARRIED.

8.5. Authorizing the Purchase of 2012 Chevrolet Pickup for Public Works Department.

Mayor Lies referenced a memo dated September 19, 2011 from Public Works Superintendent Fahey regarding the purchase of a 4-wheel drive pick up.

Public Works Superintendent Fahey explained the pickup that is currently being used by the utilities department is in need of replacement. The truck is 16 years old and has 125,000 miles on it. This purchase of a replacement truck is in the C.I.P. budget and was suppose to be purchased two years ago but due to the freezing of capital spending it was delayed. The low bid of the replacement pickup was received from Matt Saxe Chevrolet for $23,547.00 plus tax and license. This price reflects a deduct of $10,823.00 from the MSRP of $34,340.00 because of dealer discounts and GM incentives.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve the low bid for the Chevrolet pickup from Matt Saxe Chevrolet for $23,547.00 plus tax and license. ALL VOTED AYE. MOTION CARRIED.

8.6. Resolution 11-115 Acceptance of Privately Installed Watermain and Sanitary Sewer Dedicated to the City for Diversified Business Park Second Addition.

Mayor Lies referenced a memo dated September 19, 2011 from City Administrator Murphy regarding the acceptance of public utilities.

City Administrator Murphy explained the utility extensions in Diversified Business Park Second Addition have been completed and all punch list items have been addressed and corrected. Bolton & Menk has tested and inspected the improvements and has found them to be in compliance with City standards.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 11-115 Acceptance of Privately Installed Watermain and Sanitary Sewer Dedicated to the City for Diversified Business Park Second Addition. ALL VOTED AYE. MOTION CARRIED.

8.7. Authorizing Purchase and Installation of a Drinking Fountain at Heritage Square.

Mayor Lies referenced a memo dated September 19, 2011 from Community Development Director Rosenfeld regarding the purchase of a drinking fountain.

Community Development Director Rosenfeld explained the Park Board has been discussing the need for a drinking fountain at Heritage Square. Additional research has been done and a Haws brand, non-vandalized drinking fountain has been determined to be the best type to purchase. The Park Board is recommending a purchase of $1,241.70 plus tax and shipping for the Haws 1025 drinking fountain. Total price with tax and shipping is $1,376.76. Installation will be completed by Public Works. The proposed location for the drinking fountain would be attached to the north side of the building at Heritage Square.

Councilmember Pingalore was opposed to the expenditure. He cited vandalism and that the money could be better spent on playground equipment or mulch.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the purchase and installation of a water drinking fountain at a cost of $1,376.76 for Heritage Square. Councilmember Pingalore VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8.8. Authorize City Website Update with Voyageur Web.

Mayor Lies referenced a memo dated September 19, 2011 from Community Development Director Rosenfeld regarding the updating of the City's website.

Community Development Director Rosenfeld explained the first implementation step from the Economic Development Marketing and Communication Plan is to update and redesign the City's website. The City's website was last updated in 2007 and it is necessary at this time to freshen up the site and particularly add substantial economic development information. The Communication Plan has outlined part of the potential redesign, but we will work with Voyageur Web on the new design and programming changes. Staff received estimates from dTrio, the company we worked with on the Communications Plan, as well as Voyageur Web, the company who is our current website host. Staff is recommending Voyageur Web at the lower cost, for the entire project. The remaining $5,000 from the Scott County CDA grant will be utilized for a majority of the cost. There will be five hours (value of $425) from the current retainer with Voyageur Web, and $175 from the EDA's marketing budget to be used towards the cost. The total cost of the redesign is valued at $5,175. The EDA has recommended to move forward with this project and to utilize Voyageur Web for the complete project. The cost of $5,175 does not include the slideshow component.

Councilmember Pingalore was opposed to the update and implementation process and believes the costs will continue to grow.

MOTION by Councilmember Coop, second by Councilmember Schneider, to authorize Voyageur Web to proceed with the updating and redesign of the City's website at a cost of $5,175.00. Councilmember Pingalore VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.
9.1. Upcoming Meetings.
1. Park Board, 5:00 p.m. Monday, Sept. 26.
2. City Council, 6:30 p.m., Monday, Oct. 3.
3. Public Safety, 6:00 p.m., Wednesday, Oct. 5.
4. EDA, 5:00 p.m., Monday, Oct. 10.
5. Planning Commission, 7:00 p.m., Monday, Oct. 10.

The council members were reminded of the upcoming meetings as listed.
10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Pingalore, to adjourn at 8:05 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary