BELLE PLAINE CITY COUNCIL
REGULAR MEETING
OCTOBER 21, 2013

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, October 21, 2013 at 6:00 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, Scott Schneider and Paul Chard present.

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

3. APPROVAL OF AGENDA.

Mayor Pingalore explained that Ben and Antusa Bryant, 105 Robert Circle, who have requested to address the council regarding their request for utility bill credit, will not appear at tonight's meeting and will re-schedule.

Councilmember Trost was opposed to having the final plat for Haefner Subdivision along with the preliminary plat presented at tonight's meeting. He suggested the final plat be presented at the next council meeting. Mayor Pingalore and Community Development Director Alger explained the platting process was straight forward and recommended the final plat remain on the agenda.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the agenda as presented, with the exception the visitor's request by Ben and Antusa Bryant be removed. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of October 7, 2013.
4.2. Accepting Resignation of James Lange as a Member of the Belle Plaine Economic Development Authority and Authorizing Staff to Advertise to Seek Candidates.
4.3. Annual Community Pool Report.

MOTION by Councilmember Coop, second by Councilmember Schneider, to approve the consent agenda as follows: 4.1. Regular Session Minutes of October 7, 2013, 4.2. Accepting Resignation of James Lange as a Member of the Belle Plaine Economic Development Authority and Authorizing Staff to Advertise to Seek Candidates, and 4.3. Annual Community Pool Report. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

Doug Sweeney of Ridgeview Ambulance was present and provided a written monthly report. The Council acknowledged receipt of the Ambulance Department report.

5.2. Fire Department.

Fire Chief Todd was not 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 Chelsea Alger was present. Councilmember Trost acknowledged the great work of staff and the EDA in sponsoring the recent Highway Commercial and Industrial Open Forum. 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.

5. PUBLIC FORUM.

No one spoke at the public forum.

7. PUBLIC HEARINGS.

7.1. Alley Vacation, Preliminary Plat, Final Plat, Variance and Rezone – Haefner's Subdivison. The City Council will receive and consider public comment on a request by Haefner Enterprises, Inc for alley vacation, preliminary plat, final plat, variance and rezone approval for Haefner's Subdivision, to simplify legal descriptions and tax parcels, and facilitate the proposed sale of a portion of the property.

1. **Resolution 13-120 Approving the Vacation of the Alleys in Block 38 and Block 55, and the Alley Between Lots 1 and 12 of Block 58, Original Plat of Belle Plaine.**
2. **Resolution 13-116 Granting Approval of the Preliminary Plat for Haefner's Subdivision.**
3. **Resolution 13-117 Granting Approval of the Final Plat for Haefner's Subdivision.**
4. **Resolution 13-118 Approving Variance to Reduce Certain Lot Frontage and Setbacks for Haefner's Subdivision.**
5. **Ordinance 13-010 Rezoning of Property from I-2, General Industrial, to R-MH, Manufactured Housing.**

Mayor Pingalore referenced a memo dated October 21, 2013 from Community Development Director Alger regarding zoning requests by Haefner Enterprises.

Community Development Director Alger explained that Haefner Enterprises, Inc, has submitted application for preliminary plat, final plat and rezoning approval, for property located in and amongst Blocks 34, 38, 55 and 58 of the Original Plat of City of Belle Plaine. The purpose for the requests is to simplify legal descriptions and tax parcels, and facilitate the proposed sale of a portion of the property. As part of the subdivision approval the applicants are also requesting rezoning of property and vacation of alleys. The applicant owns all parcels on either side of the alleys requested for vacation. Utility companies have been notified and have indicated no objections to the proposed vacation. No other public comment has been received either for or against the proposed alley vacations.

The project area consists of seven different tax parcels, many of which cross through buildings or otherwise encumber a logical separation of uses. Due to these circumstances staff felt the best approach in handling the "clean-up" of legal descriptions was through the platting process. Because this plat is intended to create a separation of existing uses there are fewer concerns regarding future development, however the creation of lot boundaries is somewhat atypical and results in the need for various variance approvals to accommodate the process. Four lots are proposed as part of the Plat. Lot 1 encompasses the existing storage building at the end of Beaver Street; Lot 2 the mobile homes; and Lot 4 the storage facilities. The applicants have indicated the intent to sell Lot 2 to a 3rd party, and retain ownership of Lots 1, 3 and 4 at this time. Lot 3 is the only lot in which there are no current building improvements.

Variance from the minimum lot width proposed on Lot 2 will be required in order to approve this plat. Additionally, Lot 3 is atypically shaped in that the lot line angles do not run primarily perpendicular to the Beaver Street right-of-way, but create more of a "neck" access to the street, with the majority of the lot tucked south of Lot 1. The applicants have indicated a desire to retain one vacant lot, and considering the layout of surrounding improved parcels the proposed Lot 3 configuration appears to be the most likely alternative.

Lots created around existing buildings should be configured so that required setbacks for that particular zoning district are maintained. Lots 1, 2 and 4 will require variance from the setback requirement in order to approve this plat. In regards to Lot 3, the preliminary plat identifies minimum setbacks for any future improvements and the ability to allow for future construction. There are no new streets proposed with this Plat. The applicant is proposing to dedicate additional property for a turn-around on the west end of Beaver Street, of which the radial dimensions meet the requirements of the Subdivision Ordinance, Section 1205.02, Subd. 3.

Park dedication is required in the amount of 10% of the gross buildable land, or a cash contribution in lieu of land dedication, in accordance with the City's Fee Schedule. Being that there is no usable park land within the Plat area, Staff would look to recommend the cash contribution in lieu of land for any developable acreage. Currently Lot 3 is proposed as a vacant parcel; however this parcel is encumbered with building rubble of an old milk plant, which contains asbestos. As such, the County passed a resolution in 2001 limiting the use of the property for development. The City Attorney has reviewed these documents and found them to be sufficient in deeming the property unbuildable. Therefore, no park dedication fees will be required at this time. Should the development potential of that parcel change in the future this would require additional city and likely other governmental entity approval and park dedication requirements could be addressed at that time.

There are no public improvements required as part of the Plat and therefore no developer's agreement will be required. Four variance requests are being made to accommodate the existing conditions within the boundaries of the Plat. They are: Variance from Section 1205.05, Subd. 1.E. Lot Frontage and Access, to allow for a reduced lot frontage on Lot 2 of 728 ft (requirement is 820 ft); and Variance from Section 1205.05, Subd. 1.L. Setback Lines, to allow for reduced setbacks on Lot 1, Lot 2 and Lot 4. Staff supports the findings in granting of the requested variances, due to the fact that development is already established in the plat area, and that the subdivision is intended to reduce or eliminate certain existing nonconformities and complex legal descriptions. Proposed property boundaries are drawn as such to create the least impact to surrounding properties while establishing a logical separation of uses and simplifying legal descriptions.

As part of the division of parcels the applicant requests to rezone a small portion of the property from I-2 to R-MH, identified as the easterly half of vacated Elk Street, adjacent to the westerly boundary of Lot 12, Block 55, in the Original Plat of City of Belle Plaine. The southerly half includes the recently vacated Elk Street which, by Statute, became part of the parcel to the east, zoning designation of I-2 included. The northerly half is currently zoned I-2 zoned. A manufactured home is located on the subject area and therefore this area will become part of Lot 2 on the Plat, encompassing the manufactured housing, and should carry the same zoning designation of R-MH. The purpose of this rezoning is a housekeeping item to ensure the proper zoning designation is applied to the existing uses identified in the new plat. The Planning Commission recommended approval of the requests as presented.

Mayor Pingalore opened the public hearing at 6:21 p.m. and asked for public comment.

Stephen Haefner, Haefner Enterprises, 302 Jennifer Lane, Jordan, MN, responded to Councilmember Trost's comment regarding the presentation of the final plat with the preliminary plat. Mr. Haefner explained the purpose of the platting process was to distinguish property lines to allow for the sale of the mobile home park.

MOTION by Councilmember Trost, second by Councilmember Coop, to close the public hearing at 6:24 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution 13-120 Approving the Vacation of the Alleys in Block 38 and Block 55, and the Alley Between Lots 1 and 12 of Block 58, Original Plat of Belle Plaine

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Resolution 13-120 Approving the Vacation of the Alleys in Block 38 and Block 55, and the Alley Between Lots 1 and 12 of Block 58, Original Plat of Belle Plaine. ALL VOTED AYE. MOTION CARRIED.

2. Resolution 13-116 Granting Approval of the Preliminary Plat for Haefner's Subdivision.

City Attorney Vose commented that Lot 3 restricts future development due to hazardous waste materials and cannot be built upon. Previous council action will be re-recorded with the plat. Councilmember Chard inquired about the future improvements to the turn-around on Beaver Street. He expressed concern for a lack of a gutter line and recommended an escrow for the improvement as the property is for sale and now is the time to address the street improvement. Councilmember Chard was opposed to having the city taxpayers absorb the cost of improvements. He noted that although Lot 3 is not buildable, a property owner may utilize the land for storage. City Engineer Duncan responded that the platting is for clarifying property lines and is not a typical subdivision platting process. City Attorney Vose explained a developer's agreement could address future improvements, or a signed waiver of assessment appeal would allow the city to proceed with the improvements and assess the property owner. Community Development Director Alger said provisions for a developer's agreement could be included in the resolution for the preliminary and final plat approval. Councilmember Coop asked for assurance that the developer's agreement will be recorded at Scott County. Councilmember Trost reiterated his aversion to having the final plat presented at the same meeting as the preliminary plat. Councilmember Coop suggested tabling action on the final plat. Applicant Stephen Haefner commented that requiring a turn-around on Beaver Street would be a waste of money at this time as the building has been for sale for quite some time and there has been no interest in it. He requested the turn-around be required at the time of the sale of the property or at the time improvements such as water and sanitary sewer are added to the site. City Attorney Vose explained the City can make the improvements and then assess the property, or the landowner can do it at his/her expense. The requirement could be included in a developer's agreement and recorded with the plat. It was the consensus of the council to direct staff to prepare a developer's agreement to address the future improvements.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve Resolution 13-116 Granting Approval of the Preliminary Plat for Haefner's Subdivision, with the added condition that a developer's agreement be prepared to provide for the completion of a turn-around on Beaver Street and waiver of assessment appeal if the turn-around is completed as a city project. ALL VOTED AYE. MOTION CARRIED.

MOTION by Councilmember Coop, second by Councilmember Chard, to TABLE action on Resolution 13-117 Granting Approval of the Final Plat for Haefner's Subdivision, Resolution 13-118 Approving Variance to Reduce Certain Lot Frontage and Setbacks for Haefner's Subdivision and Ordinance 13-010 Rezoning of Property from I-2, General Industrial, to R-MH, Manufactured Housing to allow time for the preparation of a developer's agreement for the improvements of a turn-around on Beaver Street. ALL VOTED AYE. MOTION CARRIED.

7.2. Variance Request. The City Council will receive and consider public comment on a request by Michael Smoak, 201 State Street West, for a variance from Section 1107.05, Subd.5 of the Zoning

Ordinance to allow an open-sided roofed addition over the third parking stall to encroach into the required 30’ side street setback in the R-3 District.

Mayor Pingalore referenced a memo dated October 21, 2013 from Community Development Director Alger regarding a variance request.

Community Development Director Alger explained that Michael Smoak has submitted a variance application to allow for a reduction in the front, rear, and side-street yard setback requirements on his property located at 201 West State Street. The purpose for the request is to construct an open-sided, roofed parking addition onto his garage, which will cover the existing parking stall on the east side of his garage. The applicant’s proposed addition to the garage would not meet the setback requirements of the R-3 District. Notice was sent to all property owners within 350 feet of the proposed project. Karl and Rosemary Kolden, 219 N. Willow Street, submitted a letter in support of the variance. No other public comment was received either for or against the request. The Planning Commission discussed the matter, Commissioners Pressley and Hetzel felt that the applicant met the standard of “practical difficulty”, that the open-sided addition would not create visual or other encroachment issues and that they did not have concern with any precedent being established by granting the requested variance. Commission Hvidsten indicated concern with setting precedent and that if this was a lot sharing a property boundary with another owner the potential to create development up to the property line on both sides would be of concern. The Planning Commission recommended approval on a 4-1 vote.

Mayor Pingalore opened the public hearing at 7:05 p.m. and asked for public comment.

Michael Smoak, 201 West State Street, applicant, asked for approval of the variance.

Mayor Pingalore acknowledged receipt of a letter of support from Karl and Rose Kolden, 219 North Willow Street.

MOTION by Councilmember Trost, second by Councilmember Chard, to close the public hearing at 7:06 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Chard was opposed to the variance request as he believes the lot is too small to accommodate additional structures. He was also opposed to the open style structure and for setting a precedent. Councilmember Schneider explained this issue was discussed at the Planning Commission. Because the variance was requested for a structure for a garage expansion and not for living space accommodations, the Planning Commission believed the impact would be minimal and the small lot size meets the criteria of practical difficulties.

1. Resolution 13-119 Granting Approval of a Variance to Allow an Open-Sided Roofed Addition to Encroach Front, Side-Street and Rear Yard Setback at 201 West State Street.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Resolution 13-119 Granting Approval of a Variance to Allow an Open-Sided Roofed Addition to Encroach Front, Side-Street and Rear Yard Setback at 201 West State Street. Councilmember Chard VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

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

8.2. Resolution 13-121 Re-Establishing the Office Assistant-Community Development Position and Wage Scale, and Authorizing Staff to Proceed with Advertising to Seek Candidates.

Mayor Pingalore referenced a memo dated October 21, 2013 from Community Development Director Alger regarding the re-establishment of the Office Assistant – Community Development position.

Community Development Director Alger explained that with the resignation of Brandon McCabe a vacancy in the Community Development Coordinator position has been established. Under further review of the position compared to current resources available it has been determined the most significant need is in areas that relate more closely to an office assistant, including receptionist and clerical duties associated with community development activities, as well as back up for general office reception; website, newsletter and local cable channel management. The current job description of Community Development Coordinator includes all of these functions, but outlined additional responsibilities, including duties specific to planning and zoning review and administration; and code enforcement. These duties have been reassigned within the current staff members of the Community Development Director and Building Official. Therefore, the decrease in responsibility proposed for this position made it more closely fit to the previously active "Office Assistant- Community Development" position that was eliminated in 2011, along with the Assistant Planner position, when the Community Development Coordinator position was created. Staff is therefore proposing to re-establish the Office Assistant-Community Development position with the corresponding wage scale.
Staff is proposing to advertise the position at 35-hours, plus benefits. Currently, the position is included in the 2014 preliminary budget for 32-hours, plus benefits, at the CD Coordinator level. Hiring an Office Assistant at Step 1 or 2 would decrease expected wage expenses in 2014 by $2,000-3,000, while retaining an additional 3-hours a week due to an increase in clerical duties assigned. Advertisement would be placed on the League of Minnesota Cities Website, the City of Belle Plaine website, cable channel, the Belle Plaine Herald, and potentially the Star Tribune paper and website. A proposed closing date for applications would be set at November 12, 2013 with interviews to follow shortly thereafter.

Councilmember Trost suggested the hiring of this position be delayed until such time a new City Administrator has been appointed. Councilmember Coop concurred. Mayor Pingalore disagreed, commenting that staff has done their due diligence and he supports filling the vacancy. Councilmembers Schneider and Chard concurred with Mayor Pingalore. Finance Director Meyer explained the importance to fill the position as the office is short-staffed.

MOTION by Councilmember Chard, second by Mayor Pingalore, to approve Resolution 13-121 Re-Establishing the Office Assistant-Community Development Position and Wage Scale, and Authorizing Staff to Proceed with Advertising to Seek Candidates. Mayor Pingalore and Councilmembers Chard and Schneider VOTED AYE. Councilmembers Trost and Coop VOTED NAY. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.
1. Park Board, 5:00 p.m., Monday, October 28.
2. Council Work Session, 6:30 p.m., Monday, October 28.
3. City Council, 6:00 p.m., Monday, November 4.
4. School Board Elections Held in Council Chambers, 7:00 a.m. Tuesday, November 5.
5. Public Works, 11:00 a.m., Tuesday, November 5.
6. Public Safety, 4:30 p.m., Wednesday, November 6.

The Council was reminded of the upcoming meetings as listed. Mayor Pingalore explained that he and Community Development Director Alger attended the Scott County Board meeting to address the CSAH 3 overpass project.

10. ADJOURN.

MOTION by Councilmember Chard, second by Councilmember Coop, to adjourn at 7:25 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary