

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
NOVEMBER 4, 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, November 4, 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.

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 October 21, 2013.

4.2. Call for Public Hearing for Modifications to the Proposed 2014 Fee Schedule.

4.3. Resolution 13-122 Adopting Special Assessments for Delinquent Utility Bills.

4.4. Resolution 13-124 Appointing Dyanne Faraday, Kevin Sieben and Nathan Bigaouette as Part-Time Seasonal Employees with the Public Works Department.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve the consent agenda as follows: 4.1. Regular Session Minutes of October 21, 2013, 4.2. Call for Public Hearing for Modifications to the Proposed 2014 Fee Schedule, 4.3. Resolution 13-122 Adopting Special Assessments for Delinquent Utility Bills, 4.4. Resolution 13-124 Appointing Dyanne Faraday, Kevin Sieben and Nathan Bigaouette as Part-Time Seasonal Employees with the Public Works Department. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Community Services Department.

Community Services Director Nelson Ladd was present. Mayor Pingalore inquired about the next Community Services board meeting and Community Services Director Ladd stated he would advise Mayor Pingalore of the date and time of the meeting. The Council acknowledged receipt of the Community Services Department report.

5.2. Public Works Department.

Public Works Superintendent Al Fahey was present. The Council acknowledged receipt of the Public Works Department report.

5.3. City Engineer Report.

City Engineer Joe Duncan was present. The Council acknowledged receipt of the City Engineer report.

5.4. Administration Report.

Interim City Administrator Dawn Meyer was present and reported that a Personnel Committee meeting has been scheduled for November 18, 2013, immediately following the close the regular session, to discuss the job duties of the City Administrator position. Mayor Pingalore further explained the City Administrator position remains open at this time. The Council acknowledged receipt of the Administration report.

6. PUBLIC FORUM.

No one spoke at the public forum.

7. PUBLIC HEARINGS – NONE SCHEDULED.

8. BUSINESS.

8.1. Presentation of Claims.

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

8.2. Resolution 13-125 Resolution Providing for the Prepayment and Redemption of the City's General Obligation Improvement Refunding Bonds, Series 2005A, and General Obligation Improvement Bonds, Series 2008A.

Mayor Pingalore referenced a memo dated November 4, 2013 from Interim City Administrator Meyer regarding the bond redemption.

Interim City Administrator Meyer explained the City of Belle Plaine has issued and sold G.O. Improvement Refunding Bonds, Series 2005A, for the 2005 Street Improvement Project and Refund the 2000A Bonds. The City has also issued and sold G.O. Improvement Bonds, Series 2008A, for the 2008 Improvement Project. Through an annual review of outstanding debt with the City's Financial Advisor, Ehler's & Associates it was determined that it would be in the City's best interest to pay the bonds off in full. The City issued bonds in the amount \$885,000 at 3.88% interest for 2005 Improvements, and bonds in the amount of \$1,240,000 at 3.67%. There are sufficient funds in the 2005A Bond Fund for redemption as well as a surplus. There are insufficient funds in the 2008A Bond Fund at this time to pay the outstanding bonds in full therefore, the surplus funds from the 2005A Bond Fund and a transfer from the General Fund will be required. Staff recommends the spend-down of the General Fund for the redemption.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve Resolution 13-125 Resolution Providing for the Prepayment and Redemption of the City's General Obligation Improvement Refunding Bonds, Series 2005A, and General Obligation Improvement Bonds, Series 2008A. ALL VOTED AYE. MOTION CARRIED.

8.3. Haefner Subdivision.

Mayor Pingalore referenced a memo dated November 4, 2013 from Community Development Director Alger regarding Haefner Subdivision.

Community Development Director Alger explained the city council tabled action on the Haefner Subdivision final plat, variance and rezone requests to allow time for the preparation of a developer's agreement to address future improvements to Beaver Street. Haefner Enterprises, Inc, submitted application for preliminary plat, and final plat for property located generally between Forest St to the

south and the UP Railroad to the north, between Cherry and Grove Streets. 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 also requested rezoning of property, 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; and vacation of alleys in Blocks 38, 55, and between Lots 1 and 12 of Block 58. At the October 21, 2013 meeting, the Council approved the requested vacation of alleys, and the preliminary plat contingent upon execution of a developer's agreement to address the long term improvements needs of the west end of Beaver Street. The city attorney has drafted such an agreement that has been presented to the applicants for review. As of the date of this memo no comments have been received. The plat area currently consists of seven different tax parcels, many of which cross through buildings or otherwise encumber a logical separation of uses. Typically, when the City reviews a preliminary and final plat it is for undeveloped property where new uses will be created. 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 four variance approvals to accommodate the process. 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 (i.e. multiple separate uses on the same parcel and/or property lines crossing existing structures) the 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. At the October 21, 2013 meeting the Council requested a condition be placed on the Plat regarding the future improvement of the west end of Beaver Street. The attached Developer's Agreement indicates the City may direct the completion of certain Subdivision Improvements, as defined therein, or complete the Improvements and assess the cost to Haefner Enterprises, or future successors or assignees, at any time it is deemed necessary. The City may withhold permits on Lots 1 and 3 until satisfactory completion of the Improvements, if necessary. Haefner Enterprises, or future successors or assignees, waives all requirements of M.S. Chapter 429, including but not limited to notice of hearing and the right to appeal the assessment.

1. Resolution 13-117 Granting Approval of the Final Plat for Haefner's Subdivision.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Resolution 13-117 Granting Approval of the Final Plat for Haefner's Subdivision. ALL VOTED AYE. MOTION CARRIED.

2. Resolution 13-118 Approving Variance to Reduce Certain Lot Frontage and Setbacks for Haefner's Subdivision.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve Resolution 13-118 Approving Variance to Reduce Certain Lot Frontage and Setbacks for Haefner's Subdivision. ALL VOTED AYE. MOTION CARRIED.

3. Ordinance 13-010 Rezoning of Property from I-2, General Industrial, to R-MH, Manufactured Housing.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve Ordinance 13-010 Rezoning of Property from I-2, General Industrial, to R-MH, Manufactured Housing. ALL VOTED AYE. MOTION CARRIED.

8.4. Large Assembly Permit for Streets of Hope Outreach for November 16, 2013.

Mayor Pingalore referenced a memo dated November 4, 2013 from Interim City Administrator Meyer regarding a request for a large assembly permit.

Interim City Administrator Meyer explained the City has received a large assembly permit application from Jay Zimmerman of the Streets of Hope Outreach organization for an overnight event on November 16, 2013 at the River Rock Church vacant property along Highway 169. On November 1, 2013, the department heads reviewed the application requirements with Mr. Zimmerman. The recommended conditions of the application were 1) Applicant must follow City regulations pertaining to recreational fires, 2) Applicant must ensure the site is clean and free of debris at the close of the event, and 3) Vehicle access to the event must be from Belle Plaine Trail only.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve the large assembly permit for Jay Zimmerman of Streets of Hope Outreach organization for November 16, 2013 at the River Rock Church vacant property along Highway 169. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. School Board Elections, held at City Hall, 7:00 a.m. Tuesday, November 5.**
- 2. Public Works, 11:00 a.m., Tuesday, November 5.**
- 3. Public Safety, 4:30 p.m., Wednesday, November 6.**
- 4. City Offices Closed – Veterans Day – Monday, November 11.**
- 5. EDA, 5:00 p.m., Tuesday, November 12.**
- 6. Planning Commission, 7:30 p.m., Tuesday, November 12.**
- 7. BP Township Joint Planning, 5:00 p.m., Wednesday, November 13.**
- 8. Design Committee, 5:00 p.m., Monday, November 18.**
- 6. City Council, 6:00 p.m., Monday, November 18.**
- 7. Personnel Committee, following the close of Regular Session, Monday, November 18.**

The Council was reminded of the upcoming meetings as listed. Mayor Pingalore announced Coffee with the Mayor on Thursday, November 5, 2013 at McDonald's Restaurant.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Chard, to adjourn at 6:24 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary