

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
JUNE 18, 2007**

1. PLEDGE OF ALLEGIANCE.

Mayor Meger led those present in the Pledge of Allegiance.

2. CALL TO ORDER. 1.1. Roll Call.

The Belle Plaine City Council met in Regular Session on Monday, June 18, 2007 at 6:00 p.m. at the Government Center, 218 North Meridian Street, Belle Plaine, MN. Vice Mayor Jim Lange called the meeting to order with Councilmembers Tim Lies, Dawn Underferth, Tim O'Laughlin and Peter Anderly present. Mayor Tom Meger was not present.

Also present were City Administrator David Murphy, Community Development Director Trisha Rosenfeld, Public Works Superintendent Al Fahey, Finance Director Dawn Meyer, City Engineer Joe Duncan and City Attorney Bob Vose.

3. APPROVAL OF AGENDA.

MOTION by Councilmember Anderly, second by Councilmember O'Laughlin, to approve the agenda as presented. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of June 4, 2007.

4.2. Workshop Session Minutes of May 17, 2007.

4.3. Adopting Meal Policy for the City.

4.4. Resolution 07-055 Appointing Christopher R. Peterson as a Part-Time Police Officer with the Belle Plaine Police Department.

4.5. Approving Large Assembly and Road Closure for the Belle Plaine Chamber of Commerce for Bar B Q Days, July 13-15, 2007.

4.6. Employment Contract between the City and City Administrator.

4.7. Resolution 07-060 Approving Time Extension for Variance for Paul and Sherry Miller at 1000 West Court Street.

4.8. Resolution 07-061 Appointing Scott Schneider as an Alternate to the Planning Commission.

4.9. Resolution 07-052A, Modifying Resolution 07-052 Clarifying Andy's Bar and Grill of Belle Plaine, LLC as License Holder for the Renewal of Liquor Licenses for the 2007/2008 Year.

MOTION by Councilmember Lies, second by Councilmember Underferth, to approve the consent agenda as follows: 4.1. Regular Session Minutes of June 4, 2007, 4.2. Workshop Session Minutes of May 17, 2007, 4.3. Adopting Meal Policy for the City, 4.4. Resolution 07-055 Appointing Christopher R. Peterson as a Part-Time Police Officer with the Belle Plaine Police Department, 4.5. Approving Large Assembly and Road Closure for the Belle Plaine Chamber of Commerce for Bar B Q Days, July 13-15, 2007, 4.6. Employment Contract between the City and City Administrator, 4.7. Resolution 07-060 Approving Time Extension for Variance for Paul and Sherry Miller at 1000 West Court Street, 4.8. Resolution 07-061 Appointing Scott Schneider as an Alternate to the Planning Commission, and 4.9. Resolution 07-052A, Modifying Resolution 07-052 Clarifying Andy's Bar and Grill of Belle Plaine, LLC as License Holder for the Renewal of Liquor Licenses for the 2007/2008 Year. ALL VOTED AYE. MOTION CARRIED.

5.1. Ambulance Department.

Ambulance Coordinator Julie Perrone was not present. The Council acknowledged receipt of the Ambulance Department report.

5.2. Police Department.

Police Chief Steve Rost was present. The Council acknowledged receipt of the Police Department report.

5.3. Community Development Department.

Community Development Director Trisha Rosenfeld was present. The Council acknowledged receipt of the Community Development Department report.

5.4. Building Inspection Department.

Building Official Scott McCarty was not present. The Council acknowledged receipt of the Building Inspection Department report.

5.5. City Administration Report.

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

VISITORS REQUEST.

1. Fire Bill Appeal - Dan Myers.

Vice Mayor Lange welcomed Mr. Dan Myers.

Mr. Myers requested that the City Council waive the \$125.00 remaining balance of his son's fire bill. Mr. Myers explained that his son was a victim on a felony assault in which the fire department was dispatched to respond. A portion of the original bill of \$250.00 was paid by a crime victims benefit association. Mr. Myers believed that he and his family should not be responsible for the bill.

Councilmember O'Laughlin recommended that Mr. Myers be allowed an additional six months to pay the bill. Mr. Myers again requested that the bill be waived based on principle. Councilmember O'Laughlin withdrew his recommendation because Mr. Myers had stated that it wasn't about the money or the length of time to pay. With no further action from the City Council, Mr. Myers reluctantly stated that he would pay the bill within 30 days.

2. Fire Bill Appeal - Dan Friedges.

Vice Mayor Lange welcomed Mr. Dan Friedges.

Mr. Friedges requested that the City Council waive the \$392.00 fire bill. Mr. Friedges stated that the fire department responded to a fire call at 104 West Main Street, Apartment #1, after a report of a smoke alarm sounding. He further explained that he has complied with building code requirements, including the installation of smoke alarms. Mr. Friedges stated that there was no fire and that the smoke alarm sounded because of an unclean stove in the apartment. Mr. Friedges asked the City Council to waive the fee due to the depressed housing market and economy.

Finance Director Meyer explained that the utility bills are ultimately the responsibility of the property owner.

No action was taken by the City Council. The fire bill will remain as is.

3. Fire Bill Appeal - Kenneth Keelin on behalf of Irene Keelin.

Vice Mayor Lange welcomed Mr. Kenneth Keelin.

Mr. Keeling explained that his mother, Irene Keelin, received a fire bill. She is a resident of the Boessling Apartment building.

MOTION by Councilmember Lies, second by Councilmember Underferth, to authorize staff to change the billing information on the invoice from Irene Keelin to the owner of the apartment building. ALL VOTED AYE. MOTION CARRIED. .

6. PUBLIC HEARINGS.

6.1. Continued - Variance from the Bluff Ordinance and Conditional Use/ Moving Permit. The City Council will accept public comment on a request by Bluff Enterprises, LLC, 310 West Main Street, Arlington, MN, for a variance from Section 1109 Land and Water Preservation to allow the construction of a multi-family dwelling to encroach the bluff line at 620 West State Street, Belle Plaine, MN, in the R-7, Mixed Housing District. Also considered will be a Conditional Use Permit to Allow a House to be Moved to 620 West State Street. (It is appropriate to continue the public hearing and table action until further a recommendation is received from the Planning Commission.)

Vice Mayor Lange referenced a memo dated June 18, 2007 from Community Development Director Rosenfeld regarding a variance and conditional use/moving permit request by Bluff Enterprises, LLC, Arlington, MN.

Community Development Director Rosenfeld explained that the applicant, Bluff Enterprises, LLC, has not submitted the requested information. She suggested tabling action until a recommendation is received from the Planning Commission.

MOTION by Councilmember O'Laughlin, second by Councilmember Anderly, to continue the public hearing on the variance request by Bluff Enterprises, LLC, until a recommendation is received from the Planning Commission. ALL VOTED AYE. MOTION CARRIED.

MOTION by Councilmember Underferth, second by Councilmember Lies, to table action on the variance and conditional use/moving permit request by Bluff Enterprises, LLC, until a recommendation is received from the Planning Commission. ALL VOTED AYE. MOTION CARRIED.

6.2. Conditional Use Permit. The City Council will accept public comment on a request by Glen S. Morgan, Sr., Lakeville, MN, for a conditional use permit in the B-3, Central Business District, to allow the operation of a martial arts studio at 227 North Meridian Street.

Vice Mayor Lange referenced a memo dated June 18, 2007 from Community Development Director Rosenfeld regarding a conditional use permit request by Glen Morgan, Sr., Lakeville, MN.

Community Development Director Rosenfeld explained that Mr. Morgan has requested a conditional use permit to allow a martial arts studio at 227 North Meridian Street, in the B-3 District. The Planning Commission recommended approval.

Vice Mayor Lange opened the public hearing at 6:49 p.m. and asked for public comment.

Glen Morgan, Lakeville, MN, applicant, requested approval to allow the operation of a martial arts studio. He stated that the hours of operation will be between 5:00 p.m. and 9:00 p.m.

Councilmember Lies inquired about young children in the downtown area during evening hours. Mr. Morgan explained that most likely the classes will not extend beyond 7:30 p.m.

MOTION by Councilmember Anderly, second by Councilmember O'Laughlin, to close the public hearing at 6:50 p.m. ALL VOTED AYE. MOTION CARRIED.

6.2.1. Resolution 07-056 Granting Approval of a Conditional Use Permit to Allow the Operation of a Martial Arts Studio at 227 North Meridian Street.

MOTION by Councilmember Underferth, second by Councilmember Anderly, to approve Resolution 07-056 Granting Approval of a Conditional Use Permit to Allow the Operation of a Martial Arts Studio at 227 North Meridian Street. ALL VOTED AYE. MOTION CARRIED.

6.3. Conditional Use Permit. The City Council will accept public comment on a request by Belle Plaine School District for a conditional use permit to allow the construction of 10 foot and 8 foot high fences and an accessory structure at the Belle Plaine High School Athletic Complex, 1100 West Commerce Drive.

Vice Mayor Lange referenced a memo dated June 18, 2007 from Community Development Director Rosenfeld regarding a conditional use permit request by Independent School District 716.

Community Development Director Rosenfeld explained that the School District has requested a conditional use permit to allow the construction of 10-foot and 8-foot high fences and an accessory structure, 30' x 38', at the Belle Plaine High School Athletic Complex, 1100 West Commerce Drive. The accessory structure is a pole building and is greater than 900 square feet in a residential area. The Planning Commission recommended approval, with the contingency that the City Council review and approve the color of the accessory structure. Community Development Director Rosenfeld distributed a copy of the proposed building, indicating a red and white color scheme.

Vice Mayor Lange opened the public hearing at 6:54 p.m. and asked for public comment.

Dr. Kelly Smith, Superintendent of Schools, requested approval of the conditional use permit. He explained that the color choice was based on the school colors and that the bleachers are also red in color. He further explained that there are no plans for water and sewer service to the site at this time.

MOTION by Councilmember Anderly, second by Councilmember Lies, to close the public hearing at 6:56 p.m. ALL VOTED AYE. MOTION CARRIED.

The Council discussed the requests. Councilmember Anderly commented that the Planning Commission indicated an earth tone blend for the accessory structure and suggested that the School District consider a roof color other than red. City Attorney Vose commented that a Council may dictate aesthetics to some extent. Councilmember Underferth commented that a natural screening would be appropriate for the adjacent R-3 zoned property.

6.3.1. Resolution 07-057 Granting Approval of a Conditional Use Permit to Allow the Construction of 10 foot and 8 foot high fences and an accessory structure at the Belle Plaine High School Athletic Complex, 1100 West Commerce Drive.

MOTION by Councilmember Lies, second by Councilmember Anderly, to approve Resolution 07-057 Granting Approval of a Conditional Use Permit to Allow the Construction of 10 foot and 8 foot high fences and an accessory structure at the Belle Plaine High School Athletic Complex, 1100 West Commerce Drive. ALL VOTED AYE. MOTION CARRIED.

7. BUSINESS.

7.1. Presentation of Claims.

1. Pay Request No. 11 for \$433,000.00 by ABE Construction for the Water Treatment Facility.

MOTION by Councilmember Anderly, second by Councilmember Underferth, to approve the Presentation of Claims and Pay Request No. 11 for \$433,000.00 by ABE Construction for the Water Treatment Facility. ALL VOTED AYE. MOTION CARRIED.

7.2. Resolution 07-058 Granting Approval of a Site Plan for ISD #716 for 330 South Market Street to Allow Expansion to the Existing Parking.

Vice Mayor Lange referenced a memo dated June 18, 2007 from Community Development Director Rosenfeld regarding approval of a site plan for Chatfield Elementary School.

Community Development Director Rosenfeld explained that the applicant is requesting the review of a site plan at the existing Chatfield Elementary School located on Market Street. There are two parts to the request; 1) Parking in the front of the building and 2) parking in the rear of the building.

Front of Elementary: The applicant would like to move the sidewalk in front of the building four (4) feet closer to the building and expand the drive in access seven (7) feet to the east, in order to create seventeen (17) angular parking spaces in front of the building. The existing light posts will be removed and placed elsewhere onsite. (refer to the site plan for the new locations). The existing drive in access is currently 30' feet wide. The applicant will increase this to 41' feet wide by moving the sidewalk and expanding the impervious surface to the east. There is an existing drainage and utility easement that resides in the boulevard.

Rear of Elementary: Upon the removal of the existing temporary modular classrooms located in the rear of the building, the applicant is requesting to expand the parking lot area by 15,410 square feet. This expanded parking area will be in the location where the existing modular classrooms are. The applicants are also requesting to construct a new sidewalk from the expanded parking area to the elementary building.

The existing parking lot area is 38,910 square feet. The total proposed parking lot area would be 54,320 square feet, which is greater than one (1) acre of impervious surface. This does not include the proposed sidewalk. According to state regulations, a storm water pond is required when you have more than an acre of impervious surface.

With the existing modular classrooms and the existing parking area, the total impervious surface is also greater than one (1) acre. Due to the temporary placement of the classrooms, the storm water ponding at that time was not addressed as a requirement. Due to the permanent placement of the proposed impervious surface for the expansion to the parking lot, the storm water pond will be necessary.

The Planning Commission recommended approval of the site plan with the following conditions: 1) There will be no parking at both ends of the drive in access in the front of the building in order to allow fire access; 2) Expansion to the drive in access in the front of the building does not encroach into the drainage and utility easement, and 3) A storm water pond will be necessary in the rear of the building, as required by state regulations. Details of the pond will be reviewed by the City Engineer prior to construction.

Dr. Kelly Smith explained that if a large storm water pond is required, the School District may revise their plans for the parking lot to avoid the ponding requirement. The School District does not want to lose the ball field area.

The Council discussed parking along Market Street and near the entrance to Chatfield Elementary. Councilmember Underferth suggested that a barrier be constructed between the parking spaces and sidewalk for pedestrian safety. Councilmember Lies inquired about limited hours for parking. Dr. Smith explained that the parking area will be under review, but does expect a 2 hour limit for those spaces directly in front of the elementary school.

Public Works Superintendent Fahey noted that the parking area is on private property.

Councilmember Anderly suggested four-inch bollards be placed in front of each of the proposed 17 parking spaces. Dr. Smith commented that he supports additional curbing for pedestrian safety, but was not in favor of bollards. Councilmember Lies questioned whether bollards is the best option for pedestrian safety.

MOTION by Councilmember Anderly, second by Councilmember Underferth, to approve Resolution 07-058 Granting Approval of a Site Plan for ISD #716 for 330 South Market Street to Allow Expansion to the Existing Parking, with the additional language that bollards consisting of a minimum four-inch diameter shall be placed at each of the 17 diagonal parking spaces located in the front the elementary school. Councilmembers Anderly, Underferth and O'Laughlin VOTED AYE. Councilmembers Lange and Lies VOTED NAY. MOTION CARRIED.

7.3. Resolution 07-059 Award Bid for North Sanitary Sewer Interceptor Project.

Vice Mayor Lange referenced a memo dated June 18, 2007 from City Administrator Murphy regarding the award of bid for the North Sanitary Sewer Interceptor Project.

City Administrator Murphy summarized the easement acquisition process for the North Sanitary Sewer Interceptor Project. Bids were opened on June 12, 2007 and six bids were received. There are three choices for the Council to consider. The Council may award the bid for the project. If the Council has concerns about the prospects for a successful project based on familiarity with past projects, the Council may table action until further evaluation is performed. The Council may also choose to reject all bids and restart the bidding process.

City Engineer Duncan presented the City Council with documentation he received from Contractor's Edge regarding sub-contractors, equipment, material source, completed contracts and other bid-related documents.

The Council briefly discussed the options.

MOTION by Councilmember O'Laughlin, second by Councilmember Underferth, to table action on Resolution 07-059 Award Bid for North Sanitary Sewer Interceptor Project to allow time for staff to perform further research and evaluation of the low bidder. ALL VOTED AYE. MOTION CARRIED.

7.4. Review of Chapter 1 of the Belle Plaine City Code.

Vice Mayor Lange referenced a memo dated June 18, 2007 from City Administrator Murphy regarding review of Chapter 1 of the City Code.

City Administrator Murphy explained that the City Council directed staff to review and update the City Code. Proposed revisions were indicated for Chapter 1. The City Attorney will be reviewing the language for adoption at the next City Council meeting.

The Council reviewed Chapter 1 and determined that each chapter will be reviewed and adopted independently.

City Administrator Murphy noted that the School District will be utilizing the council chambers for their elections and a fee will be added to the City Fee Schedule. Vice Mayor Lange inquired as to whether the School District had charged the City for use of their facility for elections. City Administrator Murphy replied no, but expenses will be incurred by the City due to the hours of the election.

8. ADMINISTRATION.

8.1. Upcoming Meetings.

- 1. Public Works, 9:30 a.m., Friday, June 22.**
- 2. Park Board, 5:30 p.m., Monday, June 25.**
- 3. Offices Closed, Wednesday, July 4.**
- 4. Council/Staff Workshop 7:00 a.m., July 6.**
- 5. EDA 5:30 p.m., Monday, July 9.**
- 6. City Council, 6:30 p.m., Monday, July 9.**

The Council was reminded of the upcoming meetings as listed.

9. ADJOURN.

MOTION by Councilmember O'Laughlin, second by Councilmember Underferth, to adjourn at 7:43 p.m.
ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary