

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
SEPTEMBER 21, 2009**

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 21, 2009 at 6:00 p.m. at the Government Center, 218 North Meridian Street, Belle Plaine, MN. Mayor Tim Lies called the meeting to order with Councilmembers Dawn Underferth, Jim Lange, Gary Trost, Tim O'Laughlin and Cary Coop present.

Also present were City Administrator David Murphy, Community Development Director Trisha Rosenfeld, Public Works Superintendent Al Fahey, Finance Director Dawn Meyer, Police Chief Dave Lanning, City Engineer Joe Duncan, City Attorney Bob Vose and Video Recording Operator Shawn Vossen.

3. APPROVAL OF AGENDA.

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

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session and Closed Session Minutes of September 8, 2009.

4.2. Resolution 09-087 Accepting Public Improvements for Provence on the River.

4.3. Resolution 09-088 Accepting Public Improvements for Wildflower Ridge Third Addition.

4.4. Resolution 09-089 Accepting Public Improvements for Diversified Business Park First Addition.

4.5. Resolution 09-092 Appointing Commissioner of Transportation as Agent of the City of Belle Plaine for Federal Aid Funds and Authorizing Mayor and City Administrator to Execute Agreement for the TH169 South Frontage Road Project.

MOTION by Councilmember Trost, second by Councilmember O'Laughlin, to approve the consent agenda as follows: 4.1. Regular Session and Closed Session Minutes of September 8, 2009, 4.2. Resolution 09-087 Accepting Public Improvements for Provence on the River, 4.3. Resolution 09-088 Accepting Public Improvements for Wildflower Ridge Third Addition, 4.4. Resolution 09-089 Accepting Public Improvements for Diversified Business Park First Addition, and 4.5. Resolution 09-092 Appointing Commissioner of Transportation as Agent of the City of Belle Plaine for Federal Aid Funds and Authorizing Mayor and City Administrator to Execute Agreement for the TH169 South Frontage Road Project. 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 Dave Lanning was present. The Council acknowledged receipt of the Police Department report.

5.4. Community Development Department.

Community Development Director Trisha Rosenfeld was present. Mayor Lies requested that staff notify the Council of the next CSAH 3 Interchange meeting with Scott County. Mayor Lies acknowledged the good detail on Assistant Planner Villella's monthly planning report. 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.

6.1. VISITOR'S REQUEST.

Fire Bill Appeal by Paul and Rochelle Gibbs, 105 Sunset Drive.

Mayor Lies welcomed Rochelle Gibbs.

Ms. Rochelle Gibbs disputed the \$300 bill for the Fire Department's response to a stove fire at her residence. She objected that she was being billed for a fire call, stating that it should be expended from the general tax base. She questioned the language in the City Code regarding the authority to set fees. Ms. Gibbs also stated that there was no detail in the invoice that she received and requested a breakdown of the expenses related to the fire call. Ms. Gibbs questioned whether she has been unfairly billed for the fire call.

It was the consensus of the Council to direct staff to provide Ms. Gibbs with a breakdown of costs associated with the fire call.

6.2. PUBLIC FORUM.

No one spoke at the public forum.

7. PUBLIC HEARINGS.

7.1. Conditional Use Permit. The City Council will accept public comment on a request by Prairie Oaks Institute, a non-profit organization, and Kim Devine Johnson, for a conditional use permit to allow the operation of Harvest House, education/leadership development, retreat/renewal and environmental sustainability, at 1100 and 1200 West South Street, in the A-2, Rural Residential District.

Mayor Lies referenced a memo dated September 21, 2009 from Community Development Director Rosenfeld regarding a Conditional Use Permit at 1100/1200 West South Street as requested by Prairie Oaks Institute.

Mayor Lies opened the public hearing at 6:16 p.m. and asked for public comment.

Community Development Director Rosenfeld explained that the co-owners of 1100 and 1200 West South Street have submitted an application for a Conditional Use Permit to allow the lease of the facilities and residences on both properties. The home to be leased is referred as the "Harvest House", formerly known

as the Bud Devine residence. Prairie Oaks Institute (POI) has been formed as a 501(c)3 nonprofit organization. POI will have limited access to the 200-acre century farm, including the recreational shelter located on a bluff overlooking Robert Creek within the 160-acre portion of the farm that lies outside Belle Plaine city limits in Blakely Township. POI will utilize the site and facilities to host and conduct programs connected to its threefold mission of education/leadership development, retreat/renewal, and environmental sustainability. This property is comprised of a forty (40) acre homestead, which is within Belle Plaine city limits, and a one-hundred-sixty (160) acre farm, which is in Blakely Township. There are currently two homesteads on the property. With the new ordinance amendment to allow for this type of use, current zoning regulations require a Conditional Use Permit for POI to host and conduct programs of education/leadership development, retreat/renewal, and environmental sustainability in this location. The current Comprehensive Plan update indicates the forty (40) acre homestead portion of the property is to be zoned for single family residential in the future. The one hundred sixty (160) acre portion of the property is to remain rural residential. This needs to be changed to reflect both properties being guided as A-2, Rural-Residential, as this is what was agreed upon by the Planning Commission during a Comprehensive Plan workshop. The current zoning classification indicated for this property is A-2, Rural-Residential. Presently the former homestead, referred to as the "Harvest House", a recreational shelter, referred to as "The Granary", and a farmhouse with farm-related structures, referred to as "The Farm at Prairie Oaks", located on the southeastern portion of the property. There will be no changes made to any of the existing structures or layout of the property. The applicant has indicated the amount of traffic will be no greater than if there were a family permanently living in the house. The property is accessed from South Street. All vehicles will be required to park on-site. Due to the change in occupancy type, in accordance with the MN State Building Code, it is required to have an inspection of the property in order to change the occupancy type. The Planning Commission discussed this request at the September 14, 2009 meeting. There was public comment for both opposition and support of the CUP. Additional information was provided to the public regarding the involvement with the Open Arms organization. Ms. Devine-Johnson had reported that former renters, Gransee-Bowman, had a Community Supported Agriculture (CSA) and supplied 10 boxes to the Open Arms organization. There were also questions regarding the possibility of having the homesteads be a place for temporary or transitional half-way housing. Ms. Divine indicated that this not currently in their plan. Staff indicated the CUP would need to be amended for a different type of use other than what is being requested and acted upon at this time. Questions from the public seemed to be answered and received by those in opposition. The Planning Commission recommended approval.

Mayor Lies acknowledged receipt of a letter dated September 19, 2009 from Dr. Mary Weddle, Associate Professor, St. Catherine University, St. Paul. Dr. Weddle was in support of the conditional use permit as requested by Prairie Oaks Institute.

Mel Dressel, 513 Chatfield Lane, asked whether the land is changing ownership and inquired about the requirement of this property to be connected to city water and sewer. Mr. Dressel also asked whether people will be staying overnight at the residence. Community Development Director Rosenfeld explained that the Devine family continues to own the land. Public Works Superintendent Al Fahey explained that city utilities are not currently extended to 1200 W. South Street and the owners will be required to connect when city services becomes available.

Bob Thompson, 1005 Prairie Oak Drive, inquired about the property tax impact for the non-profit organization. Community Development Director Rosenfeld explained that the property is not being re-zoned. A conditional use permit does not necessarily change the tax structure of the property, which is currently zoned A-2, rural residential district.

Kim Devine-Johnson explained that it is important that everyone understand what POI is trying to accomplish. Ms. Johnson stated that the Devine family has been working with the DNR to restore the natural prairie grasses. The intent is to have passive educational and recreational activities for area school children and possibly retreats for individuals, such as authors. Ms. Johnson explained that no new

buildings are proposed. The traffic will be similar to that of a typical family and all parking will be on-site. Ms. Johnson commented that the Harvest House will be an asset for the Belle Plaine community.

Antusa Bryant, 105 Robert Circle, spoke in support of the CUP request. She endorses life-long learning and the continuation of the legacy of the Devine farm.

MOTION by Councilmember O'Laughlin, second by Councilmember Underferth, to close the public hearing at 6:38 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember O'Laughlin inquired as to the number of people that are expected at Harvest House. Ms. Devine Johnson explained that there will be only small groups, similar to that of a family gathering. Councilmember Underferth inquired about the ownership of the land. Ms. Devine Johnson explained that the Devine family continues to own the land and it will be leased to Prairie Oaks Institute. In the future, it may be possible that some of the acreage is sold to Prairie Oaks Institute.

7.1.1. Resolution 09-090 Granting Approval of a Conditional Use Permit to Allow the Operation of Harvest House at 1200 West South Street.

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to approve Resolution 09-090 Granting Approval of a Conditional Use Permit to Allow the Operation of Harvest House at 1200 West South Street. ALL VOTED AYE. MOTION CARRIED.

7.2. Off Sale 3.2% Intoxicating Liquor License. The City Council will accept public comment on a request for a 3.2% intoxicating off-sale liquor license by AKSK Financial Corporation, dba BP Super Stop & Wash, 521 E. South Street, Belle Plaine, MN.

Mayor Lies referenced a memo dated September 21, 2009 from City Administrator Murphy regarding an off sale 3.2% intoxicating liquor license.

City Administrator Murphy explained that AKSK Financial Corporation, dba BP Super Stop and Car Wash, 521 E. South Street, Belle Plaine, has submitted an application for a 3.2% intoxicating off-sale liquor license for 521 E. South Street. A public hearing has been scheduled to accept public comment. The Police Department has performed the required background check and recommends approval.

Mayor Lies opened the public hearing at 6:44 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Trost, second by Councilmember Underferth, to close the public hearing at 6:45 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Underferth noted that the sale of alcohol is not allowed before noon on Sundays. Applicant Abhishek Agrawal, AKSK Financial Corporation, explained that he will abide by the liquor laws, identifications will be checked and the beer coolers will be locked during prohibited sale hours.

7.2.1. Resolution 09-091 Approving Off Sale 3.2% Intoxicating Liquor License for BP Super Stop & Wash, 521 E. South Street.

MOTION by Councilmember Coop, second by Councilmember O'Laughlin, to approve Resolution 09-091 Approving Off Sale 3.2% Intoxicating Liquor License for BP Super Stop & Wash, 521 E. South Street. ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

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

8.2. Friends of the Library.

8.2.1. Resolution 09-093 Approving Charitable Gambling Premises Permit for Friends of the Library at Red Door Bar.

8.2.2. Resolution 09-094 Approving Charitable Gambling Premises Permit for Friends of the Library at Andy's Bar and Grill.

8.2.3. Resolution 09-095 Approving Charitable Gambling Premises Permit for Friends of the Library at Borough Bowl.

Mayor Lies referenced a memo dated September 21, 2009 from City Administrator Murphy regarding renewal request for premises permit by Friends of the Library.

City Administrator Murphy explained that the charitable gambling premises permits for Friends of the Library at the Red Door Bar, Andy's Bar and Grill and Borough Bowl are expiring in September, 2009. Due to a recent change in State law, the State Gambling Board no longer requires municipality approval. However, Section 305.06 of the Belle Plaine City Code requires organizations to notify the City Council of new and renewal licenses from the State Board and that the City Council shall adopt a resolution either approving or disapproving the premises permit. The City has received a request from the Friends of the Library to renew the premises permit as listed above. Attached to City Administrator Murphy's memo was the ordinance amendment adopted in May 2008 pertaining to charitable gambling. The charitable gambling report from the Friends of the Library was also attached.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve Resolution 09-093 Approving Charitable Gambling Premises Permit for Friends of the Library at Red Door Bar.

Councilmember Lange commented that it appears that the Friends of the Library have not upheld Sections 305.04 and 305.07 of the City Code pertaining to the declaration of intent and purposes of the expenditure of funds. Mayor Lies questioned whether the application may be considered incomplete. Councilmember Trost explained that the Chamber of Commerce expends funds for little league and other activities for students that live outside the City limits and also the former Borough Riders organization spent its funds outside the city as well. Councilmember O'Laughlin suggested tabling the issue until the stated intent and purpose is submitted. Finance Director Meyer explained that the City ordinance states that charitable gambling organizations shall declare their intent and purpose of the expenditure of funds.

MOTION by Councilmember O'Laughlin, second by Councilmember Lange, to table action on Resolution 09-093 Approving Charitable Gambling Premises Permit for Friends of the Library at Red Door Bar. Councilmembers Lange, O'Laughlin and Underferth VOTED AYE. Mayor Lies and Councilmembers Coop and Trost VOTED NAY. MOTION FAILED.

Mayor Lies suggested that specific detail be considered in a motion to table, such as the reason for tabling and what is being requested of the applicant. Councilmember Trost asked what is required of the Chamber of Commerce. Finance Director Meyer explained that the Chamber of Commerce has not renewed their premises permit since the ordinance amendment. Councilmember Trost stated that the Friends of the Library will not expend funds for the maintenance of the library building and that they spend money on books and computers.

MOTION by Mayor Lies, second by Councilmember Underferth, to table action on Resolution 09-093 Approving Charitable Gambling Premises Permit for Friends of the Library at Red Door Bar until October

5, 2009 to allow time for the Friends of the Library to submit a complete application and to provide information about the expenditure of funds. Mayor Lies and Councilmembers Lange, O'Laughlin and Underferth VOTED AYE. Councilmembers Trost and Coop NAY. MOTION CARRIED.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve Resolution 09-094 Approving Charitable Gambling Premises Permit for Friends of the Library at Andy's Bar and Grill.

MOTION by Councilmember Lange, second by Mayor Lies, to table action on Resolution 09-094 Approving Charitable Gambling Premises Permit for Friends of the Library at Andy's Bar and Grill until October 5, 2009 to allow time for the Friends of the Library to submit a complete application and to provide information about the expenditure of funds. Mayor Lies and Councilmembers Lange, O'Laughlin and Underferth VOTED AYE. Councilmembers Trost and Coop NAY. MOTION CARRIED.

MOTION by Councilmember Coop, second by Councilmember Trost, to approve Resolution 09-095 Approving Charitable Gambling Premises Permit for Friends of the Library at Borough Bowl.

MOTION by Councilmember Lange, second by Mayor Lies, to table action on Resolution 09-095 Approving Charitable Gambling Premises Permit for Friends of the Library at Borough Bowl until October 5, 2009 to allow time for the Friends of the Library to submit a complete application and to provide information about the expenditure of funds. Mayor Lies and Councilmembers Lange, O'Laughlin and Underferth VOTED AYE. Councilmembers Trost and Coop NAY. MOTION CARRIED.

8.3. Authorizing Seating Platform at Tiger Park.

Mayor Lies referenced a memo dated September 21, 2009 from Community Development Director Rosenfeld and Assistant Planner Vilella regarding seating platform at Tiger Park.

Community Development Director Rosenfeld explained that Jeff O'Brien on behalf of the Belle Plaine Baseball Association is requesting approval to build a platform for additional seating for the baseball field in Tiger Park. The baseball association will completely fund the project. The Park Board reviewed the sketch plans and recommends approval. Staff also recommends approval of the project contingent upon the submittal of a formal request stating the baseball association's full commitment to the project, a timeline for construction, including a start date and estimated date of completion, review and approval of the above submittals prior to construction and completion of the batting cage project at Heritage Square.

City Attorney Vose recommended that an inspection by the building official be performed prior to public use.

MOTION by Councilmember Trost, second by Councilmember Coop, to approve the seating platform at Tiger Park as requested by the Belle Plaine Baseball Association, contingent upon the submittal of a formal request stating the baseball association's full commitment to the project, a timeline for construction, including a start date and estimated date of completion, review and approval of the above submittals prior to construction, completion of the batting cage project at Heritage Square and an inspection by the City's building official prior to public use. ALL VOTED AYE. MOTION CARRIED.

8.4. Granicus – Council Meeting Video Streaming.

Mayor Lies referenced a memo dated September 21, 2009 from City Administrator Murphy regarding equipment for video streaming of council meetings.

City Administrator Murphy explained that Rob Herrmann of Granicus has submitted a quote for video streaming of Council Meetings. The quote is for \$11,988.81 in start-up costs and \$592.45 per month with MinutesMaker. Granicus provides off-site storage of the meetings and 24 hour service. If this service is

selected, the retainer for the City's website will be greatly reduced. Before this system can be implemented, a network assessment must be completed. I am requesting that the Council authorize Granicus to conduct a network assessment for compatibility and authorize Administrative Assistant Krings and I to travel to Chatfield, Minnesota to do a hands-on test run of MinutesMaker. City Administrator Murphy explained that Shakopee and Chatfield have enrolled with Granicus services.

Councilmember Coop asked if the official record of the city council minutes is paper. City Administrator Murphy replied yes. Councilmember O'Laughlin commented that the City of Savage has live video streaming and that while he was in attendance at one of their meetings, a large group of local citizens came to the meeting because of an issue that was being addressed. Councilmember Trost inquired as to the cost of the proposal assessment. City Administrator Murphy replied that he believed there was no cost for the assessment process.

MOTION by Councilmember Lange, second by Councilmember Coop, to authorize Granicus to conduct a network assessment in order to complete a cost proposal and authorize staff to review MinutesMaker onsite at Chatfield, MN.

MOTION by Councilmember Trost, second by Councilmember O'Laughlin, to TABLE action to authorize Granicus to conduct a network assessment in order to complete a cost proposal and authorize staff to review MinutesMaker onsite at Chatfield, MN until the cost of the network assessment is determined. Councilmembers Trost and O'Laughlin VOTED AYE. Mayor Lies and Councilmembers Underferth, Lange, and Coop VOTED NAY. MOTION FAILED.

Mayor Lies asked called for a vote on the original motion and asked for a friendly amendment to the motion to direct staff to bring back the network assessment issue to the Council if it is determined that there is a cost. Councilmembers Lange and Coop accepted the amendment. The motion read as follows:

MOTION by Councilmember Lange, second by Councilmember Coop, to authorize Granicus to conduct a network assessment at no cost to the City in order to complete a cost proposal and authorize staff to review MinutesMaker onsite at Chatfield, MN. Furthermore, staff is directed to bring this issue back to the Council if it has been determined that there is a cost associated with the network assessment. Councilmember Trost VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Council Work Session, 6:00 p.m., Monday, September 28.**
- 2. Design Committee, 6:00 p.m., Thursday, October 1.**
- 3. City Council, 6:00 p.m., Monday, October 5.**
- 4. EDA, 5:00 p.m. Monday, October 12.**
- 5. Planning Commission, 7:00 p.m., Monday, October 12.**
- 6. Park Board, 5:00 p.m., Tuesday, October 13.**

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Lange, to adjourn at 7:21 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary