

**BELLE PLAINE CITY COUNCIL
REGULAR SESSION
OCTOBER 15, 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, October 15, 2007 at 6:00 p.m. at the Government Center, 218 North Meridian Street, Belle Plaine, MN. Mayor Tom Meger called the meeting to order with Councilmembers Tim Lies, Dawn Underferth, Tim O'Laughlin, Jim Lange and Peter Anderly present.

Also present were Community Development Director Trisha Rosenfeld, Public Works Superintendent Al Fahey, City Engineer Joe Duncan and City Attorney Bob Vose. City Administrator David Murphy and Finance Director Dawn Meyer were not present.

3. APPROVAL OF AGENDA.

Mayor Meger requested the addition of business item 8.3. Authorizing the Purchase of Materials for the Replacement of the Hockey Boards.

MOTION by Councilmember Lange, second by Councilmember Underferth, to approve the agenda with the addition of 8.3. Authorizing the Purchase of Materials for the Replacement of the Hockey Boards. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

- 4.1. Regular Session Minutes of October 1, 2007.**
- 4.2. Resolution 07-117 Appointing Ridgeview EMTs to the Belle Plaine Ambulance Service.**
- 4.3 Authorize the Mayor and City Administrator to Execute Agreement with Ridgeview Medical Services for Management Services for the Belle Plaine Ambulance Service.**
- 4.4. Resolution 07-118 Appointing Mark Herd as Public Works Utility Employee.**
- 4.5. Resolution 07-125 Ordering Feasibility Report for the 2008 Street Improvement Project.**
- 4.6. Authorize the Purchase of John Deere Tractor for the Public Works Department.**
- 4.7. Authorize the Mayor and City Administrator to Execute Assessment Agreement with Wayne Schmidt.**
- 4.8. Resolution 07-126 Approving Change Order No. 1 to the 2007 Street Improvement Project to Add Paving at 700 East Main Street.**
- 4.9. Resolution 07-127 Authorizing the Issuance, Sale, and Delivery of Health Care Facilities Revenue Bonds (The Lutheran Home: Belle Plaine, LLC Project), Series 2007A and Taxable Health Care Facilities Revenue Bonds (The Lutheran Home: Belle Plaine, LLC Project), Series 2007B.**
- 4.10. Authorizing Bolton and Menk to Proceed with Modifications to the Transportation Component of the City's 2007 Comprehensive Plan Update.**

MOTION by Councilmember Underferth, second by Councilmember Lies, approve the consent agenda as follows: 4.1. Regular Session Minutes of October 1, 2007, 4.2. Resolution 07-117 Appointing Ridgeview EMTs to the Belle Plaine Ambulance Service, 4.3 Authorize the Mayor and City Administrator to Execute Agreement with Ridgeview Medical Services for Management Services for the Belle Plaine Ambulance Service, 4.4. Resolution 07-118 Appointing Mark Herd as Public Works Utility Employee, 4.5. Resolution 07-125 Ordering Feasibility Report for the 2008 Street Improvement Project, 4.6. Authorize the Purchase of John Deere Tractor for the Public Works Department, 4.7. Authorize the Mayor and City Administrator to Execute Assessment Agreement with Wayne Schmidt, 4.8. Resolution 07-126 Approving Change Order No. 1 to the 2007 Street Improvement Project to Add Paving at 700 East Main Street, 4.9.

Resolution 07-127 Authorizing the Issuance, Sale, and Delivery of Health Care Facilities Revenue Bonds (The Lutheran Home: Belle Plaine, LLC Project), Series 2007A and Taxable Health Care Facilities Revenue Bonds (The Lutheran Home: Belle Plaine, LLC Project), Series 2007B, and 4.10. Authorizing Bolton and Menk to Proceed with Modifications to the Transportation Component of the City's 2007 Comprehensive Plan Update. ALL VOTED AYE. MOTION CARRIED.

5. REPORTS.

5.1. Ambulance Department.

The Council acknowledged receipt of the Ambulance Department report as prepared by City Administrator David Murphy.

5.2. Police Department.

Police Chief Steve Rost was present. Councilmember Lange inquired about the temporary 45 mph special event speed limit sign along Hwy 169. Chief Rost to check into this and report back. 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 present. The Council acknowledged receipt of the Building Inspection Department report.

5.5. City Administration Report.

City Administrator David Murphy was not present. The Council acknowledged receipt of the City Administration report.

6. VISITOR'S REQUEST – NONE SCHEDULED.

7. PUBLIC HEARINGS.

7.1. Ordinance 07-10, Amending the Zoning Ordinance by Amending Section 1105.11, B- 3, Central Business District, to add language to conditional uses to allow other uses as determine by the Planning Commission and City Council.

Mayor Meger referenced a memo dated October 15, 2007 from Community Development Director Rosenfeld regarding proposed Ordinance 07-10.

Community Development Director Rosenfeld explained that it is important to have a viable, occupied and thriving downtown in Belle Plaine. With the upcoming commercial development on the highway, as well as the existing vacant buildings in the downtown, staff would like to see the following language added to Chapter 11, Section 1105.11, B-3: Central Business District as a Conditional Use: "Other uses determined by the Planning Commission and City Council to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses and to the general public health, safety, and welfare." The Planning Commission and EDA recommend approval.

Mayor Meger opened the public hearing at 6:14 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Lange, second by Councilmember O'Laughlin, to close the public hearing at 6:15 p.m. ALL VOTED AYE. MOTION CARRIED.

7.1.1. Ordinance 07-10, Amending the Zoning Ordinance by Amending Section 1105.11, B- 3, Central Business District.

MOTION by Councilmember Lange, second by Councilmember Anderly, to approve Ordinance 07-10, Amending the Zoning Ordinance by Amending Section 1105.11, B- 3, Central Business District. ALL VOTED AYE. MOTION CARRIED.

City Attorney Vose explained that the City no longer requires first and second readings of ordinances due to a recent ordinance amendment.

7.2. Conditional Use Permit. The City Council will accept public comment on a request by Health Postures, LLC, Glencoe, MN, for a conditional use permit to allow light industrial uses at 139 East Main Street in the B-3, Central Business District.

Mayor Meger referenced a memo dated October 15, 2007 from Community Development Director Rosenfeld regarding a conditional use permit for Health Postures, LLC.

Community Development Director Rosenfeld explained that the applicant is requesting the review of a Conditional Use Permit to allow for the office and light manufacturing in the B-3: Central Business District. Health Postures will have office and light manufacturing space. The manufacturing will consist primarily of drilling, milling, cutting, welding steel, cutting wood and sewing fabric and will be done during normal business hours. In May 2002 Health Postures was approved for a Conditional Use Permit in the B-3 Downtown Business District to be operable in the facility located at 100 East Main Street. Health Postures was located in Belle Plaine for a couple years before moving their operations to Glencoe, Minnesota. With the purchase of the former Keup building, the owner would like to relocate back in Belle Plaine. The existing permitted and conditional uses in the B-3, Central Business District, currently do not depict this type of use. Upon approval by the Planning Commission and City Council to amend the City Code to reflect the following language, the Planning Commission and City Council can determine if this type of use is appropriate in the Central Business District. The proposed language: "Other uses determined by the Planning Commission and City Council to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses and to the general public health, safety, and welfare." If the proposed language is not amended to the City Code, this type of use will not be allowed and therefore is not applicable. The Planning Commission recommended approval of the Conditional Use Permit with the conditions listed in the resolution. They also noted that the Council should consider implementing a handicap parking stall in front of the building.

Mayor Meger opened the public hearing at 6:18 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Anderly, second by Councilmember O'Laughlin, to close the public hearing at 6:19 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Lies inquired about parking issues, including employee parking areas. He also inquired whether delivery trucks loading and unloading would obstruct traffic on East Main Street.

Duwayne Dandurand, representing Health Postures, was present. He explained that all deliveries will be performed in the rear of the building, so no obstruction of traffic should occur along East Main Street. He also stated that he was not aware of a special request by the applicant for handicap parking along East Main Street.

7.2.1. Resolution 07-119 Approving Conditional Use Permit to Allow Light Industrial Uses at 139 East Main Street.

MOTION by Councilmember Lies, second by Councilmember Lange, to approve Resolution 07-119 Approving a Conditional Use Permit to Allow Light Industrial Uses at 139 East Main Street, with the addition of language that staff is to research handicap parking options. ALL VOTED AYE. MOTION CARRIED.

7.3. Variance Request. The City Council will accept public comment on a request by Ronald Scheuble for a variance from Section 1105.11 to allow the expansion of a building to encroach the rear yard setback at 117 North Meridian Street in the B-3, Central Business District.

Mayor Meger referenced a memo dated October 15, 2007 from Community Development Director Rosenfeld regarding a variance request by Johan's Sports Bar.

Community Development Director Rosenfeld explained that the applicant is requesting the review of a variance request to encroach the rear yard setback in the B-3: Central Business District. The property conforms to the requirements set forth in Chapter 1105.11, of the Belle Plaine City Code for the B-3: Central Business District, with the exception of the rear setback requirements and the lot coverage, thus the reason for the variance request. The lot coverage requirement and the existing fence will need to be addressed by the Commission. The Planning Commission recommended approval due to the new regulations of the Freedom to Breathe act of the Minnesota legislature.

Mayor Meger opened the public hearing at 6:31 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Lies, second by Councilmember Lange, to close the public hearing at 6:32 p.m. ALL VOTED AYE. MOTION CARRIED.

Councilmember Lange commented that the hardship for the variance is attributed to the new regulations of the Freedom to Breathe act and also the requirements of a "restaurant" as defined by the City ordinance. Councilmember Lies commented on the close proximity of the existing buildings in the downtown area as a hardship.

7.3.1. Resolution 07-120 Approving Variance to Allow the Expansion of a Building to Encroach Rear Yard Setback at 117 North Meridian Street.

MOTION by Councilmember Anderly, second by Councilmember Underferth, to approve Resolution 07-120 Approving Variance to Allow the Expansion of a Building to Encroach Rear Yard Setback at 117 North Meridian Street. ALL VOTED AYE. MOTION CARRIED.

7.4. Preliminary and Final Plat for Firehall Subdivision. The City Council will accept public comment on a request by the City of Belle Plaine for approval of a preliminary plat for Firehall Subdivision, located at 700 East Main Street, in the I/C Industrial-Commercial District. Also considered will be the final plat.

Mayor Meger referenced a memo dated October 15, 2007 from Community Development Director Rosenfeld regarding the preliminary and final plat approval for the Firehall Subdivision.

Community Development Director Rosenfeld explained that the City of Belle Plaine is requesting the review of a Preliminary and Final Plat in order to combine the two (2) parcels to create additional parking on site. The combined parcel is greater than 30,000 square feet and therefore requires platting. The existing fire hall is located on the southern parcel. The parcel located to the north is currently vacant. The City intends to combine the parcels in order to improve a portion of the northern lot to have more parking

for the fire department. All setbacks, site coverage and zoning requirements within the I-C zoning district have been met. The Planning Commission has recommended approval.

Mayor Meger opened the public hearing at 6:38 p.m. and asked for public comment

Brad Krick, 211 North Linden Street, inquired about two driveways for the firehall property. Community Development Director Rosenfeld explained that it is in residential districts only that more than one driveway per lot is prohibited. Mr. Krick also noted that a change order for the paving of the proposed parking lot was approved prior to approval of the plat. City Engineer Duncan explained that the change order was hinged upon approval of the plats. Attorney Vose explained that it was a technicality, and preferably the change order should have followed the plat approval. Legally, this was not a problem, Attorney Vose said.

MOTION by Councilmember Anderly, second by Councilmember Underferth, to close the public hearing at 6:41 p.m. ALL VOTED AYE. MOTION CARRIED.

7.4.1. Resolution 07-121 Approving Preliminary Plat for the Firehall Subdivision.

MOTION by Councilmember Anderly, second by Councilmember Underferth, to approve Resolution 07-121 Approving Preliminary Plat for the Firehall Subdivision. ALL VOTED AYE. MOTION CARRIED.

7.4.2. Resolution 07-122 Approving Final Plat for the Firehall Subdivision.

MOTION by Councilmember Lange, second by Councilmember Underferth, to approve Resolution 07-122 Approving Final Plat for the Firehall Subdivision. ALL VOTED AYE. MOTION CARRIED.

7.5. Vacation of a Portion of East Park Street. The City Council will accept public comment on the proposed vacation of East Park Street between Linden Street and Ash Street.

Mayor Meger referenced a memo dated October 15, 2007 from City Administrator Murphy regarding the vacation of a portion of East Park Street.

Community Development Director Rosenfeld explained that a public hearing has been scheduled to consider the vacation of East Park Street between Ash Street and Linden Street. The agreement between Foline Auto and the City states that the City will hold a public hearing for the vacation of Park Street. Park Street currently dead ends at Ash Street. On September 17, 2007 the Council called for a public hearing to vacate that portion of Park Street. Park Street is abutted on the north side by City property and on the south side by Foline Auto. If the Council approves the resolution, the south half of that portion of Park Street will become the property of Foline Auto and the north half will become park property. The City has received letters from Xcel Energy, Otto Pries and Center Point Energy regarding a gas line they have located in the right-of-way. The resolution is contingent upon the granting of all necessary utility easements.

Mayor Meger opened the public hearing at 6:45 p.m. and asked for public comment. Mayor Meger acknowledged receipt of a letter dated September 26, 2007 from Otto G. Pries who was opposed to the vacation. Community Development Director Rosenfeld read the letter aloud. Mayor Meger also acknowledged receipt of letters from Xcel Energy and CenterPoint Energy regarding the implementation of utility easements.

MOTION by Councilmember Lies, second by Councilmember O'Laughlin, to close the public hearing at 6:46 p.m. ALL VOTED AYE. MOTION CARRIED.

City Attorney Vose explained that the City will complete the easement documents prior to the vacation of the street. City Engineer Duncan requested that additional language, "Original Plat of Belle Plaine," be added to the legal description in the resolution.

7.5.1. Resolution 07-123 Approving the Vacation of East Park Street between Linden Street and Ash Street.

MOTION by Councilmember O'Laughlin, second by Councilmember Underferth, to approve Resolution 07-123 Approving the Vacation of East Park Street between Linden Street and Ash Street, with the addition of the legal description "Original Plat of Belle Plaine." ALL VOTED AYE. MOTION CARRIED.

8. BUSINESS.

8.1. Presentation of Claims.

- 1. Pay Request No. 2 by Heselton Construction, LLC, for \$391,597.09 the North Sanitary Sewer Project.**
- 2. Pay Request No. 16 by ABE Construction for \$234,400.00 for the Water Treatment Facility.**

MOTION by Councilmember Underferth, second by Councilmember Lange, to approve the Presentation of Claims, Pay Request No. 2 by Heselton Construction, LLC, for \$391,597.09 the North Sanitary Sewer Project and Pay Request No. 16 by ABE Construction for \$234,400.00 for the Water Treatment Facility. ALL VOTED AYE. MOTION CARRIED.

8.2. Resolution 07-124 Approving Site Plan for Laser Guide at 850 East Commerce Drive.

Mayor Meger referenced a memo dated October 15, 2007 from Community Development Director Rosenfeld regarding a site plan for LaserGuide.

Community Development Director Rosenfeld explained that the applicant is requesting the review of a Site Plan for a proposed addition to the existing structure in the I-C: Industrial Commercial zoning district. The proposed 3,280 square foot addition will be attached to the existing 2,400 primary structure. The total building footprint will encompass a combined area of 5,680 square feet. The total existing bituminous surface consists of approximately 5,553 square feet. Parking, site coverage and setback requirements have been met. The Planning Commission recommended approval.

MOTION by Councilmember Anderly, second by Councilmember Underferth, to approve Resolution 07-124 Approving Site Plan for Laser Guide at 850 East Commerce Drive. ALL VOTED AYE. MOTION CARRIED.

8.3. Authorizing the Purchase of Materials for the Replacement of the Hockey Boards.

Mayor Meger referenced a memo dated October 15, 2007 from Public Works Superintendent Fahey regarding the replacement of hockey rink boards.

Public Works Superintendent Fahey explained that volunteers of the local hockey organization have offered their labor to replace the hockey rink boards. The boards are estimated to cost \$6,700.00. Mayor Meger suggested that staff seek a possible cost participation with the school district.

MOTION by Councilmember O'Laughlin, second by Councilmember Underferth, to authorize staff to proceed with the replacement of hockey rink boards at a cost not to exceed \$6,700.00. Furthermore, staff is directed to ask the school district for a cost share. ALL VOTED AYE. MOTION CARRIED.

9. ADMINISTRATION.

9.1. Upcoming Meetings.

- 1. Park Board, 5:30 p.m., Monday, October 22.**
- 2. Public Works, 9:30 a.m., Friday, October 26.**
- 3. City Council, 6:00 p.m., Monday, November 5.**
- 4. School Board Election, Tuesday, November 6, at the Government Center.**

5. Planning Commission 6:00 p.m., Wednesday, November 7.

The Council was reminded of the upcoming meetings as listed.

10. ADJOURN.

MOTION by Councilmember Lies, second by Councilmember Lange, to adjourn at 7:03 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary