

Belle Plaine City Code
Chapter 2 - Boards and Commissions

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SECTION 200.00 PLANNING AND ZONING COMMISSION.

200.01 Commission Established and Continued.

200.02 Membership.

200.03 Terms, Vacancies, Oath, Compensation.

200.04 Organization.

200.05 Powers and Duties.

200.01 COMMISSION ESTABLISHED AND CONTINUED.

The Planning and Zoning Commission of the City is hereby continued. The Commission shall be the City planning agency established by Minnesota Statutes, Section 462.354, Subd. 1.

200.02 MEMBERSHIP.

The City Planning Commission shall consist of five members appointed by the City Council. The five said members shall be appointed and may be removed by the Council. The Council may appoint up to two alternates to serve in the absence of an appointed member. In addition to the membership enumerated herein, the City Council may also appoint up to two Councilmembers who may attend all meetings and participate in all discussions, however, said appointed Councilmembers will be non-voting members of the Commission.

200.03 TERMS, VACANCIES, OATH, COMPENSATION.

Regular members and alternate members of the Commission shall be appointed to a term of four years. Term of office shall begin on February 1 and shall expire on January 31. All such members shall be appointed and may be removed by the City Council. Vacancies arising in the unexpired term shall be filled by Council appointment for the duration of the term. Every appointed member, before beginning the duties described herein, shall take an oath relating to the faithful discharge of those duties. Members shall receive compensation as set by Council resolution.

200.04 ORGANIZATION.

Subd. 1. Officers.

A. Election. The Commission shall elect from its appointed regular members, a chairperson, a vice-chairperson, and a secretary, and such other officers as it may determine necessary. At the first regular meeting in February, the chair shall call for nominations and the officers shall be elected by voice or written ballot from among those nominated.

B. Meetings, Records. Regular meetings shall be held at least monthly unless no recommendations are required. At least three (3) days written notice of such meetings shall be given to the Commissioners. All meetings shall be guided by the parliamentary rules as defined by Roberts Rules of Order, Revised.

C. Special Meetings. The Chairperson or any two (2) members of the Planning Commission may call a special meeting of the Commission by filing a written statement with the City Administrator. A special meeting shall be preceded by three-day posted notice (or, as an alternate, three-day published notice) as well as three-day mailed notice to any person requesting particular notice of special meetings. At least one day before the meeting, notice shall be mailed

or delivered personally to each member of the Commission, or shall be left at his/her usual place of residence with some responsible person.

D. Quorum. Three members of the Commission shall constitute a quorum. No action may be taken without a quorum, but a lesser number may adjourn a meeting until a quorum is present (and a final vote shall be taken at an adjourned meeting).

E. Voting. All action taken by the Commission shall be by a majority vote of members who are present.

F. Compliance with Open Meeting Law. All meetings shall comply with the Minnesota State Open Meeting Law, M.S. § 471.705.

200.05 POWERS AND DUTIES.

Subd. 1. Generally: The Planning and Zoning Commission shall serve as an advisory body to the City Council and have the powers and duties given planning agencies generally as provided in Minnesota Statutes 462.351 to 462.364 et seq. The Commission shall also exercise the duties conferred upon it by this Code, including the Zoning Title and the Subdivision Title, and by the Council.

Subd. 2. Comprehensive Plan. After the Council has prepared and adopted a comprehensive plan, the Commission shall periodically review the comprehensive plan, any local control and any other plan the Council had adopted to implement the comprehensive plan. After such review it shall, to the extent it deems necessary, revise the comprehensive plan, and recommend it to the Council in accordance with law. Similarly, after such review, it shall recommend to the Council any amendments it deems desirable to the capital improvement program and any ordinance implementing the plan.

Subd. 3. Zoning Controls Public Hearing. No zoning control or amendment or required use permit shall be adopted by the Council until a public hearing has been held thereon by the Planning and Zoning Commission consistent with standards prescribed by Chapter 1103 (Zoning Administration) of the City Code and pursuant to notice as provided in Minnesota Statutes, 462.357, Subd. 3.

Subd. 4. Subdivision Plat Approval. Any subdivision plat submitted to the Council for approval shall be referred to the Planning and Zoning Commission for public hearing, review, and recommendation prior to Council approval. The Commission shall provide a recommendation to the Council regarding any plat so referred within timelines specified in Minnesota Statutes 15.99, Subd. 2 as may be amended and consistent with standards prescribed by Chapter 12 (Subdivision) of the City Code.

Subd. 5. The Commission shall serve as the Board of Appeals and Adjustments for the City. See Section 206.00.

SECTION 201.00 PARKS COMMISSION

201.01 Commission Established and Continued.

201.02 Membership.

201.03 Terms, Vacancies, Oath, Compensation.

201.04 Organization.

201.05 Power and Duties.

201.01 COMMISSION ESTABLISHED AND CONTINUED.

The Parks Commission for the City, pursuant to the authority given by Minnesota Statutes, 412.501 is hereby established and continued.

201.02 MEMBERSHIP.

The Parks Commission shall consist of five (5) voting members and, if desired, one or two Council persons acting ex officio, and up to two alternates.

201.03. TERMS, VACANCIES, OATH, COMPENSATION.

The initial terms of Commission members shall be one member for one year and two members for two and three years respectively. Thereafter, all board members shall be appointed for a term of three years. Terms of office shall begin on January 1 and shall expire on January 31. Ex-officio Council persons may be appointed annually. If a mid-term vacancy occurs, the unexpired portion of the appointed term shall be filled by the Mayor with consent of the Council. Every appointed member, before beginning his/her duties, shall take an oath relating to the faithful discharge of those duties. Members shall receive compensation as set by Council resolution.

201.04 ORGANIZATION.

Subd. 1. Officers.

A. Election. The Commission shall elect from among its appointed regular members, a chairperson, vice-chairperson and such other officers as it may determine necessary. At the first regular meeting in February, the chair will call for nominations and the officers shall be elected by voice or written ballot from among those nominated.

B. Meetings, Records: Regular meetings shall be held monthly unless no official business is required. At least three (3) days written notice of such meetings shall be given to the Commissioners. All meetings shall be guided by the parliamentary rules as defined by Roberts Rules of Order, Revised

C. Special Meetings. The Chairperson or any two (2) members of the Commission may call a special meeting of the Commission by filing a written statement with the City Administrator. A special meeting shall be preceded by three-day posted notice (or, as an alternate, three-day published notice) as well as three-day mailed notice to any person requesting particular notice of special meetings. At least one day before the meeting, notice shall be mailed or delivered via telegram, facsimile, electronic mail, or personally to each member of the Commission, or shall be left at his/her usual place of residence with some responsible person.

D. Quorum. A majority of the Commission shall constitute a quorum. No action may be taken without a quorum, but a lesser number may adjourn a meeting until a quorum is present.

E. Voting. All action taken by the Commission shall be by a majority vote of members who are present.

F. Compliance with Open Meeting Law. All meetings shall comply with the Minnesota State Open Meeting Law, M.S. § 471.705.

201.05 POWERS AND DUTIES.

The Park Commission shall serve as an advisory body to the City Council and have the power and duties given park and recreations agencies generally as provided in Minnesota Statutes, 471.15 to 471.19.

A. Specific duties of the Park Board are:

1. To make recommendations to the City Council regarding development and re-development of all parks, trails, and facilities and nature resources/open space needs.
2. To review and make recommendations to the City Council on newly proposed plats or subdivisions for future development of parks and recreational facilities, and their impact on Belle Plaine's natural resources.
3. To develop and continuously review a comprehensive plan, both of long and short range development, for a park system, trail system, recreation programs and open space needs.
4. To form any committees within its own body necessary to perform functions and duties of the Park Commission.
5. To build partnerships within the community and promote public education by supporting existing programs and initiating new programs.
6. To act as a representative to the public for better lines of communication and citizen input to all parks, trails, recreation and natural resource matters.

SECTION 202.00 ECONOMIC DEVELOPMENT AUTHORITY

202.01 Authority Established, Purpose.

202.02 Membership.

202.03 Terms of Office, Vacancies, Oaths, Compensation and Removal.

202.04 Meetings.

202.05 Organization.

202.06 Powers and Duties.

202.01 AUTHORITY ESTABLISHED, PURPOSE.

There is hereby established and continued an Economic Development Authority for the City of Belle Plaine pursuant to the authority given by Minnesota Statutes, Section 469.090 to 469.108. The management of all of the affairs, property, and business of the Authority shall be vested in a Board of Commissioners. The purpose of this Authority is to advise the City Council in all matters relating to the economic development of the community. The role includes efforts in pursuit of the following goals of economic development: 1) recruitment of new business and industry; 2) retention and expansion of existing business and industry; 3) diversification of the community's economy; 4) the retention and creation of jobs with livable wages, 5) increased community tax base; 6) planning and coordination of the community's economic development resources and efforts.

202.02 MEMBERSHIP.

The Authority shall consist of seven (7) members, with two members from the City Council, one member from the Chamber of Commerce, and four members at-large. All members shall be appointed by the Mayor and approved by the City Council. Not more than three appointed Commissioners may reside outside the City corporate limits at any one time. For any appointed Commissioner who resides outside the City corporate limits, said Commissioner shall reside within the boundaries of Belle Plaine Independent School District No. 716.

202.03 TERMS OF OFFICE, VACANCIES, OATH, COMPENSATION AND REMOVAL.

Regular members shall be appointed for a term of six (6) years. Terms of office shall begin on February 1 and shall expire on January 31. Members shall be appointed on a rotating basis; three members and the alternates shall be appointed in year one, two members in year two, and two members in year three, with subsequent reappointments to be made according to the same schedule. Commissioners shall receive compensation as set by Council resolution. Vacancies shall be filled by Mayoral appointment with approval by the City Council. Prior to assuming duties and responsibilities, each appointed Commission member shall take an oath relating to the faithful discharge of Commission duties. The City Council shall retain authority to remove any member of the Authority whenever, in its discretion, the best interest of the City shall be served.

202.04 MEETINGS.

Subd. 1. Meetings of the Authority shall be held monthly, unless no official business is required. The agenda shall include the meeting location. At least three (3) days written notice of such meetings shall be given to the Commissioners.

A. Special Meetings. The President or any two (2) members of the Authority may call a special meeting of the Authority by filing a written statement with the City Administrator. A special

meeting shall be preceded by three-day posted notice (or, as an alternate, three-day published notice) as well as three-day mailed notice to any person requesting particular notice of special meetings. At least one day before the meeting, notice shall be mailed or delivered via telephone, telegram, facsimile, electronic mail, letter, or personally to each member of the Authority, or shall be left at his/her usual place of residence with some responsible person.

Subd. 2. Compliance with Open Meeting Law. All meetings shall comply with the Minnesota State Open Meeting Law, M.S. § 471.705.

202.05 ORGANIZATION.

Subd. 1. Officers.

A. Election. The Board shall elect from among its appointed regular members, a president, vice-president and such other officers as it may determine necessary. At the first regular meeting in February, the chair will call for nominations and the officers shall be elected by voice or written ballot from among those nominated.

B. Membership, Records. The City Council shall annually set regular meeting times and places for the Commission upon advice and counsel from the Authority. Minutes shall be kept for all proceedings.

C. Quorum. Four members of the Authority shall constitute a quorum. No action will be taken without a quorum, but a lesser number may adjourn a meeting until a quorum is present.

D. Voting. All action taken by the Authority shall be by a majority vote of members who are present.

E. Bylaws. The Authority is authorized to adopt its own rules and procedures, subject to City Council review and approval. The Authority shall specifically adopt ethics/conflict of interest standards to govern its proceedings and membership.

202.06 POWERS AND DUTIES.

Subd. 1. Generally, the Economic Development Authority shall provide advice to the City Council on all elements of the community's economic development program, as directed by the City Council and/or the Economic Development Authority. It shall recommend, develop and implement programs to achieve the policy goals enumerated in the purpose clause of this section.

Subd. 2. Economic development incentives and financial assistance. The Economic Development Authority shall recommend, develop and implement programs to provide economic development incentives and assistance as directed by the City Council and/or the Economic Development Authority. Revolving loan funds, tax increment financing, and state/federal grant funds are examples of this assistance. In all instances, the issuance of assistance or incentives shall require the approval of the City Council and/or the Economic Development Authority.

Subd. 3. Liaison. The Economic Development Authority shall recommend, develop and implement efforts to establish contacts, coordination and collaboration with other groups, agencies or individuals actively involved in economic development activities that may affect

Belle Plaine. The Authority shall also coordinate its work with the efforts of other city boards, commissions and staff.

Subd. 4. Marketing. The Economic Development Authority shall recommend, develop and implement programs to publicize the advantages and opportunities for business location within Belle Plaine.

Subd. 5. Information Clearing House. The Economic Development Authority shall recommend, develop and implement programs to cause the collection and dissemination of community information that may be relevant to the encouragement of economic development.

Subd. 6. Annual City Budget. The Economic Development Authority shall recommend a program of revenues and expenditures in support of economic development, in conjunction with the City's annual budget process. The Authority may also offer comment as requested by the City Council, regarding the impact of city budgets and community taxes on the economic health of the community.

Subd. 7. Special Projects. The Economic Development Authority may be assigned special duties, projects or other assignments by the City Council.

Subd. 8. Housing and Redevelopment. The Economic Development Authority shall have all of the following powers:

- (a) all powers of an economic development authority under the EDA Act.
- (b) all powers of a housing and redevelopment authority under the HRA Act.
- (c) all powers of a city under Minnesota Statutes, Section 469.124 to 469.134.
- (d) all powers and duties of a redevelopment agency under Minnesota Statutes, Sections 469.152 to 469.1655.
- (e) the powers of a city under Minnesota Statutes, Chapter 462C.
- (f) the authority to issue bonds in accordance with the EDA Act and the HRA Act.
- (f) the authority to levy special benefit taxes in accordance with Section 469.033, subdivision 6 of the HRA Act in order to pay or finance public redevelopment costs (as defined in the HRA Act), subject to approval by the City Council in accordance with Section 469.033, subdivision 6.
- (g) all powers under Minnesota Statutes, Sections 469.474 to 469.1794, subject to all approvals required by the City under those provisions.
- (h) any other powers related to development, redevelopment or housing authorized under Minnesota Statutes, to the extent such allocation to the EDA is consistent with such statutes.

(Ord. 16-06, Section 202.06, Adopted April 18, 2016.)

SECTION 203.00 HOUSING AND REDEVELOPMENT AUTHORITY.

203.01 No HRA Powers Allocated by the City.

203.02 Powers Retained by the City.

203.03 Amendment.

203.01 NO POWERS ALLOCATED.

The City allocates no powers to the Housing and Redevelopment Authority in and for the City of Belle Plaine, it being the intent of this ordinance that all development, redevelopment, and housing powers of a housing and redevelopment authority under law be allocated to the Belle Plaine Economic Development Authority.

203.02 POWERS RETAINED BY THE CITY.

Notwithstanding anything to the contrary herein, the City retains the development powers of a city under Minnesota Statutes, Sections 469.124 through 469.133, which powers the City may exercise concurrently with the EDA. Nothing in this ordinance is intended to limit or affect powers, rights, duties or obligations that are specifically assigned to the City under the Enabling Resolution, the EDA Act, the HRA Act, or any other law.

203.03 AMENDMENT.

Nothing in this ordinance is intended to limit or prevent the City from (a) modifying this ordinance to revise the respective powers of the HRA and the EDA, or (b) modifying the Enabling Resolution to impose new or different limitations on the EDA as authorized by the EDA Act.

(Ord. 16-06, Section 203.00 Adopted April 18, 2016.)

SECTION 204.00 DESIGN COMMITTEE.

204.01 Commission Established and Continued.

204.02 Membership

204.03 Terms, Vacancies, Oath, Compensation.

204.04 Organization.

204.05 Power and Duties.

204.01 COMMISSION ESTABLISHED AND CONTINUED.

The Design Committee is hereby established and continued.

204.02 MEMBERSHIP.

The Design Committee shall consist of five (5) appointed residents of the City of Belle Plaine and one (1) City Council liaison. The Council may appoint up to two alternates to serve in the absence of an appointed member.

204.03 TERMS, VACANCIES, OATH, COMPENSATION

Regular members and alternate members of the Commission shall be appointed to a term of four years. The terms of office shall begin on February 1 and shall expire on January 31. All members shall be appointed and may be removed by the City Council. Vacancies arising in the unexpired term shall be filled by Council appointment for the duration of the term. Every appointed member shall take an oath relating to the faithful discharge of those duties. Members may receive compensation as set by Council resolution.

204.04 ORGANIZATION.

Subd. 1. Officers.

A. Election, Term of Office. The Committee shall elect from among its appointed regular members, a chairperson, a vice-chairperson, and a secretary for a term of one year. At the first regular meeting in February, the chair will call for nominations and the officers shall be elected by voice or written ballot from among those nominated.

B. Meetings, Records. Meetings shall be held on an as-needed basis. At least three (3) days written notice of such meetings shall be given to the Commissioners. All meetings shall be guided by Roberts Rules of Order, Revised.

C. Special Meetings. The Chairperson or any two (2) members of the Board may call a special meeting of the Board by filing a written statement with the City Administrator. A special meeting shall be preceded by three-day posted notice (or, as an alternate, three-day published notice) as well as three-day mailed notice to any person requesting particular notice of special meetings. At least one day before the meeting, notice shall be mailed or delivered via telephone, facsimile, telegram, electronic mail, or personally to each member of the Board, or shall be left at his/her usual place of residence with some responsible person.

D. Compliance with Open Meeting Law. All meetings shall comply with the Minnesota State Open Meeting Law, M.S. § 471.705.

E. Quorum. A majority of the Committee shall constitute a quorum. No action may be taken without a quorum. Less than a quorum may, however, adjourn any meeting, which may be held on a subsequent date without further notice, provided a quorum be present at such deferred meeting.

204.05 POWERS AND DUTIES.

The Design Committee is an advisory Committee appointed by the Mayor and City Council.

Specific duties of the Design Committee are:

Prepare recommendations for design components of developments, as assigned.

Prepare recommendations for design components of public projects.

Administer design policies contained in the Belle Plaine Design Manual, as may be amended.

Provide recommendations to other Boards, Committees, Commissions, and the City Council as requested or as required under City Code.

*(Ord. 08-07, Repeal and Replace Section 204, Design Committee, Adopted October 6, 2008.)
(Ord. 18-01, Design Committee, Section 204.02, 204.04 and 204.05, Adopted February 20, 2018.)*

SECTION 205.00 EMERGENCY MANAGEMENT.

- 205.01 Scott County Emergency Management Common Organization.
- 205.02 Conformity and Cooperation with Federal and State Authorities.
- 205.03 City of Belle Plaine Emergency Services Director.
- 205.04 Penalty.

205.01 SCOTT COUNTY EMERGENCY MANAGEMENT COMMON ORGANIZATION.

The City of Belle Plaine hereby continues with the Scott County Emergency Management Common Organization, the plans and administration of which shall be adopted as though set forth in its entirety.

205.02 CONFORMITY AND COOPERATION WITH FEDERAL AND STATE AUTHORITIES.

Every officer and employee of the City shall cooperate with Federal, State, County and City authorities and with authorized agencies engaged in emergency services, and emergency measures to the fullest possible extent consistent with the performance of their other duties.

205.03 CITY OF BELLE PLAINE EMERGENCY SERVICES DIRECTOR.

There is hereby created and continued within city government the position Emergency Services Director.

Subd. 1. Appointment. The Police Chief may be appointed by the Mayor with the approval of the City Council for an indefinite term as Emergency Services Director and may be removed by the Mayor at any time.

Subd. 2. Powers and Duties.

A. The Director shall supervise the general operations of all local emergency management forces during a civil defense emergency. He/she shall perform such duties under the direction and control of the Mayor, in cooperation with the Scott County Emergency Management Common Organization and in conformity with controlling regulations and instructions of state emergency services authorities. The Director shall be authorized to utilize personnel, services, equipment, supplies and facilities of the City to the maximum extent practical.

B. The Director, working together with Scott County Emergency Management Director (or personnel within said department), shall prepare a Comprehensive General Plan for the Emergency Services of the City which will include a Community Shelter Plan utilizing the established fallout shelters, and he/she shall present such Plan to the Council for its approval. When the Council has approved the Plan by resolution, it shall be the duty of all emergency services forces of the City to perform the duties and functions assigned to the Plan as approved. The Plan may be modified in like manner from time to time. The Director shall coordinate the emergency services activities of the City to the end that they shall be consistent and fully integrated with the emergency services plans of other political subdivisions within the county and state.

C. The Director, with the consent of the Mayor, shall represent the City on any regional or state organization for emergency services.

D. The Director shall make such studies and surveys of the manpower, industries, resources and facilities of the City, including fallout shelters, as he/she deems necessary to determine their adequacy for emergency services, and to plan for their most efficient use in time of a civil defense emergency.

E. The Director shall carry out all orders, rules and regulations issued by the Mayor and/or the Governor pertaining to emergency services.

205.04 PENALTY.

Any person who violates any provision of this Chapter or any regulation adopted hereunder relating to acts, omissions or conduct other than official acts of City officers or employees is guilty of a misdemeanor.

(Ord. 19-19, Repeal and Replace Chapter 2, Adopted December 16, 2019.)

SECTION 206.00 BOARD OF APPEALS AND ADJUSTMENTS.

206.01 Establishment of Board.

206.02 Duties.

206.03 Appeals.

206.01 ESTABLISHMENT OF BOARD.

Pursuant to Minnesota Statutes, Section 462.354, a Board of Appeals and Adjustments is hereby created and continued. The City's Planning Commission shall serve as the Board of Appeals and Adjustments for the City.

206.02 DUTIES.

Subd. 1. The Commission shall have the following duties:

A. The Commission shall hear and make recommendations to the City Council with respect to appeals from any order, decision, or determination made by a zoning administrator in the enforcement of land use regulations.

B. The Commission shall hear and make recommendations to the City Council with respect to requests for variances from the literal provisions of any land use regulation in accordance with the provisions of Minnesota Statutes, section 462.357 and in accordance with the provisions of Chapter 1103 (Zoning Administration) of the City Code as may be amended.

C. The Commission shall hear and make recommendations to the City Council with respect to appeals from the denial of a building permit.

D. The Commission shall hear and make recommendations to the City Council with respect to requests for variances from the literal provisions of Chapter 12 of the City Code pertaining to subdivision of property in accordance with Chapter 1209.01 (Land Subdivision, Variances) of the City Code as may be amended.

206.03 APPEALS.

Subd. 1. Requests for variances from the literal provisions of any land use regulation (Chapter 11 of the City Code) or land subdivision regulation (Chapter 12 of the City Code) shall be processed as provided for under Chapter 1103 (Zoning Administration) of the City Code as may be amended.

Subd. 2. Appeals from any order, decision, or determination by a zoning administrator or appeals from denial of a building permit shall be processed as follows.

Appeals to the Board may be taken by any person aggrieved or by any official or department of the city affected by any decision of the zoning administrator or building official. Such appeals shall be taken within 30 days of such decision by filing with the zoning administrator a notice of appeal specifying the grounds thereof.

A hearing of the appeal, which shall be held not less than ten (10) days nor more than 45 days after filing of said appeal. Notice of the date, time and place of such hearing shall be given to all interested parties. At the hearing, any party may appeal in person, by agent, or by attorney.

The Planning Commission shall hold the appeal hearing and following review and establishment of facts make a recommendation to the City Council pertaining to the appeal.

The City Council shall review the appeal and the Planning Commission's recommendation and take action on the appeal by simple majority vote.

All decisions by the Council involving appeals from any order, decision, or determination by a zoning administrator or appeals from denial of a building permit shall be final except that an aggrieved person or persons shall have the right to file an appeal within thirty (30) days of the decision to the Scott County District Court.

The appellant shall be required to reimburse the City of Belle Plaine for any and all costs that accrue as the result of the appeal procedure. This shall include, but is not limited to, staff salary, remuneration to Board members (if any), mailing and postage, special research conducted in order to test the validity of the appeal request.