

**BELLE PLAINE CITY COUNCIL
REGULAR MEETING
JUNE 15, 2020**

1. PLEDGE OF ALLEGIANCE.

Mayor Christopher Meyer 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, June 15, 2020 at 6:30 PM in the council chambers of City Hall, 218 North Meridian Street, Belle Plaine, MN. Mayor Meyer called the meeting to order with Councilmembers Cary Coop, Patricia Krings and Paul Chard present. Councilmember Renee LeMieux was not present.

Also present were City Administrator Meyer, Acting Police Chief Stier and City Engineer Duncan. Present via zoom video conference was Public Works Superintendent Fahey, Community Development Director Smith Strack, Finance Director Jirik, Fire Chief Otto, City Attorney Vose and Community Service Director Koller.

3. APPROVAL OF AGENDA.

Mayor Meyer moved to remove items 6.2. and 6.2.1. and a Setback Variance request for Adamietz. Meyer noted a statement from the applicant will be read into record instead and no action will be taken. Mayor Meyer added 7.5. Administrative update.

MOTION by Councilmember Coop, second by Councilmember Krings, to approve the agenda with additions. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

- 4.1. Regular Session Minutes of June 1, 2020.
- 4.2. Resolution 20-076 Appointing Jacob Sellnow as Full-Time Public Works I Employee.
- 4.3. Resolution 20-077 Appointing Patrick Schatz as Full-Time Public Works I Employee.
- 4.4. Resolution 20-082 Appointing Seasonal Life Guards, Water Safety Instructors and Aquatic Staff for the 2020 Belle Plaine Aquatic Center Season.
- 4.5. Accept Resignation of Belle Plaine Firefighter Dillon Lambrecht.
- 4.6. Resolution 20-083 Approving Terms of a ROSE Loan to Pankonin Enterprises for a Structure at 104/106 Main Street East.
- 4.7. Resolution 20-084 Appointing Election Judges for the 2020 Primary and General Elections.
- 4.8. Resolution 20-086 Authorizing License Agreement for Purchase and Support of Black Mountain Software.
- 4.9. Resolution 20-087 Accepting Donation from First National Bank of Belle Plaine for D.A.R.E..
- 4.10. Approve Large Assembly Permit for the Seasonal Farmers Market by the Belle Plaine Historical Society at Court Square.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve the consent agenda as follows: 4.1. Regular Session Minutes of June 1, 2020; 4.2. Resolution 20-076 Appointing Jacob Sellnow as Full-Time Public Works I Employee; 4.3. Resolution 20-077 Appointing Patrick Schatz as Full-Time Public Works I Employee; 4.4. Resolution 20-082 Appointing Seasonal Life Guards, Water Safety Instructors and Aquatic Staff for the 2020 Belle Plaine Aquatic Center Season; 4.5. Accept Resignation of Belle Plaine Firefighter Dillon Lambrecht; 4.6. Resolution 20-083 Approving Terms of a ROSE Loan to Pankonin Enterprises for a Structure at 104/106 Main Street East; 4.7. Resolution 20-084 Appointing Election Judges for the 2020 Primary and General Elections; 4.8. Resolution 20-086 Authorizing License Agreement for Purchase and Support of Black Mountain Software; 4.9. Resolution 20-087 Accepting Donation from First National Bank of Belle Plaine for D.A.R.E. and 4.10. Approve Large Assembly Permit

for the Seasonal Farmers Market by the Belle Plaine Historical Society at Court Square. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

Ambulance Director Doug Sweeney was not present. The Council acknowledge the Ambulance Report.

5.2. Fire Department.

Fire Chief Otto was present. Due to technical difficulties, he was unable to present. The Council acknowledged the Fire Department report.

5.3. Police Department.

Interim Police Chief Stier was present.

5.4. Community Services Director.

Community Services Director Koller was present. Due to technical difficulties, she was unable to present.

5.5. Community Development Department.

Community Development Director Smith Strack was present. Due to technical difficulties, she was unable to present.

6. PUBLIC HEARINGS

6.1. 2021 Improvement Project Preliminary Hearing. The City Council will accept public comment on the proposed 2021 Improvement Project.

City Administrator Meyer explained the preliminary report for the 2021 Improvement Project is complete and noted City Engineer Duncan is present to review the report.

City Engineer Duncan presented a brief slideshow providing details on the 2021 Street Improvement Project which includes portions of Prairie, Willow, Market and Park Street along with Tiger Park Lighting. Duncan reviewed the steps to the Improvement project including tonight's public hearing which is the first of two public hearings regarding the project. Duncan noted the existing conditions including documented pictures and MSAS standards, street improvement plans, reviewed depicted walk locations and tree impacts along with estimated costs of assessments and the City's policy for assessments which includes a 70% City Cost 30% property owner costs on a 40 foot street and 100% assessment of utility service lines. Duncan explained after the public hearing a vote on Resolution 20-081 is in order which requires a 4/5ths Council vote.

Mayor Meyer opened the public hearing at 6:59 PM and asked for public comment.

Dave Brazil, 340 S. Willow St. explained his concern with the sidewalk and requested sidewalk along the curb line to save the neighborhood trees. Brazil noted petition with nine residents against the sidewalks on both sides of Willow Street.

Mayor Meyer explained this hearing is the preliminary hearing noting even if approved tonight items could be removed after the bid is received. Brazil explained if Willow Streets trees were removed the potential environmental impact it could have.

Dave Daniels, 345 S. Willow St., explained he signed the petition and inquired if any traffic signal changes will be installed on Raven/Willow Street as it is a busy intersection. Daniels noted if sidewalk is placed on both sides of the road, two crosswalks will be needed along with a four-way stop. Mayor Meyer explained the Public Safety Committee will address any concerns brought up with the design. Daniels explained the lack of sidewalks on the south side of 169 and noted Willow Street does not experience heavy traffic nor are cars parked on along the street. Meyer explained developments on the south side of 169 were designed with the trail system.

Caren Grotberg, 324 S. Willow Street, explained Willow's wide street is a benefit for foot traffic and she is opposed to the sidewalk. Grotberg expressed concern over a tree she planted 10 years ago with information provide from the City. Grotberg also noted the sidewalk would infringe on her house and issues with snow removal and cited the need for additional stop signs explaining Willow Street is not a good feeder street to the school.

Wayne Schmidt, owner of 311 S. Willow Street, inquired from Councilmember Coop what his opinion on sidewalks for both sides of the Street is and how long has he lived at his property on Willow Street. Councilmember Coop explained he is for all of the sidewalks on both sides and noted he has lived at his property since 1991. Schmidt inquired if with the project the stan pipe and water pipes are replaced. Duncan explained the water main and curb stops are replaced at the property line. Schmidt explained his three unit rental has one PID and inquired how curbstops will be handled. Duncan explained he suggests the property owners input on the curbstops before hand. Schmidt closed by expressing his thoughts that sidewalks on both sides of the road is overkill.

Rick Krant, 215 W. Raven St, Clarified that the road from Raven to South Street is not 40 years old as it was gravel when he moved in 32 years ago. Krant inquired on the sidewalk being added to his property on Market Street. Mayor Meyer explained the sidewalk is on the opposite side of the street, replacing existing sidewalk.

Cal, 325 S. Willow St, explained he was told his sewer was located in the alley and inquired if it will be moved to the front of the house. City Engineer Duncan explained it is his understanding that the alley sewer line serves the houses along Meridian Street. Duncan noted if his house has sewer that goes to the alley it will continue to do so as that line is not part of this project. Duncan explained if his property's sewer is not impacted those charges would come off his assessment bill. Cal inquired on the how the financial side works for payment. City Administrator Meyer explained the process and the options for a onetime payment in full or assessed over 7 years with interest on the property taxes.

Rick Krant stepped back up to the podium and inquired if he would be charged for the sidewalk in front of his house as it was put in as part of the trail system a few years back. City Engineer Duncan explained the sidewalk that runs along Raven will go back in as trail unless he is directed not to. Duncan noted trails are 100% assessed to the City.

Dave Brazil stepped back up to the podium to inquire if sidewalks are put in is it enforceable to ticket items hanging over the sidewalk within the driveway. Mayor Meyer confirmed it is enforceable and is done on a complaint basics.

Councilmember Chard inquired if the City would be looking at adding a hookup for those homes that go to the alley for future use when the alley sewer fails. City Engineer Duncan explained he will televise the alley. Duncan explained he could work with those individual affected.

MOTION by Councilmember Coop, second by Councilmember Chard, to close the Public Hearing at 7:30 PM. ALL VOTED AYE. MOTION CARRIED.

6.1.1. Resolution 20-081 Ordering Improvements and Directing City Engineer to Prepare Final Plans and Specifications for the 2021 Improvement Project.

MOTION by Councilmember Coop, second by Councilmember Chard to approve Resolution 20-081 Ordering Improvements and Directing City Engineer to Prepare Final Plans and Specifications for the 2021 Improvement Project. ALL VOTED AYE. MOTION CARRIED.

Councilmember Coop explained the traffic on both sides of Willow and Raven Street most are children.

~~6.2. Setback Variance — R-1 Single Family Low Density Residential District. The City Council will consider public comment on a request by Rick and Tanya Adamietz, fee owners of property at 1017 Chestnut Court for a variance to a required interior side setback in the R-1 Single Family Low Density Residential District. If approved the variance would allow construction of a detached deck five feet from the side property line.~~

~~6.2.1. Resolution 20-079(A) Resolution Approving Variance from Section 1105.05, Subd. 5(3)(b)(1) to Allow a Minimum Interior Side Yard Setback of Five Feet for a Property Addressed as 1017 Chestnut Court.~~

~~Resolution 20-079(B) Resolution to Deny a Variance from Section 1105.05, Subd. 5(3)(b)(1) to Allow a Minimum Interior Side Yard Setback of Five Feet for a Property Addressed as 1017 Chestnut Court.~~

City Administrator Meyer explained item 6.2. was removed per the request from Rick and Tanya Adamietz. Meyer read into record a letter from the Adamietz' explaining their wish to withdraw their request for a variance.

The Council acknowledged the request for withdrawal.

6.3. Ordinance 20-06 The City Council will hear public comment on proposed Ordinance 20-06 an Ordinance amending Chapter 11, Section 1102.03, Subd. 2(3)(A) pertaining to expansion permits for non-conforming uses or structures. If approved the ordinance will redefine decision criteria for issuance of non-conformance expansion permits.

Community Development Director Smith Strack was unable to present Ordinance 20-06 due to technical difficulties.

Councilmember Coop proposed to table until the next meeting.

Mayor Meyer opened the Public Hearing at 7:36 PM and asked for public comment.

MOTION by Councilmember Coop, second by Councilmember Chard, to table the hearing until the July 20, 2020 City Council meeting. ALL VOTED AYE. MOTION CARRIED.

~~**6.3.1. Approve Ordinance 20-06 an Ordinance amending Chapter 11, Section 1102.03, Subd. 2(3)(A) of the Belle Plaine City Code pertaining to review criteria for non-conformance structure expansion permits.**~~

~~**6.3.2. Resolution 20-080, A Resolution Approving Summary Publication of Ordinance 20-06.**~~

7. BUSINESS.

7.1. Presentation of Claims.

7.1.1. Pay Request No. 2 by Pearson Bros., Inc. for the 2020 Pavement Maintenance Project.

Mayor Meyer and Councilmember Chard requested more information on a couple of line items including the sandblasting charge. Public Works Superintendent Fahey explained the sandblasting was from the

repainting of the back boards at Hickory Park. Mayor Meyer inquired on the \$28,000.00 sewer charge. Fahey explained blower malfunction occurred and a new blower was retrofitted to the sewer plant.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve the presentation of Claims. ALL VOTED AYE. MOTION CARRIED.

7.2. Authorize Purchase of Computer Server Upgrade.

Finance Director Jirik explained the last server the City purchased had a lifespan of seven years. Jirik noted the City has budgeted for a new server and noted the quote for a new server includes labor. MOTION by Councilmember Coop, second by Councilmember Krings, to authorize purchase of computer server upgrade. ALL VOTED AYE. MOTION CARRIED.

Councilmember Coop requested issues with the City email be addressed. City Administrator Meyer explained she will have the tech department get in touch with him.

7.3. Authorize Staff to Proceed with Deck Sealant for the Aquatic Center.

Public Works Superintendent Fahey reviewed the options for sealant the City has in order to open the Aquatic Center.

Councilmember Coop inquired on the sealant option and how it will hold up during the hot summer sun. City Administrator Meyer explained the sealant does not sit on top of the cement but rather would integrate into the concrete. Meyer noted the concrete expert has been involved in the process and is assisting the City in making the decisions necessary.

City Attorney Vose explained the sealant would be a temporary fix for this year, Vose noted the other option available to the City would be to not open the pool until litigation is complete.

Councilmember Krings inquired what the fiscal impact would be. City Administrator Meyer explained that the cost is not known at this time and noted payment would come from the capital fund which may be included in the pre litigation cost. City Attorney Vose noted the decking issue and cost to seal it is a damage to the City to open the facility which is a recoverable cost.

MOTION by Councilmember Coop, second by Councilmember Chard to authorize staff to proceed with deck sealant for the Aquatic Center. ALL VOTED AYE. MOTION CARRIED.

7.4. Fourth of July and Labor Day Discussion.

Motion by Councilmember Chard, second by Councilmember Meyer to cancel the July 6 City Council meeting. ALL VOTED AYE. MOTION CARRIED.

7.5. Administrative Update.

City Administrator Meyer explained at the last City Council meeting Council authorized temporary outdoor patio seating for City establishments. Meyer requested official acknowledgement from the Council to leave the patios in effect until the October 19 removal deadline.

Mayor Meyer explained he has received tremendous amount of positive feedback from establishment owners and community members. Acting Chief Stier noted no problems with the patio seating has been received.

It was the consensus of the Council to proceed with the temporary outdoor patio seating until the October 19 deadline.

City Administrator Meyer explained after having served the City of Belle Plaine and the Belle Plaine Community for 20 years Police Chief Tom Stolee has separated his employment with the City of Belle Plaine effective today June 15, 2020. Meyer explained Stolee has provided the following statement “ Ladies and Gentleman: With a heavy heart, I have decided I cannot continue my role as the Chief of the City of Belle Plaine Police Department due to a medical condition. After many hours of consultation with those closest to me and looking inward, I determined I cannot effectively perform the duties I owe to this community. It has been an honor serving you over the past 31 years in law enforcement. The decision not to return to my role as Chief was not made lightly. This was never the path I would have chosen on my own will. I worked tirelessly to be a strong example to my fellow officers and the people of Belle Plaine. Although I am proud of my career, it is time that I prioritize my well –being. Thank you for your support. I am gracious and humbled to have served this role. Yours, Thomas Stolee” City Administrator Meyer requested the council consider Resolution 20-085 appointing an interim Police Chief as per City Code requirements.

Mayor Meyer stated as a Council we want to acknowledge and applaud the immense contribution Chief Stolee has provided the City over his long and distinguished career with the City and his service is applauded.

It was the consensus of the Council to acknowledge the separation of employment of Thomas Stolee.

MOTION by Councilmember Krings, second by Councilmember Coop, to approve Resolution 20-085 appointing Terry M. Stier as Interim Police Chief. ALL VOTED AYE. MOTION CARRIED.

8. ADMINISTRATION.

8.1. Upcoming Tentative Meetings.

1. Office Closed in Observance of Independence Day, Friday, July 3.
2. ~~Design Committee, Monday, July 6, 5:15 PM.~~
3. ~~City Council, Monday, July 6, 6:30 PM.~~
4. ~~Work Session, Monday, July 6, 6:45 PM.~~
5. Public Works, Thursday, July 9, 9:00 AM.

The Council was reminded of the tentative meetings as listed.

9. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Chard, to adjourn at 7:57 PM. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Renee Eyrich
Recording Secretary