

**BELLE PLAINE CITY COUNCIL
REGULAR MEETING
JULY 15, 2024**

1. PLEDGE OF ALLEGIANCE.

Mayor Woletz 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, July 15, 2024 at 6:00 PM in the council chambers of City Hall, 218 North Meridian Street, Belle Plaine, MN. Mayor Woletz called the meeting to order with Councilmembers Cary Coop, James Evans, Patricia Krings and Ryan Ladd present.

Also present were City Administrator Meyer, Community Development Director Smith Strack, Public Works Superintendent Otto, City Attorney Vose, Finance Director Jirik, City Engineer Duncan, Fire Chief Otto, Police Chief Stier, and Ambulance Director Burton. Wanda Savage served as the video recording operator.

3. APPROVAL OF AGENDA.

MOTION by Councilmember Coop, second by Councilmember Krings, to approve the Agenda as presented. ALL VOTED AYE. MOTION CARRIED.

4. PUBLIC FORUM.

Jim Erickson – Weekly Police Report.

**Anyone wishing to address the Council must submit in writing the subject and intent of request by 3:00 PM on the Tuesday prior to the scheduled Council meeting. Maximum of three (3) minutes per speaker. No official action will be taken.*

Jim Erickson spoke regarding a report similar to what was in the Belle Plane Herald to be public on a regular basis. Erickson suggested the report be placed on the City website and posted at the City Hall, Post Office and Library for public viewing. Erickson explained he would like to know what is going on in his neighborhood and noted the Police Report in the Council packet only shows the meetings that were attended.

Councilmember Krings requested additional discussion at Work Session. Councilmember Evans agreed.

5. APPROVAL OF CONSENT AGENDA.

- 5.1. Regular Session Minutes of June 17, 2024.
- 5.2. Work Session Minutes of June 17, 2024.
- 5.3. Resolution 24-103 Resolution Approving Terms of a ROSE Program Loan to Bradley and Susan Schultz, Brad's Barber Shop 106 Meridian Street South.
- 5.4. Amending Resolution 24-012 Appointing Election Judges for the 2024 Presidential Primary, Primary and General Elections and Assist with Absentee Voting.
- 5.5. Resolution 24-105 Adopting Assessment for Delinquent Fire Bill.
- 5.6. Resolution 24-110 Adopting Assessment for Delinquent Invoice
- 5.7. Resolution 24-111 Approving Fire Relief Schedules I and II for 2024, and Establishing the Annual Benefit Amount at \$3,900.
- 5.8. Resolution 24-101 Appointing Election Judges for the 2024 Presidential Primary, Primary and General Elections and Assist with Absentee Voting.
- 5.9. Resolution 24-112 Approving Staff Changes for the 2024 Aquatic Center Season.

MOTION by Councilmember Ladd, second by Councilmember Coop, to approve the consent agenda as follows: 5.1. Regular Session Minutes of June 17, 2024; 5.2. Work Session Minutes of June 17, 2024;

5.3. Resolution 24-103 Resolution Approving Terms of a ROSE Program Loan to Bradley and Susan Schultz, Brad's Barber Shop 106 Meridian Street South; 5.4. Amending Resolution 24-012 Appointing Election Judges for the 2024 Presidential Primary, Primary and General Elections and Assist with Absentee Voting; 5.5. Resolution 24-105 Adopting Assessment for Delinquent Fire Bill; 5.6. Resolution 24-110 Adopting Assessment for Delinquent Invoice; 5.7. Resolution 24-111 Approving Fire Relief Schedules I and II for 2024, and Establishing the Annual Benefit Amount at \$3,900; 5.8. Resolution 24-101 Appointing Election Judges for the 2024 Presidential Primary, Primary and General Elections and Assist with Absentee Voting and 5.9. Resolution 24-112 Approving Staff Changes for the 2024 Aquatic Center Season. ALL VOTED AYE. MOTION CARRIED.

6. DEPARTMENT REPORTS.

6.1. Ambulance Department.

Ambulance Director Burton was present. Burton highlighted the Ambulance Report.

6.2. Fire Department.

Fire Chief Otto was present. Otto highlighted the Fire Department Report.

6.3. Police Department.

Police Chief Stier was present. Stier highlighted the Police Report.

6.4. Community Service.

Community Services Director Koller was not present. The Council acknowledged receipt of the Community Services Report.

6.5. Community Development Department.

Community Development Director Smith Strack was present. Smith Strack highlighted the Community Development Report.

6.6. Public Works Department.

Public Works Superintendent Otto was present. Otto highlighted the Public Works Report.

6.7. Engineer Department

City Engineer Duncan was present. Duncan highlighted the Engineer Report.

6.8. Administration Department.

City Administrator Meyer was present. Meyer highlighted the Administration Report.

7. PUBLIC HEARINGS.

Mayor Woletz introduced the Public Hearing Process.

7.1. 2025 Improvement Project Public Hearing. The City Council will accept public comment on the proposed 2024 Improvement Project.

City Administrator Meyer introduced the 2025 Improvement Project.

City Engineer Duncan reviewed the proposed 2025 Improvement Project with a slideshow. Duncan explained the street improvement process, the proposed reconstruction of East Park, 300 blocks of Walnut, Elm and Lindon Street, Construction of Haralson Drive and the full depth reclamation with spot curb repairs of Park Knoll.

Mayor Woletz opened the Public Hearing at 6:33 PM and asked for public comment.

Jessie Moral, 225 East Park Street expressed concern of the necessity of the sidewalks. Moral explained she works from home and has counted only 5 walkers since she got the letter.

Nancy Gallagher, 300 East Park Street stated she did not see a senior discount and inquired what constitutes a reconstruction versus resurfacing. Gallagher inquired what percentage can the assessment be increased from. City Engineer Duncan explained reconstruction typically occurs when the utility and street are close to failing. Duncan explained the sanitary sewer in East Park Street were put in about 60 years ago and are in need of replacement along with the surface materials age. Duncan explained Park Knoll was developed in the early 90's with PVC piping and only needs grading and pavement services. Duncan explained the City reviews the streets and determines what is the best use of City funds. Gallagher inquired if the drainage issue at Cedar and Park will be addressed. Duncan explained deficient storm drains will be improved and noted the storm drains are rated for a 4-inch rainfall over a 24-hour period. City Administrator Meyer explained the City's process for assessments is to not charge the assessment until after the project is substantially completed. City Attorney Vose explained the Estimate of the project cost is not the total a total will be given at a later hearing. Vose explained material increases will be assessed however tonight's limitation is the City cannot increase the scope of the project but can decrease the scope by eliminating items. Vose explained reducing the scope of the project may reduce the cost to residents.

William Menke, 902 Park Lane expressed concern with a former Public Works Superintendent who did not believe in seal coating roads causing early deterioration of the roads in Park Knoll. Menke inquired if the City will pay for some of the costs it didn't pay for then now. City Engineer Duncan explained in the past there was no seal coating program. Councilmember Ladd requested confirmation we are now seal coating. Public Works Superintendent Otto confirmed we have a seal coat project every year.

Lana Olson, 934 Deercreek Parkway expressed concern with a pipe in the driveway that in the summer and winter can vary over a foot and requested it be looked at. Public Works Superintendent Otto explained it is likely a curb stop and he will come out to look at it.

Tony Olson, 510 East Commerce Drive inquired on the assessment on Walnut street and why there is no City Cost. City Engineer Duncan explained he would be happy to take a look at the proposed assessment more specifically. Olson expressed concern with Commerce Drive being installed within the last 20 years and North Elm and North Linden being 2/3rd done. Olson stated he has a large assessment to redo streets already redone and better than most streets within the City. Duncan explained the City cannot increase the scope of the project but can decrease the scope and is accounting for the worst case scenario. Duncan explained the City has the construction plans which shows where the project stops done under MNDOT and can make adjustments if it is different from where the plans say they stopped. Mayor Woletz inquired if that will be addressed during final design. City Administrator Meyer confirmed.

Gabrielle Williams, 247 S. Meridian Street expressed concern with the addition of sidewalks. Williams noted she has an older house and is concerned with a sidewalk running through her driveway as she parks outside on the driveway. Williams explained she would prefer no sidewalk and is concerned on the drainage issue on the corner of Meridian Street.

Paul Traxler, 220 East Park Street expressed concerns with the road inspections during the project noting issues with Cedar Street done 20 years ago. Traxler stated with property taxes going up people need to be held accountable for the job done and the roads need to be inspected better.

Nancy Gallagher, 300 East Park Street inquired on the size of the drains and if the City is looking at increasing the size. Gallagher expressed concern of the 3-4 garbage trucks going by her house twice per week.

Paul Chard, 320 S. Walnut Street expressed concern with the street projects getting too far ahead of themselves with the fluctuations in the price of oil and gravel. Chard inquired what the engineering cost is on the project and opined companies want to work in Belle Plaine due to the favorable soil. City Engineer Duncan explained the project is an estimated \$4-million-dollar project which includes engineering, bonding, and contingency fees. Duncan explained the timeline adjusted considerably for the last two most recent projects due to the collaboration with the State and County with bids in December as required for those projects. Duncan explained the City has adjusted the bid dates on normal street projects to get more bids which drives the price down. Duncan explained Council can reject all bids and rebid any project.

Matt Boylan, 301 S. Chestnut Street opined no sidewalks and inquired how much financial help is given to the City by the State or County. City Engineer Duncan explained local project that involve local roads are paid for by the City. Duncan explained there are enterprise funds that help pay for water and sewer and the City bonds for the project but there is no specific direct assistance unless it is a State or County road. Boylan explained Park Street is mostly all corner houses and have paid for a side road as well. Duncan reviewed the corner relief program.

Jack Sparks, 110 Park Street thanked Councilmember Ladd for his comment regarding the sidewalks and noted lots of us agree we do not need sidewalk. Sparks inquired if this is the last public hearing and what is decided at this meeting moves forward. Mayor Woletz explained the decision today would be to move forward with the design of the project. Sparks inquired if this is the last point at which the Council will take feedback. City Engineer explained he is hearing a desire to reconsider the sidewalks within the project. Duncan explained the Council could move ahead and authorize design, hold a work session on the sidewalks and pull the scope back between now and even after the bid as is the discretion of the Council. Duncan reviewed the incremental steps included in the statute which allows for council to pull back on any part of all of the project. Sparks inquired if this is the last chance for residents. Woletz explained the Council has heard the concern regarding the sidewalks and will hold further discussion on the sidewalks. Sparks inquired on the south side of Park Street at Berger's. Duncan explained there is existing bituminous which will be reviewed in the design process. Sparks stated the streets were platted without sidewalks in mind and if added will have a great effect on usability and resale of their homes. Sparks inquired what the City position is on parking and blocking sidewalks. Woletz explained City Code prevents blocking of sidewalks and if a complaint is received it would need to be addressed. Sparks stated he strongly advises the Council take into account some people will be losing their driveway and some will lose at least half of their driveway. Sparks inquired who he can talk to if he wants to increase the apron size of his driveway. Duncan explained he will work with homeowners who want to increase within the confines of the Code. City Administrator Meyer requested if property owners have a request for a wider apron to reach out to Community Development to review what is allowed.

Jon Schafer, 1018 E. State Street inquired how would residents be aware of other points of input for them. City Engineer Duncan explained additional decision points are for Council although public comment can be made by contacting me or City staff with feedback. City Administrator Meyer explained citizen input on the proposed improvements project or reconstruction project includes sidewalk which comes from an overall plan reviewed by the Council and will look at individually to see if its viable or not. Meyer explained citizens giving input tonight for the Council to use for decision making process going forward noting tonight is the last public hearing for the proposed improvements. How would we know when to contact our Councilmembers for people concerned about the sidewalks. Meyer explained residents can reach out to Council regarding sidewalks any time before the bid is awarded.

Ryan Albrecht, 238 S. Elk Street, inquired on the designation of the walking trail and if it is to be used for bikes and ebikes. Police Chief Stier explained the primary use of the trail is for pedestrian traffic and noted staff are looking into what regulation is on ebikes to keep everyone safe. Albrecht explained he hopes the walking trails on Park Street are enforced.

Nancy Gallagher 300 East Park Street, stated she is opposed to sidewalks due to the loss of established vegetation and inquired if added could Public Works clear the sidewalks. Mayor Woletz explained the Council has addressed the clearing of sidewalks and noted if the City were to take on clearing of the sidewalks it would be additional cost and strain to the City and noted trails are cleared by City staff.

Gabrielle Williams, 247 S. Meridian Street thanked the Mayor for explaining it is against code to block a sidewalk and stated she is strongly opposed the sidewalks which puts her in a position to not allow her to park in her driveway. Williams inquired how the assessment gets paid by the homeowner. Finance Director Jirik explained a notice is sent out to homeowners once the project nears completion which gives the homeowner three options for payment. Jirik explained once the Council holds the public hearing there will be no more contact with property owners and if no payment is received within 30 days it will be assessed. Councilmember Ladd requested Finance Director Jirik explained the percentage of assessments. City Administrator Meyer explained the assessment is charged interest if not paid off but generally speaking the City pays 70% of the assessment and the homeowner pays 30%.

Nancy Gallagher 300 East Park Street inquired what happens if the assessment is not paid off in 7 years. Finance Director Jirik explained if the assessment is not paid in full within 30 days of the assessment hearing it will be assessed to the property taxes for seven years.

MOTION by Councilmember Evans, second by Councilmember Ladd, to close the public hearing at 7:27 PM. ALL VOTED AYE. MOTION CARRIED.

Council held continued discussion.

7.1.1. Resolution 24-102 Ordering Improvements and Directing City Engineer to Prepare Final Plans and Specifications for the 2024 Improvement Project.

MOTION by Councilmember Evans, second by Councilmember Ladd, to table Resolution 24-102 for further guidance. ROLL CALL VOTE. Councilmembers Evans, Ladd and Krings VOTED AYE. Councilmembers Woletz and Coop VOTED NAY. MOTION CARRIED.

7.2. Conditional Use Permit Detached Commercial Accessory Structure: 1051 Old Highway 169 Boulevard. The City Council will consider public comment on a request by Nextera Properties LLC (Property Owner) and Kibble Equipment (Applicant) for a conditional use permit under Section 1105.10, Subd. 4(16) of the City Code. If approved the conditional use permit would allow the establishment of an approximately 11,520 square foot detached accessory structure at 1051 Old Highway 169 Blvd.

Community Development Director Smith Strack reviewed the Conditional Use Permit Detached Commercial Accessory Structure at 1051 Old Highway 169 Boulevard with a brief slideshow.

Council held discussion with the applicant.

Mayor Woletz opened the public hearing at 7:58 PM and asked for public comment.

No one stepped forward.

MOTION by Councilmember Ladd, second by Councilmember Coop, to Close the public hearing at 7:58 PM. ALL VOTED AYE. MOTION CARRIED.

Council held discussion.

7.2.1 Resolution 24-106 Resolution Approving a Conditional Use Permit for an approximately 11,520 square foot accessory structure at 1051 Old Highway 169 Boulevard.

MOTION by Councilmember Evans, second by Councilmember Ladd, to approve Resolution 24-106 Resolution Approving a Conditional Use Permit for an approximately 11,520 square foot accessory structure at 1051 Old Highway 169 Boulevard. ALL VOTED AYE. MOTION CARRIED.

The Meeting was recessed at 8:00 PM.

The Meeting was resumed at 8:05 PM.

7.3. Modification to Municipal Development District No. 3, Tax Increment Financing District No. 3-2. The City Council will hold a public hearing relating to a proposed modification to Municipal Development District No. 3 and the proposed establishment of Tax Increment Financing District No. 3-2, a housing tax increment financing district, within the Development District and the proposed adoption of a Tax Increment Financing Plan therefor, pursuant to Minnesota Statutes 469.124 to 469.133 and Sections 469.174 to 469.1799.

Community Development Director Smith Strack reviewed the Modification to Municipal Development District No. 3, Tax Increment Financing District No. 3-2 with a brief slideshow.

Todd Hagen of Ehlers was present and reviewed the how Tax Increment Financing works.

Council held discussion.

Mayor Woletz opened the public hearing at 8:29 PM.

No one stepped forward.

MOTION by Councilmember Ladd, second by Councilmember Coop, to close the public hearing at 8:30 PM. ALL VOTED AYE. MOTION CARRIED.

Council held discussion.

7.3.1. Resolution 24-107 A Resolution Approving a Modification to Municipal Development District No. 3 And A Tax Increment Financing Plan for Tax Increment Financing District No. 3-2.

MOTION by Councilmember Krings, second by Councilmember Coop, to approve Resolution 24-107 A Resolution Approving a Modification to Municipal Development District No. 3 and A Tax Increment Financing Plan for Tax Increment Financing District No. 3-2. Councilmember Krings, Coop, Woletz and Evans VOTED AYE. Councilmember Ladd VOTED NAY. MOTION CARRIED 4-1.

8. BUSINESS.

8.1. Presentation of Claims.

- 8.1.1. Pay Request No. 13, Ryan Contracting Co., for the 2023 Improvement Project.
- 8.1.2. Pay Request No. 4, Ryan Contracting Co., for the 2024 Improvement Project.

MOTION by Councilmember Coop, second by Councilmember Evans, to approve the reviewed claims of July 1, 2024 in the amount of \$1,283,939.23. ROLL CALL VOTE. Councilmembers Coop, Evans, Woletz and Krings VOTED AYE. Councilmember Ladd VOTED NAY. MOTION CARRIED 4-1.

MOTION by Councilmember Coop, second by Councilmember Woletz, to approve the reviewed claims of July 15, 2024 in the amount of \$293,741.22. ROLL CALL VOTE. Councilmembers Coop, Evans, Woletz and Krings VOTED AYE. Councilmember Ladd VOTED NAY. MOTION CARRIED 4-1.

8.2. Resolution 24-108 A Resolution Authorizing Internal Loan for Advance of Certain Costs In Connection with Tax Increment Financing District No. 3-2.

Community Development Director Smith Strack reviewed the Authorizing Internal Loan for Advance of Certain Costs in Connection with Tax Increment Financing District No. 3-2 with a brief slideshow.

MOTION by Councilmember Evans, second by Councilmember Coop, to approve Resolution 24-108 A Resolution Authorizing Internal Loan for Advance of Certain Costs in Connection with Tax Increment Financing District No. 3.2. ROLL CALL VOTE. Councilmembers Evans, Coop, Woletz and Krings VOTED AYE. Councilmember Ladd VOTED NAY. MOTION CARRIED 4-1.

8.3. Resolution 24-109 Authorize Purchase of a 2023 Chevrolet Tahoe 9C1 Police 4x4 for the Police Department.

Police Chief Stier reviewed the proposed purchase of a 2023 Chevrolet Tahoe for the Police Department.

Council held discussion.

MOTION by Councilmember Coop, second by Councilmember Woletz, to approve Resolution 24-109 Authorizing Purchase of a 2023 Chevrolet Tahoe 9C1 Police 4x4 for the Police Department. ROLL CALL VOTE. Councilmember Coop, Woletz, Evans and Krings VOTED AYE. Councilmember Ladd VOTED NAY. MOTION CARRIED 4-1.

8.4. Well-Being Policy.

8.4.1. Resolution 24-100A Authorize a Well-Being Policy allowing up to 26 Hours of Well-Being Time per year for Public Safety members who are POST Certified.

Resolution 24-100B Authorize a Stress Reduction/Well-Being Benefit Policy for Full-Time Permanent Employees.

Finance Director Jirik explained the Well-Being Policy has been reviewed at Work Sessions and Council submitted two policies to review for action.

MOTION by Councilmember Krings, second by Councilmember Woletz, to approve Resolution 24-100 B Authorize a Stress Reduction/Well-Being Benefit Policy for Full-Time Permanent Employees. ROLL CALL VOTE. Councilmember Krings, Woletz, and Coop VOTED AYE. Councilmember Evans and Ladd VOTED NAY. MOTION CARRIED 3-2.

9. ADMINISTRATION.

9.1. Upcoming Tentative Meetings.

1. Downtown Music and Food Trucks, Wednesday, July 24, 4:30 PM – 8:00 PM.
2. Design, Monday, August 5, 5:00 PM
3. City Council, Monday, August 5, 6:00 PM
4. Work Session, Monday, August 5, 6:15 PM

The Council was reminded of upcoming tentative meetings as listed.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Ladd, to adjourn the meeting at 8:46 PM. ALL VOTED AYE. MOTION CARRIED.

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APPROVED

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Respectfully Submitted,
Renee Eyrich
Recording Secretary