

**BELLE PLAINE CITY COUNCIL
REGULAR MEETING
MONDAY, AUGUST 15, 2022**

1. PLEDGE OF ALLEGIANCE.

Mayor 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, August 15, 2022 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 Paul Chard, Cary Coop, Renee LeMieux and Patricia Krings present.

Also present were City Administrator Meyer, Community Development Director Smith Strack, Finance Director Jirik, City Engineer Duncan, Public Works Superintendent Otto, Public Works Superintendent Fahey and Sergeant Vycital.

3. APPROVAL OF AGENDA.

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

4. APPROVAL OF CONSENT AGENDA.

- 4.1. Regular Session Minutes of August 1, 2022.
- 4.2. Work Session Minutes of August 1, 2022.
- 4.3. Closed Session Minutes of August 1, 2022.
- 4.4. Resolution 22-092 Accepting Public Improvements Chatfield On The Green Third Addition.
- 4.5. Resolution 22-093 Accepting Public Improvements Farmers Ridge Third and Fourth Addition.
- 4.6. Resolution 22-094 Approving ROSE Loan Request for Pankonin Enterprises LLC, 106 Main Street East.
- 4.7. Approve Large Assembly Permit St. John Lutheran Church to host a Mortgage Burning Celebration on September 11, 2022.
- 4.8. Resolution 22-098 Accepting \$26,301.79 Donation from the Belle Plaine Baseball Association for Tiger Park Infield Restoration.
- 4.9. Resolution 22-099 Authorizing Infield Restoration at Tiger Park by Minnesota Sodding Company (MSC) in the amount of \$26,301.79.

Councilmember Chard explained he will abstain from voting on Consent Agenda item 4.6.

MOTION by Councilmember LeMieux, second by Councilmember Coop, to approve Consent Agenda as follows: 4.1. Regular Session Minutes of August 1, 2022; 4.2. Work Session Minutes of August 1, 2022; 4.3. Closed Session Minutes of August 1, 2022; 4.4. Resolution 22-092 Accepting Public Improvements Chatfield On The Green Third Addition; 4.5. Resolution 22-093 Accepting Public Improvements Farmers Ridge Third and Fourth Addition; 4.6. Resolution 22-094 Approving ROSE Loan Request for Pankonin Enterprises LLC, 106 Main Street East; 4.7. Approve Large Assembly Permit St. John Lutheran Church to host a Mortgage Burning Celebration on September 11, 2022; 4.8. Resolution 22-098 Accepting \$26,301.79 Donation from the Belle Plaine Baseball Association for Tiger Park Infield Restoration and 4.9. Resolution 22-099 Authorizing Infield Restoration at Tiger Park by Minnesota Sodding Company (MSC) in the amount of \$26,301.79. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Report (Report Only)

Ambulance Director Burton was not present. The Council acknowledged receipt of the Ambulance Department Report.

5.2. Fire Department.

Fire Chief Otto was not present. The Council acknowledged receipt of the Fire Department Report.

5.3. Police Department.

Sergeant Vycital was present. The Police Department Report was accepted.

5.4. Community Development Department.

Community Development Director Smith Strack was present. The Community Development Report was accepted.

6. PUBLIC HEARINGS.

Mayor Meyer explained the process for the Public Hearings.

Mayor Meyer introduced the public hearing.

6.1. 2023 Improvement Project. The City Council will accept public comment on the proposed 2023 Improvement Project. (Downtown Project)

City Administrator Meyer explained this is the Improvement Project portion of the meeting. Meyer explained Council was looking at a Downtown Project in two phases with Phase I being last year. Meyer explained unfortunately financing from legislation did not come through, one bid was received and upon review, the City Council rejected the bid. Meyer explained after a regroup Council decided to combine the project for a larger project and more favorable bid along with instructing staff to continue looking for outside funding options. Meyer noted this hearing is just one-step in the process and does not order the process or deem what happens from here. Meyer explained City Engineer Duncan has prepared a presentation to present the preliminary engineering report.

Mayor Meyer inquired if City Administrator Meyer could review the possible funding option. City Administrator Meyer explained City Engineer Duncan will review it during the presentation and she is able to answer any questions after.

City Engineer Duncan explained the proposed 2023 Improvement Project is both Phase I and Phase II of the Downtown Project combined. Duncan explained the presentation has been reviewed by council who requested the Public Hearing be held and notifications were sent to property owners and it was printed in the newspaper. Duncan explained the Preliminary Engineering Report covers five items: the existing conditions, the proposed conditions, the estimated cost, funding sources and proposed schedule. Duncan explained the project consists of portions of Main Street, Meridian Street, Church Street and Blocks 91, 92 and 103 Alleys. Duncan reviewed the proposed street improvements, concrete walks, ADA ramps and multipurpose lighting. Duncan explained alternate funding is being reviewed through State Aid funding and explained the City will need State Aid and County approval before the bidding phase. Duncan reviewed proposed alley improvements with a 9-ton axle load for the business district, utility improvements and a rendering of the parking configuration. Duncan reviewed the estimated cost along with the assessment policy which is 30% property owner and 70% City.

Mayor Meyer opened the public hearing at 6:56 PM and asked for public comment.

Jim Erickson, 115 S. Willow Street, inquired how and when Block 91 was included into the project. Erickson inquired if stormwater mitigation will be addressed and parking will be allowed on Willow Street during the project. City Engineer Duncan explained stormwater will be addressed and pas complaints and issues is what brought block 91 onto the project. City Administrator Meyer explained staff understand potential parking issues and will work with residents one a project timeline is received.

Tom Meger, 520 W. Main Street, inquired why the erosion occurred on the street. City Engineer Duncan explained the project is 20-25 years old. Meger inquired what the changes are in front of 121 E. Church Street that caused his proposed assessment to go up almost \$2,000 from the last proposed assessment. Duncan explained almost all of the increase is related to increased construction costs. Meger inquired on what amenities he will get that will increase his property value. City Administrator Meyer explained the assessments are higher due to predicted higher construction costs. Meger stated the increased taxes on his property at 109 N. Meridian Street is creating a hardship on him and his tenants who will have to have an increase in rent. Meger explained the amenities are not needed. Meger explained Block 103 improvements will have been improved three times since owning the property once this project is complete and he doesn't think it's fair he has to pay for the improvements again. Meger stated he believes the recommendation should be tabled tonight until the City finds out if it will be getting money from the State. Councilmember LeMieux explained we cannot move forward with the project without a plan in place to get bids. Mayor Meyer confirmed and added without other funding the Council cannot approve the project bid.

Ken Meger, 25745 Vergus Ave. New Prague, explained he agrees with his brother Tom and understands Council has to get the numbers but requests to table action until the City receives money for the project.

Steve Cox, 122 S. Meridian Street, expressed concerns regarding parking in front of his building. Cox noted he has Merchant 29 along with a showroom in his building currently with 7 stalls outside the building which will go down to 3. Cox inquired why do we have to go to parallel. City Engineer Duncan explained there is no requirement for parallel parking rather that State aid standards require a 100 foot ROW. Duncan explained on the current roads no sidewalk would be allowed with a 100-foot ROW as it stands, staff tried to find a balance and allow for a wider sidewalk on State aid roads for higher traffic. Cox explained the limited parking will cause a hardship to his business as he worries people won't find a spot and drive on. Cox explained an additional connection was found during installation will he be required to pay another connection fee if connected during the project. Public works Superintendent Fahey explained the connection fee was already paid and staff would just sit down with him to see if he wants to connect it or not. Cox expressed concern with additional trees and plantings in the boulevard and if the City has the staff to do the maintenance on such plantings. Public Works Superintendent Otto explained additional staffing has been planned and budgeted for. City Administrator Meyer explained maintenance would be a policy considered by Council.

Ken Meger returned to the podium to explain parallel parking is an issue for the elderly and noted traffic backed up for miles in New Prague.

Renee Christianson, 699 240st East, Jordan, explained she is the owner of buildings 214 and 212 North Meridian Street. Christianson requested clarifying questions on the feasibility report. Christianson stated she heard the proposed roads would be 68 feet wide and inquired how wide the current road is. City Engineer Duncan explained he believes 74 feet wide. Christianson explained she heard a 2-inch mill and overlay would be applied to the alley. Duncan confirmed block 103 will have a 2-inch mill and overlay and the other two alleys will be a complete reconstruction. Christianson stated she heard the alleys will be designed for a 9 ton standard and inquired if that would be considered a garbage truck. Duncan confirmed it's rated for garbage trucks. Christianson inquired if any research had been done to move the electrical underground in the alleys. Public Works Superintendent Otto confirmed he met with Xcel early on and the cost was significant to move the electrical underground for not only the City but the residents as well. Christianson inquired if the existing trees will be removed and new trees planted. Duncan confirmed. Christianson explained various funding sources have been discussed including MSA, County

and inquired on the time frame funding sources will be identified. Mayor Meyer requested City Engineer Duncan review the proposed funding options. Duncan explained outside funding sources include Municipal State Aid (MSA), which includes North Meridian and West Main Streets, a total of three blocks of money that belongs to the City. Duncan explained another option is County State Aid Highway 3 (CSAH), which includes South Meridian and East Main Street. Duncan explained staff are working with the county on their cost participation level and noted both funding sources are real but the amounts are undetermined. Christianson stated the City has a balance or can borrow ahead for MSA funds and based on County participation policy CSAH funds will be coming from the County. Duncan confirmed. Christianson requested staff define the sources noted as available for amenities. City Administrator Meyer explained the City received ARPA Funds (American Rescue Plan Act) in the amount of just over \$700,000.00 which were earmarked by Council for Economic Development. Meyer explained the streetscaping qualifies as Economic Development to use those funds and noted other programs are available from the State, which staff are researching. Christianson inquired if staff anticipate a fall or spring bid. Duncan explained staff are moving forward with a late fall early spring bid as multiple agencies have to comment and approve which extends the process. Christianson closed by stating she is in favor of the project and noted the City's 30/70 assessment policy is very generous noting other communities the general taxes are not picked up at that high of a level in her experience. Christianson stated she is in favor of the streetscaping and noted she loves the improvements happening in town including the parking lot. Christianson stated she recommends Council move forward with the adoption ordering improvements, plans and specifications knowing it does not bind the City to complete the project.

Becky Wessels, 140 South Meridian Street, inquired if Mr. Duncan has a map of the current sewer lines for the 100 block of South Meridian Street. City Administrator Meyer inquired if Wessels was asking if staff knew where the current maps are. Wessels confirmed. Duncan explained that is something that would be obtained through the topographic survey. Wessels inquired if staff knew where the storm drain behind her house emptied out to. Public Works Superintendent Otto explained the storm drain does not empty out and one of the main reason the alley was moved forward to be added to the project. Wessels explained the City will be removing the trees in the boulevard and replacing and inquired if the City will be allowing residents to replant their trees in the boulevard if they have to be removed due to ash borer. Public Works Superintendent Fahey explained the City does not allow planting of trees in the boulevard as a City policy. Fahey explained the Downtown is handled differently as there are no setbacks in the downtown noting the Downtown commercial district is handled differently policy wise when it comes to setbacks, curbing and sidewalks. Wessels inquired what will happen to the current LED lighting in the downtown. Otto explained the current lighting will be relocated to different areas as it is all in good shape. Wessels inquired if Council and staff have looked at not doing the enhancements and save it for a later time to save money. Mayor Meyer confirmed the enhancements have been reviewed and costs considered. Meyer explained the total cost is needed with the enhancements to find the full cost of the project before funding can be secured and items can be eliminated. Wessels explained she would personally like to see the assessment broken down with the enhancements separate. City Administrator Meyer explained the number was listed separately in the presentation. Wessels explained she would like to see it broken down more listing the cost of each bench and would like to see if we are taking anything to auction what would we get for it to help recoup the cost. Mayor Meyer explained that is part of the bidding process, we would get those numbers then. Wessels inquired what papers the City is advertising the bids in and inquired if that is the only channel the City uses. Duncan explained the process is to advertise in the City's official newspaper which is currently the Jordan Independent. Duncan explained the City also uses an online service Quest CDM that broadcasts to anyone with an internet connection which includes any contractors. Wessels stated with only receiving one bid does staff think its time to expand the approach to get more bids in. Duncan explained 15-16 contractors paid to receive the bid and reviewed it. Duncan explained after talking with contractors they had various reasons as why they did not submit a bid. City Administrator Meyer explained the City follows State Standards for bidding as does almost all municipalities. Meyer explained the previous year the City received 11 bids for the project and noted that several reasons including timing, costs and supply chain issues were reasons why contractors did not bid last year. Wessels closed by saying that people have a hard time parking in this town already and that

parallel parking will cause a lot of accidents. Wessels invited Council downtown on a Friday night to see the parking issues.

Lynette Koepp, 300 East Main Street inquired what residents on Main Street from Chestnut to Walnut can expect. City Engineer Duncan explained the street will stay the current width with a full reconstruction of Street the street to include storm and sewer. Duncan noted the water was previously done, the lighting standard will continue to Walnut and sidewalks on both sides of the street. Koepp inquired if that sidewalk will become part of the Belle Plaine Trail. Public Works Superintendent Fahey confirmed the sidewalk will be part of the trail and the City will maintain it. Duncan noted the sidewalk will be concrete and will be six feet wide instead of the current 5 feet. Koepp inquired if State Street and 25 will be done next year as well. City Administrator Meyer explained Highway 25 is on the States plan however, it is not happening next year. Koepp inquired when residents will be notified of the changes. Duncan explained if moved forward tonight, review and designing happens and bids are taken and awarded then the property owners would be notified of a schedule. Duncan explained until the project is awarded and a contractor is on board a schedule cannot be determined.

Leonard Berens, 213 E. Main Street, inquired if we have an idea as to how long this project will last. City Engineer Duncan explained he would expect construction for the entire season if not into next season to finish up. Berens inquired when was that portion of the street last done. Duncan explained he has plans for the water main portion of the street, which was done prior to the last Downtown project. Public Works Superintendent Fahey explained the street was overlaid about 15 years ago by the State, no underground work.

Steve Cox stepped forward and inquired if the project is voted on tonight is there still a chance to change the parallel to angled parking? City Engineer Duncan explained unless the Council changes the parking this is the way the design will go forward. Duncan explained it is up to the Councils discussion if changed but will need a decision before the variances are applied for.

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

Councilmember Chard noted the MSA route and where construction ends.

Councilmember LeMieux inquired if we move forward can we come back and change the parking? City Engineer Duncan explained because the City has to request a variance from State Aid rules which is due September 1, Council would need to request the change before that deadline. Mayor Meyer inquired if the City can submit the request with two options. City Administrator Meyer explained that is not allowed, a final plan must be submitted. Meyer explained if the Council wants to make a change that recommendation needs to be made before the September 1st submittal of the variance request.

Mayor Meyer explained this process is information gathering, once we know who will pay for what and a bid is received the council will need to decide if moving ahead or not.

Councilmember Chard noted the biggest concern would be to stay on the timeframe to get the bid out early for the best pricing.

6.1.1. Resolution 22-095 Ordering Improvements and Directing City Engineer to Prepare Final Plans and Specifications for the 2023 Improvement Project.

MOTION by Councilmember Chard, Second by Councilmember Coop, to approve Resolution 22-095 Ordering Improvements and Directing City Engineer to Prepare Final Plans and Specifications for the 2023 Improvement Project. ALL VOTED AYE. MOTION CARRIED.

City Administrator Meyer explained if anyone is inclined to reach out to your legislators noting the City of Belle Plaine's project was in both the House and Senate bonding bill for receiving funds to help pay for this project.

6.2. Fogartys Fourth Addition. The City Council will hold a public hearing on a request for Preliminary Plat approval for Fogartys Fourth Addition, a mixed non-residential and residential subdivision adjacent to Aspen Lane, Main Street East, and State Street East.

Community Development Director Smith Strack explained the City Council is to hold a public hearing on a request from Fogartys Fourth Addition for a Preliminary Plat approval for Fogartys Fourth Addition, a mixed non-residential and residential subdivision adjacent to Aspen Lane, Main Street East and State Street East. Smith Strack reviewed a brief presentation noting the plat will result in allowing the sale of two separate parcels, no environmental study is needed, it is consistent with Destination 2040, zoned IC and R-7 and improvements are in place. Smith Strack explained the Planning and Zoning commission held a public hearing last Monday in which they recommended approval.

Mayor Meyer opened the Public Hearing at 8:08 and asked for public comment.

No one stepped forward.

MOTION by Councilmember Krings, Second by Councilmember Chard, to close the public hearing at 8:08 PM. ALL VOTED AYE. MOTION CARRIED.

6.2.1 Resolution 22-096, Conditionally Approving a Preliminary Plat for Fogartys Fourth Addition.

MOTION by Councilmember Krings, second by Councilmember Chard, to approve Resolution 22-096, Conditionally Approving a Preliminary Plat for Fogartys Fourth Addition. ALL VOTED AYE. MOTION CARRIED.

6.3. Jane Properties Subdivision. The City Council will hold a public hearing on a request for Preliminary Plat approval for Jane Properties Subdivision, a non-residential subdivision adjacent to Main Street East and Hickory Boulevard.

Community Development Director Smith Strack explained the Council is to hold a public hearing on a request for preliminary plat approval for Jane Properties Subdivision, a non-residential subdivision adjacent to Main Street, East and Hickory Boulevard. Smith Strack explained Gregory Brenny is a representative of the application and is in the audience. Smith Strack reviewed a brief slideshow and explained the subdivision was previously approved but not recorded and is now expired. Smith Strack noted the resubmitted plat excludes one property but otherwise similar which results in 2 resulting lots and five outlots. Smith Strack noted Lot 1 Block 1 and Lot 1 Block 2 will result in the subdivision. Smith Strack explained the plan is consistent with Destination 2040, zoned I-C and improvements are in place. Smith Strack noted the planning and Zoning Commission held a public hearing and recommended approval on the following conditions: Drainage and utility easements, Prosper Street ROW dedication and outlots must be further subdivided prior to development.

Councilmember Krings inquired if the Legal Council reviewed the resolution. Community Development Director Smith Strack explained the Legal Council drafted the resolution before Council.

Mayor Meyer opened the public hearing at 8:13 PM and asked for public comment.

Gregory Brenny, Jane Properties representative stepped forward stated he is available for questions and noted he is hopeful this will move forward to help develop the property.

MOTION by Councilmember LeMieux, second by Councilmember Coop, to close the public hearing at 8:14 PM. ALL VOTED AYE. MOTION CARRIED.

6.3.1 Resolution 22-097, Conditionally Approving a Preliminary Plat for Jane Properties Subdivision.

MOTION by Councilmember Coop, second by Councilmember LeMieux, to approve Resolution 22-097, Conditionally Approving a Preliminary Plat for Jane Properties Subdivision. ALL VOTED AYE. MOTION CARRIED.

7. BUSINESS.

7.1. Presentation of Claims.

7.1.1. Pay Request No. 2 (Final), Pearson Bros., Inc. for the 2022 Pavement Maintenance Project.

Councilmember Chard inquired on the lumber charge. Public Works Superintendent Otto explained the charge was for the new outdoor doors in the Council Chambers.

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

7.2. Ordinance 22-08: An Ordinance Temporarily Prohibiting Sales, Testing, Manufacturing and Distribution of Certain THC Products.

City Administrator Meyer explained as previously discussion legislation has passed the sale, distribution, testing and manufacturing of certain THC products. Meyer explained the City along with other Cities received information after the fact from the League of Minnesota Cities regarding regulations, requirements, zoning, manufacturing and sales. Meyer noted a focus on manufacturing, possession and sales will be the City's focus. Meyer explained at the previous meeting the City looked at a six month moratorium, however, at the request from three councilmembers to add additional language for the moratorium which was approved by the public safety committee. Meyer explained the additional language would fall under section 3, item A and reads "provided, however, that any business licensed to sell tobacco-related products in the City shall be exempt from this prohibition on sales if the business demonstrates (via receipts of similar documentation) that it engaged in the sale of lawful THC Products prior to the effective date of this Ordinance." Meyer explained any business currently holding a tobacco licensing who is currently selling, may continue to sell under the State regulations and once the City develops regulations if the Council chooses to the licensed tobacco vendors will be notified. Meyer explained the Public Safety Committee requested the exemption be tied to Tobacco license holders as they already have policies in place for verification.

Mayor Meyer explained the Public Safety Committee is hoping the process will not be a six-month project and will be addressed sooner.

Councilmember Krings inquired if City Administrator Meyer knew how many businesses are exempt. City Administrator Meyer explained it is only Tobacco License holders, noting she has not pulled the list to count how many. Meyer noted the Public Safety Committee and Council will review again in September.

Councilmember LeMieux noted an error in the wording to be corrected.

7.2.1. Ordinance 22-08, An Ordinance Temporarily Prohibiting Sales, Testing, Manufacturing and Distribution of Certain THC Products.

MOTION by Councilmember Krings, second by Councilmember LeMieux, to approve Ordinance 22-08 An Ordinance Temporarily Prohibiting Sales, Testing, Manufacturing and Distribution of Certain THC Products with the additional language from Attorney Vose. ALL VOTED AYE. MOTION CARRIED.

7.2.2. Resolution 22-100 A Resolution Authorizing Summary Publication of Ordinance 22-08, An Ordinance Temporarily Prohibiting Sales, Testing, Manufacturing and Distribution of Certain THC Products.

MOTION by Councilmember Coop, second by Councilmember LeMieux, to approve Resolution 22-100 A Resolution Authorizing Summary Publication of Ordinance 22-08, An Ordinance Temporarily Prohibiting Sales, Testing, Manufacturing and Distribution of Certain THC Products. ALL VOTED AYE. MOTION CARRIED.

8. ADMINISTRATION.

8.1. Upcoming Tentative Meetings.

1. Downtown Plaza Music and Food Trucks, 4:30 - 8:00 PM, Wednesday, August 24.
2. City Offices Closed in Observance of Labor Day, Monday, September 5.
3. Design, Tuesday, September 6, 5:15 PM
4. ~~Primary Canvas Meeting, Tuesday, September 6, 6:15 PM.~~
5. City Council, Tuesday, September 6, 6:30 PM
6. Work Session, Tuesday, September 6, 6:45 PM
7. Public Works Committee, Thursday, September 8, 9:00 AM.
8. 33rd Annual Clean Up Day, Saturday, September 10, 8:00 AM – 12:00 PM.

Council was advised of the tentative upcoming meetings as listed.

9. ADJOURN.

MOTION by Councilmember LeMieux, second by Councilmember Coop, to adjourn the regular session at 8:21 PM. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Renee Eyrich
Recording Secretary