BELLE PLAINE CITY COUNCIL
REGULAR MEETING
AUGUST 16, 2021

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 16, 2021 at 6:30PM in the Council Chambers of City Hall, 218 North Meridian Street, Belle Plaine, MN Mayor Meyer called the meeting to order with Councilmembers Krings, Coop and Chard present. Councilmember LeMieux was not present.

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

3. APPROVAL OF AGENDA.

Councilmember Coop added item Resolution 21-099 Appointing James Borgardt as Full-Time Public Works I Employee to the consent agenda item 4.10.

MOTION by Councilmember Coop, second by Councilmember Krings, to approve the agenda with the addition of 4.10. PW Employee. ALL VOTED AYE. MOTION CARRIED.

MOTION by Councilmember Coop, second by Councilmember Chard, to move item 4.7. Resolution 21-105 Awarding Bid for the Downtown Parking Lot Project to Heselton Construction, LLC for $530,000.00 to the Business portion of the meeting.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of August 2, 2021.
4.2. Closed Session Minutes of August 2, 2021.
4.3. Resolution 21-096 Accepting $500.00 Donation from Matt Saxe Chevrolet for the Youth Summer Ball Program.
4.4. Resolution 21-097 Appointing Aquatic Staff to Seasonal Life Guards for the 2021 Belle Plaine Aquatic Center Season.
4.5. Resolution 21-098 Appointing Seasonal Life Guards for the 2021 Belle Plaine Aquatic Center Season.
4.6. Accept the Resignation of Belle Plaine Firefighter, Bruce Applegarth.
~~4.7. Resolution 21-105 Awarding Bid for the Downtown Parking Lot Project to Heselton Construction, LLC for $530,000.00.~~
4.8. Authorizing the purchase of Axon Cameras System and Docking Station for Police Vehicles.
4.9. Approve Large Assembly Permit for Adult Night at the Aquatic Center on August 27, 2021.
4.10. Resolution 21-099 Appointing James Borgardt as Full-Time Public Works I Employee.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve the consent agenda as follows: 4.1. Regular Session Minutes of August 2, 2021; 4.2. Closed Session Minutes of August 2, 2021; 4.3. Resolution 21-096 Accepting $500.00 Donation from Matt Saxe Chevrolet for the Youth Summer Ball Program; 4.4. Resolution 21-097 Appointing Aquatic Staff to Seasonal Life Guards for the 2021 Belle Plaine Aquatic Center Season; 4.5. Resolution 21-098 Appointing Seasonal Life Guards for the 2021 Belle Plaine Aquatic Center Season; 4.6. Accept the Resignation of Belle Plaine Firefighter, Bruce Applegarth; 4.8. Authorizing the purchase of Axon Cameras System and Docking Station for Police Vehicles; 4.9. Approve Large Assembly Permit for Adult Night at the Aquatic Center on August 27, 2021 and 4.10. Resolution 21-099 Appointing James Borgardt as Full-Time Public Works I Employee. ALL VOTED AYE. MOTION CARRIED.

RECOGNITION OF DONATION
Alison Votava of Matt Saxe Chevrolet

Mayor Meyer accepted a donation from Alison Votava, a representative of Matt Saxe Chevrolet for the youth summer ball program. Mayer thanked Votava for Saxes continued support of the community.

5. DEPARTMENT REPORTS.
5.1. Ambulance Department.

Ambulance Director Sweeney was not present. The Council acknowledge the report.

5.2. Fire Department.

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

Mayor Meyer noted with the resignation of Applegarth the department is down one employee. Fire Chief Otto confirmed.

5.3. Police Department.

Police Chief Stier was present. Stier highlighted the Police Department report.

Councilmember Coop noted the report states DWI is listed as 13 year to date stating it seems lower than normal and inquired on the reasoning. Police Chief Stier explained perhaps the public is learning not to drink and drive.

Mayor Meyer requested Chief Stier review the Axon Cameras System. Chief Stier explained the system consists of three cameras, one camera facing the front of the car, one facing the rear of the car and one facing the transport area. Stier explained anytime the vehicle goes over a certain speed or turns on the lights, the system starts recording.

5.4. Community Development Department.

Community Development Director Smith Strack was present. Smith Strack highlighted the Community Development report and noted the department has received well over 100 roofing applications.

6. PUBLIC HEARINGS.

Mayor Meyer introduced the agenda item.

6.1. Planned Unit Development Request: 320 Cherry Street North – Lisa Selly & Matt Kes. The City Council will consider public comment on a request to approve development and final stage planned unit development plans which if approved would provide for two rental quadraplexes on one lot of record.

Community Development Director Smith Strack reviewed how a public hearing works and the Planned Unit Development with a brief slideshow. Smith Strack explained Lisa Selly the property owner and Matt Kes the applicant propose construction of two rental quadraplexes on a single lot of record at 320 Cherry Street North. Smith Strack explained the Council approved the concept plan in June and tonight will hold a public hearing and act on resolution 21-100. Smith Strack noted the PUD entitlement requests: two units on one lot, 20’ rear and north side setbacks and parking lot setback of 4’3” from front of property line which is a nine-inch relief from the five-foot minimum setback. Smith Strack stated the property is zoned R-7 mixed residential and has been since at least1997. Smith Strack noted site grading and utility plans were included with the plan submittal. Staff recommends: revised plans for catch basin and utility connection detail; proposed contours representing no additional storm flow going over the west property line; roof drainage is being directed away from other properties and internal to the site; and, removal of sidewalk steps and curb ramp domes. Smith Strack explained all units are two bedroom and 960 square foot which is above the City Code minimum of 845 square feet per unit. An ADA unit must be located in the south quadraplex, closest to accessible route from parking lot. Smith Strack noted the lighting proposed is wall packs with no overhead lighting in the parking lot. All lighting to be directed downward. Smith Strack explained the Planning and Zoning Commission held a public hearing at which time a petition to deny the request was received and is on file. Smith Strack explained following the hearing and discussion the Planning and Zoning Commission recommended conditional approval. Smith Strack noted the proposed conditions incorporate staff comments and recommendations, after the public hearing the Council is to review and consider Resolution 21-100 conditional approval.

Mayor Meyer noted a list of comments was presented at the planning and zoning meeting and inquired where staff were in that process. Community Development Director Smith Strack confirmed the questions were included in the petition. Smith Strack explained the Planning and Zoning chair broke them down and addressed them by category noting some questions were related to parking and use of property and other concerns were not related to zoning.

Mayor Meyer opened the public hearing at 6:45 PM.

Sylvia Svihel, 830 West State Street, explained she has received additional signatures for the petition. Svihel inquired if the Council has reviewed the petition and if they will provide answers or if a decision will be made without answering questions.

Mayor Meyer explained the Planning and Zoning vets the projects before they move to the City Council. Meyer noted planning and zoning addressed the zoning questions as reported in the Council packet.

John Riley, 831 West Court Street, expressed concerns with the upcoming project bringing violence to the neighborhood.

Katie Widi, 721 West Court Street & 321 North Cherry Street, expressed concern regarding parking and getting a large trailer in their driveway. Widi also expressed concern with the potential of sixteen new people in one block.

Nick Driscol, 325 North Cherry Street, expressed concern of bad people moving into the apartments, and a parking concern when baseball is played at Fountain Park.

MOTION by Councilmember Coop, second by Councilmember Chard, to close the public hearing at 6:57 PM. ALL VOTED AYE. MOTION CARRIED.

Councilmember Chard requested Community Development Director Smith Strack pull up the zoning for the proposed area. Smith Strack explained the primary land use is R-7including all adjacent properties. Smith Strack noted zoning as R-7 is suitable for anything that is not a detached single family dwelling. Smith Strack explained north of Cherry Street is residential manufactured homes and across State Street is R-3, which is one and two family residential. Chard explained the adjacent properties are currently zoned R-7 and an apartment complex could be constructed there. Chard explained if a builder and property owner are not asking for anything from the City and meet all codes there is nothing the City can do to stop them. Smith Strack confirmed Chard’s statement if a proposed building meets all code requirements. Chard explained he understood the concerns regarding renters and spoke in favor of the project citing the need for apartments and the proposed project going within the correct zoning.

6.1.1. Resolution 21-100 A Resolution Conditionally Approving Development and Final Stage Residential Planned Unit Development Plans For 320 Cherry Street North.

MOTION by Councilmember Chard, second by Councilmember Coop, to approve Resolution 21-100 A Resolution Conditionally Approving Development and Final Stage Residential Planned Unit Development Plans for 320 Cherry Street North. ALL VOTED AYE. MOTION CARRIED.

Mayor Meyer introduced the agenda item.

6.2. Final Assessment Hearing for the 2021 Improvement Project. The City Council will accept public comment on assessments for the 2021 Improvement Project.

City Engineer Duncan reviewed the assessment process including how the assessment roll is laid out. Duncan explained two assessment rolls are included for approval as the 2021 Improvement Project included Block 89 Alley with a separate preliminary assessment hearing.

Mayor Meyer opened the public hearing at 7:16 PM.

Jeff Daniels, 345 South Willow Street, inquired why he is billed $613.03 for the sidewalks and the City wasn't billed. Daniels also inquired if the alley paving is not at final grade. City Engineer Duncan explained he will research the sidewalk assessment and get back to Daniels. Duncan confirmed the alley is not at final grade.

Rick Krant, 215 West Raven Street, stated he has an addition to be submitted with his objection. Krant noted he is waiting for the sanitary sewer man hole to be cut in front of his property.

Caren Grotberg, 324 South Willow Street, expressed concern regarding how her property value is increased due to the sidewalk installation and the driveway now only being able to park two cars in. Grotberg requested the need for clarification on tree planting and noted frustration regarding sporadic information regarding the project. Grotberg explained utility repair has not been done to date.

Brianna Johnson, 318 South Meridian Street, expressed concern regarding the sanitary sewer man hold put in her yard. Johnson suggested the man hold was placed over the right of way line on her property. City Engineer Duncan explained a sanitary sewer man hole was added and not part of the orginial project. Duncan explained the man hole is within the right of way and if needed can review the right of way onsite if necessary. Johnson explained a PVC pipe is in the right-of-way and sticking up out of the yard along with a quarter of their tree was removed. Duncan reviewed the addition of the sanitary sewer for three homes on Meridian Street and noted he will address the PVC pipe.

MOTION by Councilmember Krings, second by Councilmember Chard, to close the public hearing at 7:25 PM. ALL VOTED AYE. MOTION CARRIED.

City Administrator Meyer stated for the record the City has received one written appeal for parcels 2009367, 200013690 and 200013691.

City Attorney Vose reviewed the process for appeal starts with a written appeal and the resident would need to file legal documents to move forward with an appeal.

6.2.1. Resolution 21-101 Adopting Final Assessment for the 2021 Improvement Project.

MOTION by Councilmember Chard, second by Councilmember Krings, to approve Resolution 21-101 Adopting Final Assessment for the 2021 Improvement Project. Councilmembers Chard, Krings and Meyer VOTED AYE. Councilmember Coop ABSTAINED. MOTION CARRIED.

Finance Director Jirik noted that the notice received with the assessment amount is the only notice that will be sent out. Jirik noted payment options are explained on the second page of the notice.

7. BUSINESS.
7.1. Presentation of Claims.

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

7.2. Chatfield On the Green Third Addition Final Plat and Agreement.

Community Development Director Smith Strack reviewed the Chatfield on the Green Third Addition Final Plat Agreement with a brief slideshow. Smith Strack highlighted the street and utility plans including extension of Preswick Drive and proposed sidewalk for the proposed 31 lot addition. Smith Strack explained Fee in lieu of parkland dedication was accepted by the Parks Commission and noted the subdivision construction is proposed to start in 2021.

7.2.1. Resolution 21-102 A Resolution Approving a Developers Agreement for Chatfield On The Green Third Addition and Authorizing and Directing Execution Thereof.

MOTION by Councilmember Krings, second by Councilmember Chard, to approve Resolution 21-102 A Resolution Approving a Developers Agreement for Chatfield on the Green Third Addition and Authorizing and Directing Execution Thereof. ALL VOTED AYE. MOTION CARRIED.

7.2.2. Resolution 21-103 A Resolution Conditionally Approving Final Plat of Chatfield On The Green Third Addition.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 21-103 A Resolution Conditionally Approving Final Plat of Chatfield on the Green Third Addition. ALL VOTED AYE. MOTION CARRIED.

7.3. Resolution 21-104 Providing for the Sale of $2,150,000 General Obligation Bonds, Series 2021A, to Finance the Construction of the 2021 Reconstruction Improvements in the City of Belle Plaine.

Finance Director Jirik explained the 2021 Improvement Project is substantially completed and now is the time to call for the bond. Jirik explained the City bonds only for the essential amount needed for the project.

Mayor Meyer inquired on if the bond service was shopped recently and noted the high amount for the bond service issuance. City Administrator Meyer confirmed the service is shopped annually and noted the City's current company handles more then just bond service. Meyer explained when the service is shopped the City receives a fee schedule and service costs to review.

MOTION by Councilmember Chard, second by Councilmember Krings, to approve Resolution 21-104 Providing for the Sale of $2,150,000 General Obligation Bonds, Series 2021 A. to Finance the Construction of the 2021 Reconstruction Improvements in the City of Belle Plaine. ALL VOTED AYE. MOTION CARRIED.

7.4. Resolution 21-105 Awarding Bid for the Downtown Parking Lot Project to Heselton Construction, LLC for $530,000.00.

Councilmember Coop inquired why the bid came in so high. City Administrator Meyer explained the cost includes parking lot, redesign of entire area due to land exchange with centerpoint, water, storm sewer, pavement, curb, gutter, lighting and zones for fencing. Meyer explained fencing is included to protect the other properties and pedestrians which brings up the cost along with decorative amenities to match the plaza and Downtown area. Coop noted the expense and inquired why a water fountain. City Engineer Duncan explained a provision is in the contract to take the existing water service and extend it for a drinking fountain and irrigation. Meyer explained the green space requires irrigation. Coop explained he believes it's too early for this project and noted it should be delayed.

Councilmember Krings stated the Public Works Committee has reviewed and recommended the project and asked a member of the committee to speak on the project. Councilmember Chard explained the Public Works Committee's review of the project. Chard noted without the lot being updated if the Downtown Project moves forward it will affect the Downtown businesses. Chard explained the multi-level lot will become one uniform lot. Chard noted the committee reviewed eliminating some amenities but opted to move forward as is. Chard explained if the project is delayed it will cost more in the future.

Mayor Meyer added if we take something out and want to put it in later we end up tearing up something and costing more money.

MOTION by Councilmember Chard, Second by Councilmember Krings, to approve Resolution 21-105 Awarding Bid for the Downtown Parking Lot Project to Heselton Construction, LLC for $530,000.00. Councilmembers Chard, Krings and Chard VOTED AYE. Councilmember Coop VOTED NAY. MOTION CARRIED 3-1.

Mayor Meyer read the purpose of the closed session as Pursuant to Minnesota Statutes, Section 13D.05, subdivision 3(b), to conduct a closed session pursuant to the attorney-client privilege to engage in confidential attorney-client communications and litigation strategy related to a pending litigation matter: City of Belle Plaine v. Thomas Stolee and PERA.

8. RECESS REGULAR SESSION.

MOTION by Councilmember Krings, second by Councilmember Coop, to RECESS the Regular Session at 7:41 PM. ALL VOTED AYE. MOTION CARRIED.

The Belle Plaine City Council met in Closed Session at 7:49 PM in the council chambers of City Hall 218 North Meridian Street, Belle Plaine, MN. Present were Mayor Christopher Meyer, and Councilmembers Paul Chard, Cary Coop and Patricia Krings. Councilmember Renee LeMieux was not present.

Also present was City Administrator Meyer and City Attorney Vose. City Attorney Robert Alsop was present via phone conference.

8.1. CONDUCT CLOSED SESSION.

A. Pursuant to Minnesota Statutes, Section 13D.05, subdivision 3(b), to conduct a closed session pursuant to the attorney-client privilege to engage in confidential attorney-client communications and litigation strategy related to a pending litigation matter: City of Belle Plaine v. Thomas Stolee and PERA.

Confidential discussion commenced regarding negotiation strategy.

8.2. ADJOURN CLOSED SESSION.

MOTION by Councilmember Krings, second by Councilmember Chard, to ADJOURN the Closes Session at 8:29 PM. ALL VOTED AYE. MOTION CARRIED.

8.3. RECONVENE REGULAR SESSION.

The Regular Session was reconvened at 8:30 PM.

A. Additional Action if Necessary Regarding Closed Session.

9. ADMINISTRATION.

9.1. Upcoming Tentative Meetings.

1. Downtown Music & Food, Wednesday, August 25, 4:30 – 8:00 PM.
2. Design, ~~Monday, September 6~~ Tuesday, September 7, 5:15 PM
3. City Council, ~~Monday, September 6~~ Tuesday, September 7, 6:30 PM
4. Work Session, ~~Monday, September 6~~ Tuesday, September 7, 6:45 PM
5. Public Works Committee, Thursday, September 9, 9:00 AM.

Mayor Meyer reminded the council of the upcoming meetings as with corrections.

MOTION by Councilmember Coop, second by Councilmember Chard to move the Budget Work Session to Monday, August 30, 2021 at 6:00 PM. ALL VOTED AYE. MOTION CARRIED.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Krings, to adjourn the Regular Session at 8:32 PM. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Renee Eyrich
Recording Secretary