

**BELLE PLAINE CITY COUNCIL
REGULAR MEETING
AUGUST 19, 2019**

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, August 19, 2019 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 Ben Stier, Cary Coop and Renee LeMieux present. Councilmember Chard was not present.

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

3. APPROVAL OF AGENDA.

Mayor Meyer added item 7.3. Aquatic Center Hours to the business portion of the meeting.

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

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of August 5, 2019.

4.2. Approving 3.2% Intoxicating Liquor License for the Jerry Connolly Memorial Softball Tournament at Prairie Park for September 13-15, 2019.

4.3. Approving Large Assembly Permit for Belle Plaine Festival and Events for the Half-Marathon and 5K on October 12, 2019.

4.4. Approving Temporary Strong Beer Liquor License for Belle Plaine Festival and Events Scenic Byway Marathon.

4.5. Approve the Contract Agreement for MN Critter Getter for 2020 through 2022.

4.6. Resolution 19-106 Appointing Brittany Wright as Staff Accountant.

MOTION by Councilmember Coop, second by Councilmember LeMieux, to approve the consent agenda items as follows: 4.1. Regular Session Minutes of August 5, 2019; 4.2. Approving 3.2% Intoxicating Liquor License for the Jerry Connolly Memorial Softball Tournament at Prairie Park for September 13-15, 2019; 4.3. Approving Large Assembly Permit for Belle Plaine Festival and Events for the Half-Marathon and 5K on October 12, 2019; 4.4. Approving Temporary Strong Beer Liquor License for Belle Plaine Festival and Events Scenic Byway Marathon; 4.5. Approve the Contract Agreement for MN Critter Getter for 2020 through 2022 and 4.6. Resolution 19-106 Appointing Brittany Wright as Staff Accountant. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Report.

Ambulance Supervisor Sweeney was present. The Council acknowledged receipt of the Ambulance Department report.

5.2. Fire Report.

Fire Chief Stier was present. Stier highlighted his report.

Stier explained the Pumper truck was sold and a committee is currently seeking bids to refurbish the Belle Plaine Fire truck to be used for parades. Stier thanked the public works and City staff noting a great turn

out for the annual fundraising dance. Mayor Meyer inquired on the daytime response for fire calls. Stier explained the department has 6-9 responders during the day hours.

5.3. Community Services Report.

Community Services Director Koller was present. Koller highlighted the Community Services report.

5.4. Police Report.

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

5.5. Community Development Report.

Community Development Director Smith Strack was present. Smith Strack highlighted the Community Development report noting the community meetings on Wednesday, September 11 at City Hall for the Small Cities grant.

6. PUBLIC HEARINGS.

Mayor Meyer introduced the agenda item.

6.1 Planned Unit Development Request: 103 – 109 Court Street East– Scott Schmidt. The City Council will consider public comment on a request to approve development and final stage Planned Unit Development plans for two rental duplexes on one lot.

Community Development Director Smith Strack explained Scott Schmidt proposes the development of two rental duplexes on one lot in the 100 block of Court Street East. Smith Strack noted the development requires a planned unit development review and approval. Smith Strack explained no platting is required as the subject parcel is a single lot of record and common ownership of the four dwelling units proposed. Smith Strack noted the development concept was included in a rezoning request for property under unified ownership which was before the planning commission earlier this year. Smith Strack explained the proposed rental duplexes will front Court Street East and be two stories, slab on grade foundation and wood framed construction. Smith Strack shared a brief slideshow.

Mayor Meyer opened the public hearing at 6:42 PM and asked for public comment.

No one spoke at the public hearing.

MOTION by Councilmember Coop, second by Councilmember LeMieux to close the public hearing at 6:42 PM. ALL VOTED AYE. MOTION CARRIED.

6.1.1. Resolution 19-107 A Resolution Conditionally Approving Development and Final Stage Planned Unit Development Plans For Two Rental Duplexes On One Lot At 103 – 109 Court Street East.

MOTION by Councilmember Coop, second by Councilmember Stier to approve Resolution 19-107 A Resolution Conditionally Approving Development and Final Stage Planned Unit Development Plans For Two Rental Duplexes On One Lot At 103 – 109 Court Street East. ALL VOTED AYE. MOTION CARRIED.

Mayor Meyer introduced the agenda item.

6.2 Petition For Vacation Of Alley Block 40. The City Council will consider a petition to vacate the east-west alley in Block 40, Original Plat of the City of Belle Plaine, Scott County, Minnesota lying east of the centerline of vacated Buffalo Street and west of the centerline of vacated Elk Street.

Community Development Director Smith Strack explained the City had received a petition for partial vacation of an east-west alley in Block 40 of the original town site. Smith Strack noted more than 50% of the property owners abutting the subject alley from the centerline of vacated Buffalo Street N and the centerline of Vacated Elk Street North have signed the petition. Smith Strack explained MN Statute 412.851 regulates Vacation of public rights-of-way. Smith Strack noted the City Council is scheduled to hold a public hearing on the request, notice of proposed vacation was published for two consecutive weeks, posted and mailed to property owners within 350 feet of the subject parcels and utility service providers. Smith Strack noted Xcel Energy, CenterPoint Energy and Mediacom have provided written notice of no objection and no other comment for or against the easement vacation has been received.

Mayor Meyer opened the public hearing at 6:45 PM and asked for public comment.

No one spoke at the public hearing.

MOTION by Councilmember Coop, second by Councilmember Stier to close the public hearing at 6:45 PM. ALL VOTED AYE. MOTION CARRIED.

Community Development Director Smith Strack explained the Planning Commission reviewed the proposed easement vacation and their recommendation was to deny the partial alley vacation in favor of retaining public's interest. Mayor Meyer inquired if there is any access to the property off State Street or any way to develop the property. Smith Strack explained the property would have challenges to have access from State Street. Smith Strack noted the lots would remain two separate lots and be under City Code would be unbuildable. Meyer inquired on the taxes. Smith Strack explained property owners could discuss with county auditor on the property value. Councilmember Coop noted his experience of not allowing vacations due to the City having to buy back the land in the future if right-of-ways are needed. Meyer inquired if the State Trail would be utilizing the land. Smith Strack confirmed a regional trail along State Street is on the Comp plan but not yet on the 10-year plan. Meyer cited that currently the only use of property is for those who live adjacent to it.

6.2.1. Resolution 19-108(A) A Resolution Approving Vacation Of A Portion Of The East-West Alley In Block 40, Original Plat Of The City Of Belle Plaine, Scott County, Minnesota Lying East Of The Centerline Of Vacated Buffalo Street And West Of the Centerline Of Vacated Elk Street.

MOTION by Councilmember Coop, to approve Resolution 19-018 (B) a Resolution Denying the Vacation of a Portion Of The East-West Alley In Block 40, Original Plat Of The City Of Belle Plaine, Scott County, Minnesota Lying East Of The Centerline Of Vacated Buffalo Street And West Of the Centerline Of Vacated Elk Street. No second was received. MOTION FAILED DUE TO NO SECOND.

MOTION by Councilmember LeMieux, second by Councilmember Stier, to approve Resolution 19-108(A) A Resolution Approving Vacation Of A Portion Of The East-West Alley In Block 40, Original Plat Of The City Of Belle Plaine, Scott County, Minnesota Lying East Of The Centerline Of Vacated Buffalo Street And West Of the Centerline Of Vacated Elk Street. ALL VOTED AYE. MOTION CARRIED.

Mayor Meyer introduced the agenda item.

6.3 Ordinance 19-10, An Ordinance Amending Chapter 11, Sections 1101, 1005, and 1107 of the Belle Plaine City Code to Provide for Accessory Dwelling Units. The City Council will consider public comment on a code amendment allowing accessory dwelling units in certain residential districts.

Community Development Director Smith Strack explained the Planning Commission and City Council have been discussing a code amendment providing for accessory apartments. Smith Strack noted a proposed code amendment has been developed providing for Accessory Dwelling units in R-1, R-2 and R-3 low-density residential districts in conjunction with traditional signal family homes. Smith Strack cited the amendment is intended to provide for housing options and accommodate multi-generational living arrangements. Smith Strack explained the proposed code amendment requires issuance of an interim use

permit prior to establishing an accessory dwelling unit. Smith Strack noted the following parameters are placed on ADU as follows: ADU limited to internal and attached units, detached ADU are prohibited; ADU allowed as accessory to one-family detached dwelling, built not duplexes, attached townhomes, apartments, twin homes, ect.; Either the principal or accessory dwelling unit must be owner occupied, homesteaded, and both dwellings must be under unified ownership without possibility of being split ; No more than one dwelling entry can face the front street; Two off-street parking spaces required; these are in addition to those needed for the principal dwelling unit; Size restrictions: maximum one bedroom per ADU, one ADU per principal dwelling. Minimum ADU size 300 sf; maximum 900 sf or 40% of the principal structure whichever is less; Allowed by interim use permit with expiration at point of sale; Water/sewer service has to be shared and ADU shall be designed and constructed to maintain the outward appearance of a single-family dwelling.

Mayor Meyer opened the public hearing at 6:55 PM.

No one spoke at the public hearing.

MOTION by Councilmember Coop, second by Councilmember Stier, to close the public hearing at 6:55 PM. ALL VOTED AYE. MOTION CARRIED.

6.3.1. Ordinance 19-10, An Ordinance Amending Chapter 11, Sections 1101, 1005, and 1107 of the Belle Plaine City Code to Provide for Accessory Dwelling Units.

MOTION by Councilmember Coop, second by Councilmember LeMieux, to approve Ordinance 19-10, An Ordinance Amending Chapter 11, Sections 1101, 1005, and 1107 of the Belle Plaine City Code to Provide for Accessory Dwelling Units. ALL VOTED AYE. MOTION CARRIED.

6.3.2 Resolution 19-109 A Resolution Authorizing Summary Publication of Ordinance 19-10, An Ordinance Amending Chapter 11, Sections 1101, 1005, and 1107 of the Belle Plaine City Code to Provide for Accessory Dwelling Units.

MOTION by Councilmember Coop, second by Councilmember LeMieux, to approve Resolution 19-109 A Resolution Authorizing Summary Publication of Ordinance 19-10, An Ordinance Amending Chapter 11, Sections 1101, 1005, and 1107 of the Belle Plaine City Code to Provide for Accessory Dwelling Units. ALL VOTED AYE. MOTION CARRIED.

7. BUSINESS.

7.1. Presentation of Claims.

7.1.1. 2019 Street and Utility Improvements - Pay Request No. 3 to OMG Midwest, Inc. dba Chard.

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

7.2. Resolution 19-110 Award Bid for Hickory Park Project.

City Administrator Meyer explained a full size hockey rink, skating rink and warming house was bid for the Hickory Park expansion project. Meyer noted Mohs Contracting as the low bidder on the project. City Engineer Duncan explained the City received two bids, both above the estimate but close in proximity to each other reflecting the current market. Duncan cited Mohs Contracting, Inc. out of Owatonna as the low bidder. Duncan noted completion in late 2019 with site work completion in November and building completion in December.

Mayor Meyer inquired on the opening schedule for the rinks and if all the equipment is owned by the City. Public Works Superintendent Fahey explained that generally the first week in December would be the earliest for the ice making process in the rinks. Fahey explained public works will work with the School

District and remove all necessary City owned equipment. Fahey noted the public works crew will remove the lights and will repurpose them.

MOTION by Councilmember Coop, second by Councilmember Stier, to approve Resolution 19-110 Award Bid for Hickory Park Project. ALL VOTED AYE. MOTION CARRIED.

7.3. Aquatic Center Hours.

City Administrator Meyer explained the Aquatic Center will be running on limited hours through Labor Day including the next two Sunday's. Meyer explained Aquatic Center hours will be from 1:00 PM – 5:00 PM Sunday, August 25th and Sunday September 1st. Meyer noted the Council policy of resident family free swim hours on Sundays and requested direction from council on the policy for the closing weeks.

Mayor Meyer noted Sunday hours have been a topic of discussion citing a review of the policy will happen over the winter months. Meyer proposes opening the Aquatic Center to everyone on Sundays for the remainder of the season.

MOTION by Councilmember Stier, second by Councilmember LeMieux to allow open the Aquatic Center to all patron on Sunday, August 25 and Sunday, September 1 allowing City resident's free admission with identification. ALL VOTED AYE. MOTION CARRIED.

8. ADMINISTRATION.

8.1. Upcoming Meetings.

- 1. City Offices Closed in Observation of Labor Day, Monday, September 2.**
- 2. Design Committee, 5:15 PM, Tuesday, September 3.**
- 3. City Council, 6:30 PM, Tuesday, September 3.**
- 4. Work Session, 6:45 PM, Tuesday, September 3.**
- 5. Community Conversations Entertainment and Food Truck Night at the Downtown Plaza, 5:00 PM – 7:30 PM, Wednesday, September 4.**
- 6. EDA, 5:00 PM, Monday, September 9.**
- 7. Planning, 6:30 PM, Monday, September 9.**
- 8. Public Safety, 4:00 PM, Tuesday, September 10.**
- 9. Public Works, 9:00 AM, Thursday September 12.**

Mayor Meyer reminded the Council of the upcoming meetings as listed.

9. ADJOURN.

MOTION by Councilmember LeMieux, second by Councilmember Coop, to adjourn the meeting at 7:04 PM. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Renee Eyrich
Recording Secretary