

**BELLE PLAINE CITY COUNCIL
REGULAR MEETING
SEPTEMBER 18, 2023**

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, August 21, 2023 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, Ryan Ladd and Patricia Krings present.

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

3. APPROVAL OF AGENDA.

Mayor Woletz added Resolution 23-127 to business item 8.8.

Councilmember Ladd requested the Regular Session Minutes of September 5, 2023 be removed for revisions. Mayor Woletz added Regular Session Minutes of September 5, 2023 to business item 8.9.

MOTION by Councilmember Ladd, second by Councilmember Woletz, to approve the agenda with the addition of 8.8. Resolution 23-127 and 8.9. Regular Session Minutes of September 5, 2023. ALL VOTED AYE. MOTION CARRIED.

4. PUBLIC FORUM.

4.1. Cory Rebman – Proposed Trails.

**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.*

Cory Rebman 1135 W. State St. requested the proposed trail shown on his property on the proposed trail/sidewalk plan map be removed. Rebman explained the trail goes directly through his property and requested it be removed.

5. APPROVAL OF CONSENT AGENDA.

5.1. Budget Work Session Minutes of August 30, 2023.

~~5.2. Regular Session Minutes of September 5, 2023.~~

5.3. Work Session Minutes of September 5, 2023.

5.4. Approve Large Assembly Permit for The Belle Plaine Chamber of Commerce for Downtown Trick or Treating on October 31, 2023.

5.5. Approve Large Assembly Permit for Belle Plaine Festival and Events for The Scenic Byway River Run – Half Marathon & 5k on October 14, 2023.

5.6. Resolution 23-119 A Resolution Authorizing Amendment to the 2023 Fee Schedule.

5.7. Resolution 23-120 Calling for Final Assessment Hearing for the 2023 Improvement Project.

5.8. Accepting letter of intent to retire from Michael Herrmann, effective October 11, 2023.

5.9. Resolution 23-125 Placing the Comprehensive Plan Amendment for Hickory Grove into Effect.

MOTION by Councilmember Coop, second by Councilmember Evans, to approve the Consent Agenda as follows: 5.1. Budget Work Session Minutes of August 30, 2023; 5.3. Work Session Minutes of September 5, 2023; 5.4. Approve Large Assembly Permit for The Belle Plaine Chamber of Commerce for Downtown Trick or Treating on October 31, 2023; 5.5. Approve Large Assembly Permit for Belle Plaine Festival and

Events for The Scenic Byway River Run – Half Marathon & 5k on October 14, 2023; 5.6. Resolution 23-119 A Resolution Authorizing Amendment to the 2023 Fee Schedule; 5.7. Resolution 23-120 Calling for Final Assessment Hearing for the 2023 Improvement Project; 5.8. Accepting letter of intent to retire from Michael Herrmann, effective October 11, 2023 and 5.9. Resolution 23-125 Placing the Comprehensive Plan Amendment for Hickory Grove into Effect. ALL VOTED AYE. MOTION CARRIED.

6. DEPARTMENT REPORTS.

6.1. Ambulance Department. (Report Only)

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

6.2. Fire Department.

Fire Chief Otto was present. Otto highlighted the Fire Department report and noted 31 calls for service. Otto explained after his report he will be leaving the meeting as SCALE academy will be at the Fire Hall tonight.

Mayor Woeltz inquired if the academy is for new firefighters. Fire Chief Otto confirmed.

City Administrator Meyer explained the Duty Crew Policy is on the agenda tonight and if Council has questions for Otto to ask them now.

6.3. Police Department.

Police Chief Stier was present. Stier highlighted the Police Department report and noted an 86% clearance rate.

Councilmember Krings inquired on the August 1st meeting with Representative Angie Craig. Police Chief Stier explained a tour of the Police Department and Fire Department was given as part of the assistance requested from the State.

Chief Stier explained the SRO issue is still a discussion item and will be reviewed by the Attorney General. Stier explained the City of Belle Plaine does not have a SRO officer in the School only an Officer who works with the school and responds to calls at the school, noting all officers respond to calls to the school. Stier explained to date 60 departments throughout the State have withdrawn their SRO officers from Schools.

Councilmember Evans thanked the Police Department for all the community events throughout the summer.

6.4. Community Services Department. (No Report)

Community Services Director Koller was not present, no report was received.

6.5. Community Development Department.

Community Development Director Smith Strack was present. Smith Strack reviewed the Community Development Department Report and noted the approved grant program for Downtown business owners is in effect. Smith Strack noted she will attend several meetings for Met Council over the next couple of months.

Mayor Woletz noted on the lower number of building permits compared to last year and inquired if it is due to inflation. Community Development Director Smith Strack explained in 2021 a hail storm caused an influx of reroof permits and some carried over to 2022 inflating it numbers as well.

Councilmember Evans inquired on the new homes on Viburnum Street. Community Development Director Smith Strack explained they are being built by Gary Crosby in Prairie Gardens. Mayor Woletz explained multifamily buildings are considered commercial. Smith Strack confirmed and noted are being built on Viburnum and Balsam.

7. PUBLIC HEARINGS. None.

8. BUSINESS.

8.1. Presentation of Claims.

8.1.1. Pay Request, Traut Companies for Hydro-Profiling Test Well.

MOTION by Councilmember Coop, second by Councilmember Evans, to approve the reviewed Claims as presented in the amount of \$267,184.07. ROLL CALL VOTE. Councilmembers Coop, Evans, Krings and Woletz VOTED AYE. Councilmember Ladd VOTED NAY. MOTION CARRIED 4-1.

8.2. Resolution 23-121 Approving Concept Plan for Hickory Grove a Planned Unit Development proposed for Lot 1, Block 4 Buesgens Commercial Center.

Community Development Director Smith Strack reviewed Hickory Grove concept plan with a brief slideshow. Smith Strack explained the applicant is Kuepers Inc. and noted the concept plan is an overview of development and not a step by step review. Smith Strack explained the applicant will present renderings and illustrations of the concept which is market rate general occupancy apartments. Smith Strack explained the four new lots would be created with 36 unit apartments with detached garages on each lot. Smith Strack explained each building/site includes amenities that include: in unit HVAC System, decks/patios, community room, exercise room, business center/library and elevator. Smith Strack noted an elevator is not required per code and explained a shared outdoor pool/pool house, dog park and play area are also part of the plan. Smith Strack explained the comp plan amendment was approved by Met Council and placed into effect on the consent agenda. Smith Strack reviewed the minimum and proposed required density and rezoning to R-7.

Councilmember Ladd noted an elevator is included and inquired why an elevator is not required by code. Community Development Director Smith Strack explained Building Code does not require elevators in a three story building.

Kris Raimann from Kuepers was present and reviewed the proposal which included photometrics, 3D renderings, other similar units built and drone footage of a similar layout.

Councilmember Evans inquired if maintenance will be onsite. Raimann explained typically they have onsite maintenance.

Councilmember Ladd inquired on the occupancy for the pool. Raimann explained he did not have the exact number but estimated around 50.

Community Development Director Smith Strack resumed review of the PUD entitlements. Smith Strack noted Resolution 23-121 is included for review and action.

Councilmember Ladd noted at Planning he inquired if a traffic study would happen. Community Development Director Smith Strack explained the City will not require a traffic study and noted from the proposal the development will add just over 1,200 additional and explained Enterprise Drive is designed for 10,000. Ladd inquired who pays for the interchange if needed. Smith Strack explained she did not have that answer and noted Hickory and Main Street are functioning at a level A which is not congested.

Mayor Woletz inquired if the County would take the lead on Main/ Hickory if needed. Community Development Director Smith Strack confirmed.

Councilmember Krings inquired on the HVAC system. Community Development Director Smith Strack explained they are called magic packs and is controlled in the unit by the tenant.

Councilmember Ladd opined he liked the location of the higher end complex.

Mayor Woletz complemented Kuepers on the presentation and noted the City is excited to work with them.

MOTION by Councilmember Krings, second by Councilmember Coop, to approve Resolution 23-121 Approving Concept Plan for Hickory Grove a Planned Unit Development proposed for Lot 1, Block 4 Buesgens Commercial Center. ROLL CALL VOTE. Councilmembers Krings, Coop, Evans, Woletz and Ladd VOTED AYE. MOTION CARRIED 5-0.

8.3. Resolution 23-122 Approving the Combination of Lots 1-4, Block 91, City of Belle Plaine, Scott County, Minnesota.

Community Development Director Smith Strack reviewed the Combination of the Public Library lots. Smith Strack explained the City is the applicant and noted it consists of combining two lots into one.

Mayor Woletz inquired on the history of the lots. City Administrator Meyer explained the 123 lot was privately owned and purchased 10 plus years ago. Meyer explained the previous structure was removed when the City purchased it.

MOTION by Councilmember Evans, Second by Councilmember Krings, to approve Resolution 23-122 Approving the Combination of Lots 1-4, Block 91, City of Belle Plaine, Scott County, Minnesota. ROLL CALL VOTE. Councilmember Evans, Krings, Coop, Woletz and Ladd VOTED AYE. MOTION CARRIED 5-0.

8.4. Resolution 23-123 Approving the Combination of Park 1 Scott's Field First Addition and Park 1, Scott's Field Third Addition.

Community Development Director Smith Strack reviewed the Lot Combination for Meadow Park. Smith Strack explained the City is the applicant and noted the combining of two lots into one.

MOTION by Councilmember Krings, second by Councilmember Coop, to approve Resolution 23-123 Approving the Combination of Park 1 Scott's Field First Addition and Park 1, Scott's Field Third Addition. ROLL CALL VOTE. Councilmembers Krings, Coop, Evans, Woletz and Ladd. VOTED AYE. MOTION CARRIED 5-0.

8.5. Resolution 23-124 Authorizing a Fire Department Duty Crew Policy.

City Administrator Meyer explained earlier this year a Fire Department Duty Crew Policy was reviewed and a trial run was implemented by Police Chief Stier and herself. Meyer explained the policy has been updated, reviewed and agreed upon by the Fire Department leadership and Public Safety Committee. Meyer explained the policy includes a \$150.00 per shift plus fire call rate if called out.

Councilmember Ladd inquired on the rate and number of holidays. City Administrator Meyer explained each 24 hour shift is \$150.00 plus call rate if a call comes in and explained all holidays covered by the City plus Bar-B-Q Days weekend. Meyer explained some holidays are more than one day depending on the holiday.

Councilmember Krings inquired if the holidays should be spelled out in the policy. Finance Director Jirik explained some holidays during the week are not covered and noted a total of 20 shifts is calculated. City Administrator Meyer explained a schedule is set with about 20 shifts of 24 hours.

Councilmember Ladd inquired how many per shift. City Administrator Meyer explained a minimum of one officer and 4 firefighters would be on duty.

Mayor Woletz inquired if it would be a chief as well. City Administrator Meyer explained the officer would either be a chief or a lieutenant.

Councilmember Ladd inquired how the City will pay for the policy. City Administrator Meyer explained the policy has been budgeted for 2024.

MOTION by Councilmember Coop, second by Councilmember Woletz, to approve Resolution 23-124 Authorizing a Fire Department Duty Crew Policy. ROLL CALL VOTE. Councilmembers Coop, Woletz, Evans, Ladd and Krings VOTED AYE. MOTION CARRIED 5-0.

8.6. Resolution 23-126 Ordering Sidewalk Repair.

Finance Director Jirik explained City Code 601.03 requires property owners to maintain public sidewalks. Jirik explained Public Works and Finance have worked with the property owners and notified them if not addressed the repair will be assessed at the City's cost for repair.

Mayor Woletz inquired how many notices were issued. Public Works Superintendent Otto explained nearly 20. Woletz noted roughly 17 were fixed and given a year to complete.

Councilmember Ladd inquired why there were four at the Public Works meeting. Public Works Superintendent Otto explained since the meeting one additional resident pulled a permit to fix the sidewalk. Ladd noted he disagrees with the policy of the property owner paying for sidewalk repair.

Councilmember Krings inquired if the property owners will be notified again. Finance Director Jirik explained they have already been notified.

Councilmember Ladd opined the estimates for the work were high.

Councilmember Evans opined he dislikes assessing residents for sidewalks but noted 17 other property owners took care of repair. Evans requested the Council take a look at the policy going forward.

MOTION by Councilmember Krings, second by Councilmember Coop, to approve Resolution 23-126 Ordering Sidewalk Repair. ROLL CALL VOTE. Councilmembers Krings, Coop, Evans and Woletz VOTED AYE. Councilmember Ladd VOTED NAY. MOTION CARRIED 4-1.

8.7. Authorize Purchase of Replacement Public Works Plow Truck.

Public Works Superintendent Otto explained staff is requesting to replacement of an 11-year-old Public Works Plow truck. Otto explained the truck will be almost 15 years old before a new truck will be on the road. Otto explained the truck has had extensive repairs and noted plow trucks are on a 10-year replacement rotation.

Councilmember Ladd inquired on the replacement cost, the trucks miles, why he was told in the Public Works Committee meeting it was a 2002 and what the repairs were. Public Works Superintendent Otto confirmed the price, and noted he did not have the mileage available and apologized for providing the incorrect year of the vehicle at the Public Works meeting. Otto overviewed a few of the repairs. Ladd explained Council needs to cut the budget and this is one big expense that can be cut. Ladd stated going

forward he would like to see documentation on the repairs along with receipts. Ladd noted he has never been invited over to see the truck or equipment and noted many repairs can be done for the cost of a new truck. Otto noted the current truck has no warranty and was down most of last season, which results on snow being on the streets longer. Ladd noted the Council did approve a new plow truck earlier in the year. Otto confirmed and noted that plow truck was not for public streets but for alleys and trails. Ladd stated the City could always come up with a backup by either buying a used one or borrowing one and opined the City is not in that big of a pinch at this time and could get one if needed.

Public Works Superintendent Otto noted the plow truck is a budgeted item.

City Attorney Vose noted the memo says quotes and inquired if the quote was off the State contract. Public Works Superintendent Otto confirmed.

Mayor Woletz inquired if the City had to contract services last season. Public Works Superintendent Otto confirmed snow removal was contracted due to a plow truck being down and the snowfall that was coming. Woletz stated services were contracted due to a truck being down and the City had to pay someone else to do the job, which is an additional expense that was not budgeted for. Otto confirmed. Woletz opined the expense could be avoided however; the City is a service industry and needs to be able to provide a service.

Councilmember Evans inquired on the State bid. City Administrator Meyer explained the State of Minnesota goes out to various vendors and receives bids for all types of equipment, they take the low bid that meets specs and that is the price the City can pay for the purchase, as we are part of the purchase program. Evans inquired if Council votes no against the truck how much longer can the City limp the truck along. Public Works Superintendent Otto noted he is not a certified mechanic and cannot give that answer.

Councilmember Ladd inquired if there is any use for this truck outside of plowing. Public Works Superintendent Otto confirmed the truck is used for hauling and is moving all summer long. Ladd inquired on how many plow trucks the City has and is this the oldest truck. Otto explained the City has four plow trucks and confirmed this is the oldest truck.

Councilmember Evans expressed concern if the City does not buy the truck now what could the price be in two years when it is totally shot.

Mayor Woletz stated the City has planned for 10 years to purchase and saved money for the intent to purchase. Woletz noted he does not want to spend the money and is also concerned with the cost in two years and what ramifications would be of not purchasing at this time. Woletz stated he supports the purchase of the plow truck noting Public Works does a great job and they need the tools to do their job as if they cannot the citizens will suffer.

MOTION by Councilmember Woletz, second by Councilmember Coop, to approve Authorize Purchase of Replacement Public Works Plow Truck. ROLL CALL VOTE. Councilmembers Woletz, Coop, Krings and Evans VOTED AYE. Councilmember Ladd VOTED NAY. MOTION CARRIED 4-1.

8.8. Resolution 23-127

Finance Director Jirik explained as staff work through the State bonding for the \$3,000,000.00 grant as part of MN Deed. City Administrator Meyer explained this is not a new application but rather part of the bonding received for the street project.

Mayor Woletz clarified the \$3,000,000.00 for the 2023 Street Improvement Project. Finance Director Jirik confirmed noting it is housekeeping items as part of the process.

MOTION by Councilmember Evans, second by Councilmember Coop, to approve Resolution 23-127 Local Government Resolution Special Appropriation Application. ROLL CALL VOTE. Councilmembers Evans, Coop, Woletz, Ladd and Krings VOTED AYE. MOTION CARRIED 5-0.

8.9. Regular Session Minutes of September 5, 2023.

Councilmember Ladd stated he has had a problem with the minutes since day one and opines the minutes are subjective, open to interpretation and missing context. Ladd noted this is the way the minutes have always been done but he would like to see full context going forward almost a word for word. Ladd opines the minutes are what people read noting they do not watch the video. Ladd noted there is a misspelling of his last name, which was addressed with the recording secretary.

Councilmember Evans noted he has not seen an issue with the minutes but is willing to have staff look into a change and what it would look like along with the cost.

Mayor Woletz inquired what State law is for meeting minutes of Attorney Vose. City Attorney Vose explained the base requirement is really short that the item was discussed, the motion made and the vote that was made. Vose noted historically minutes were the only record however, that is no longer the case in Belle Plaine or most cities as both audio and video are recorded. Vose noted in the example of litigation the attorney would request the recording for legal purposes. Vose explained the City could conclude most people are reading the minutes verses anything else. Vose noted the trend is away from verbatim minutes due to the expense. Vose explained meeting minutes in his experience are becoming shorter however if Council believes that that is the way residents are getting their information it is worth talking about.

Councilmember Ladd noted voice to text apps and other options are available and stated he does think the majority of residents are getting their information from the minutes. City Attorney Vose explained if Council moves to fully transcribed minutes those will be the record and legal will not turn to the video or audio. Vose noted the burden would be on the council to read many pages of minutes to make sure they are right and be prepared to correct mistakes before approved.

Mayor Woletz stated he disagreed with Councilmember Ladd noting the recording secretary does the best she can and if asked she can reduce the minutes to a slim documentation. Woletz stated if Councilmember Ladd feels his constituents are getting their information from the minutes he should address that with the Council. Woletz explained he or any resident could go to the City website pull up Council minutes and agenda and pull up any specific item they are concerned about on the website. Woletz stated he does not feel concerned that the members of the public are being misled and noted minutes are open to interpretation. Woletz noted he does not support verbatim minutes and explained everything talked about is a budget increase.

Councilmember Coop inquired what the downside is to having minimal minutes. City Attorney Vose explained that is the trend. Vose explained watching the video still can be open to interpretation and noted he personally would like to see more cities go to shorter minutes.

Councilmember Ladd stated as he reads the minutes sometimes he's noticed City staff and Engineer Duncan's quotes are all included and when it comes to him it's not in the minutes and Councilmember Evans comments are not always in there. City Administrator Meyer stopped conversation and noted Council is talking about staff duties, which can be misconstrued as something else.

Mayor Woletz explained if Council wants meeting minutes on a future workshop to address that can happen.

Councilmember Ladd inquired of City Attorney Vose if he can vote to not approve minutes going forward. City Attorney Vose explained if you do not agree with an item you do not have to vote for it and can vote

against it however meeting minutes do not need to be unanimous to be approved. Vose noted if you are voting against something it is useful to say why you are voting against the item.

Mayor Woletz explained if the item is wanted on a work session it can be put there. Councilmember Ladd declined noting he did not want to keep spinning wheels. Woletz called for the vote on the September 5, 2023 City Council minutes with the fixed spelling of Councilmember Ladd's name.

MOTION by Councilmember Coop, second by Councilmember Evans, to approve the September 5, 2023 Regular Session minutes as corrected. ROLL CALL VOTE. Councilmembers Coop, Evans, Krings and Woletz VOTED AYE. Councilmember Ladd VOTED NAY. MOTION CARRIED 4-1.

9. ADMINISTRATION.

9.1. Upcoming Tentative Meetings.

1. Design, Monday, October 2, 5:00 PM
2. City Council, Monday, October 2, 6:00 PM
3. Work Session, Monday, October 2, 6:15 PM

Mayor Woletz reviewed the upcoming tentative meetings as listed.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Ladd, to adjourn the regular session at 7:28 PM. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Renee Eyrich
Recording Secretary