

**BELLE PLAINE CITY COUNCIL
REGULAR MEETING
SEPTEMBER 19, 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, September 19, 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, City Engineer Duncan, Public Works Superintendent Otto, Public Works Superintendent Fahey, City Attorney Vose, Fire Chief Otto, Assistant Planner/Building Inspector Gerold and Police Chief Stier.

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 September 6, 2022.
- 4.2. Work Session Minutes of September 6, 2022.
- 4.3. Approve Large Assembly for Belle Plaine Festival and Events for the Scenic Byway River Run-Half Marathon & 5K on Saturday, October 8, 2022.
- 4.4. Resolution 22-103 A Resolution Approving Terms of a ROSE Program Loan to Riverview Coffee 139 Main Street East.
- 4.5. Resolution 22-105 Accepting the 2020 Street and Utility Project and Closing the 2020 Street Project Fund (493).
- 4.6. Approve Large Assembly for Belle Plaine Chamber of Commerce for the Downtown Trick or Treating on Monday, October 31, 2022.
- 4.7. Limited Use Permit.
 - 4.7.1. Resolution 22-111 City of Belle Plaine Limited Use Permit with the State of Minnesota Department of Transportation for a Monument Sign in the Right- Of-Way of Trunk Highway 169 at 0.85 Mi. North of TH 25 Interchange.
 - 4.7.2. Resolution 22-112 City of Belle Plaine Limited Use Permit with the State of Minnesota Department of Transportation for a Monument Sign in the Right- Of-Way of Trunk Highway 169 at 0.50 Mi. South of Enterprise Dr. Overpass.

MOTION by Councilmember LeMieux, second by Councilmember Coop, to approve the Consent Agenda as follows: 4.1. Regular Session Minutes of September 6, 2022; 4.2. Work Session Minutes of September 6, 2022; 4.3. Approve Large Assembly for Belle Plaine Festival and Events for the Scenic Byway River Run-Half Marathon & 5K on Saturday, October 8, 2022; 4.4. Resolution 22-103 A Resolution Approving Terms of a ROSE Program Loan to Riverview Coffee 139 Main Street East; 4.5. Resolution 22-105 Accepting the 2020 Street and Utility Project and Closing the 2020 Street Project Fund (493); 4.6. Approve Large Assembly for Belle Plaine Chamber of Commerce for the Downtown Trick or Treating on Monday, October 31, 2022; 4.7. Limited Use Permit. 4.7.1. Resolution 22-111 City of Belle Plaine Limited Use Permit with the State of Minnesota Department of Transportation for a Monument Sign in the Right-Of-Way of Trunk Highway 169 at 0.85 Mi. North of TH 25 Interchange and 4.7.2. Resolution 22-112 City of Belle Plaine Limited Use Permit with the State of Minnesota Department of Transportation for a

Monument Sign in the Right- Of-Way of Trunk Highway 169 at 0.50 Mi. South of Enterprise Dr. Overpass.
ALL VOTED AYE. MOTION CARRIED.

VISITOR'S REQUEST.

Marcia Stapleton – MN House of Representatives Candidate

MN House of Representative Candidate Marcia Stapleton spoke to the Council.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department. (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 present. Otto highlighted the Fire Department Report.

Mayor Meyer explained the Fire Department has had a hard week with a lot of accidents and inquired how the department is doing. Fire Chief Otto said the department is doing good.

5.3. Police Department.

Police Chief Stier was present. Stier highlighted the Police Department report and noted a 91% clearance rate.

Mayor Meyer noted he wanted to compliment the Police Chief and explained his experience at many meetings where the Stier is looked highly upon by members across state.

5.4. Community Services Director. (Report Only)

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

5.5. Community Development Department.

Community Development Director Smith Strack was present. Smith Strack highlighted the Community Development report and noted the water efficiency rebate is almost through the \$2,500.00 allowance. Smith Strack explained on October 1 a redistribution of funds will occur and more rebates will be available. Smith Strack also highlighted the new City website launches Friday.

Councilmember Chard inquired on the roof permits. Assistant Planner/Building Inspector Gerold explained they reroof permits have slowed down and staff are now doing final inspections.

6. PUBLIC HEARINGS.

6.1. Commercial Design Standards – Roof Materials: Morris Walker LTD requests consideration of a variance to required Highway Commercial and Industrial Design Standards. Section 1107.17, Subd. 2(E)(1) requires roof treatment to be similar to those in adjacent areas. The Applicant proposes to re-roof an existing principal structure in the B-2 Highway Commercial District with galvanized metal product to be surface painted after placement.

Community Development Director Smith Strack reviewed the variance request from Morris Walker, LTD for a Commercial Design Standards variance with a brief slideshow. Smith Strack explained the variance for Highway Commercial and Industrial Design Standards require rood treatments to be

similar to those in adjacent areas. Smith Strack explained the proposed galvanized metal surface is proposed to be painted after placement. Smith Strack noted re-roofing was initiated and a stop work order was issued pending analysis. Smith Strack explained the structural engineer determined load requirements were not met and purlins or use different decking would be required. Smith Strack explained open fastener galvanized painted metal is proposed, staff find the principal materials proposed are dissimilar to adjacent sites. Smith Strack explained painting is proposed to happen this year however no contract or deposit has been received. Smith Strack reviewed the staff findings for approval and staff findings for denial. Smith Strack reviewed the variance code review criteria and explained the Planning Commission held a public hearing and recommend approval with several conditions.

Mayor Meyer opened the public hearing at 6:46 PM and asked for public comment.

Tyler Neisen, 632 O'Brien Parkway, applicants contractor stepped forward and showed a sample product. Councilmember Krings inquired on the current use of the building and plans for the rest of the building and property. Neisen explained the current use is for storage and explained the roof is proposed to be replaced due to hail damage.

Councilmember Chard inquired if the product can be painted prior to installation. Tyler Neisen explained the painter prefers to paint after installation.

MOTION by Councilmember LeMieux, second by Councilmember Coop, to close the public hearing at 6:53 PM. ALL VOTED AYE. MOTION CARRIED.

6.1.1. Resolution 22-106(A) Resolution Conditionally Approving a Variance for Morris Walker LTD Allowing Galvanized Metal Roofing in the B-2 Highway Commercial District.

Resolution 22-106(B) Resolution Denying a Variance for Morris Walker LTD to Allow Galvanized Metal Roofing in the B-2 Highway Commercial District.

Councilmember Krings stated the proposed material is used on grain bins and not commercial sheds. Krings noted the amount of vehicles that drive past the building and cannot support the variance. Krings noted she is pro-business and would support tax abatement.

MOTION by Councilmember Krings, second by Councilmember Coop, to Approve Resolution 22-106(B) Resolution Denying a Variance for Morris Walker LTD to Allow Galvanized Metal Roofing in the B-2 Highway Commercial District.

Mayor Meyer inquired of the City Attorney if moving away from the design standard code would create a precedent. City Attorney Vose reviewed the legal criteria and explained there is no showing of uniqueness to this variance.

Councilmember Chard inquired if the applicant applied for a commercial reroof. Community Development Director Smith Strack explained the applicant could if they were using the exact same material however they had a change in material.

Mayor Meyer announced the current motion and called for the vote

MOTION by Councilmember Krings, second by Councilmember Coop, to Approve Resolution 22-106(B) Resolution Denying a Variance for Morris Walker LTD to Allow Galvanized Metal Roofing in the B-2 Highway Commercial District. Councilmember Krings, Coop and Meyer voted AYE. Councilmember Chard and LeMieux voted NAY. MOTION CARRIED 3-2.

7. BUSINESS.

7.1. Presentation of Claims.

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

7.2. Resolution 22-107, Resolution Approving Combination of Lots 6-12, Block 151, City of Belle Plaine, Scott County, Minnesota

Community Development Director Smith Strack reviewed a brief slideshow on the combination of lots 6-12, Block 151. Smith Strack explained the combination request will allow for the consolidation of childcare facilities.

MOTION by Councilmember Chard, second by Councilmember LeMieux, to approve Resolution 22-107, A Resolution Approving Combination of Lots 6-12, Block 151, City of Belle Plaine, Scott County, Minnesota. ALL VOTED AYE. MOTION CARRIED.

7.3. Fogartys Fourth Addition Developers Agreement and Final Plat.

Community Development Director Smith Strack reviewed the proposed plat for Fogartys Fourth Addition resulting in two lots to enable separate sales. Smith Strack explained the developer's agreement was drafted and reviewed by the City attorney and sent to the Developers Attorney. Smith Strack noted no public improvement required and noted parkland dedication was previously done. Smith Strack explained the final plat may have minor adjustments specifically on clarification on signing of the plat.

7.3.1. Resolution 22-109, Resolution Approving a Developers Agreement for Fogartys Fourth Addition and Authorizing and Directing Execution Thereof.

MOTION by Councilmember Krings, second by Councilmember Coop, to approve Resolution 22-109, Resolution Approving a Developers Agreement for Fogartys Fourth Addition and Authorizing and Directing Execution Thereof. ALL VOTED AYE. MOTION CARRIED.

7.3.2. Resolution 22-110, Resolution Conditionally Approving a Final Plat for Fogartys Fourth Addition.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 22-110, Resolution Conditionally Approving a Final Plat for Fogartys Fourth Addition. ALL VOTED AYE. MOTION CARRIED.

7.4. Resolution 22-108 Adopting the Preliminary Tax Levy Collectable in 2023, the 2023 Preliminary Budget, and the 5-year Capital Plan.

Mayor Meyer explained Council has spend much time reviewing and discussion the preliminary tax levy and budget.

MOTION by Councilmember Coop, second by Councilmember Krings to approve Resolution 22-108 Adopting the Preliminary Tax Levy Collectable in 2023, the 2023 Preliminary Budget, and the 5-year Capital Plan. Councilmembers Coop, Krings, Meyer and LeMieux VOTED AYE. Councilmember Chard VOTED NAY. MOTION CARRIED 4-1.

8. ADMINISTRATION.

8.1. Upcoming Tentative Meetings.

1. Downtown Plaza Music and Food Trucks Finale, 4:30-8:00 PM, Friday, September 23.
2. Design, Monday, October 3, 5:15 PM
3. City Council, Monday, October 3, 6:30 PM

4. Work Session, Monday, October 3, 6:45 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 7:09 PM. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Renee Eyrich
Recording Secretary