

**BELLE PLAINE CITY COUNCIL
REGULAR MEETING
SEPTEMBER 21, 2020**

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, September 21, 2020 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, Patricia Krings, Renee LeMieux and Cary Coop present.

Also present were City Administrator Meyer, Community Development Director Smith Strack, Public Works Superintendent Fahey, Police Chief Stier, Community Services Director Koller, Fire Chief Otto and City Attorney Vose.

3. APPROVAL OF AGENDA.

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

4. APPROVAL OF CONSENT AGENDA.

- 4.1. Regular Session Minutes of September 8, 2020.
- 4.2. Closed Session Minutes of September 8, 2020.
- 4.3. Resolution 20-109 Approving HRA Down Payment Assistance Program.
- 4.4. Resolution 20-110 Authorizing Purchase of Laptops for the Fire Department with CARES Funds.
- 4.5. Authorize purchase of Quick Response Team Gear for the Belle Plaine Police Department.
- 4.6. Resolution 20-112 Approving Joint Powers Agreement Providing for Building Official Back Up Service By/Between City of Belle Plaine and City of Le Sueur and Authorize Execution Thereof.
- 4.7. Authorizing CRF (Coronavirus Relief Funds) expenditures as of 09/11/2020.

MOTION by Councilmember Krings second by Councilmember Coop, to approve the consent agenda as listed: 4.1. Regular Session Minutes of September 8, 2020; 4.2. Closed Session Minutes of September 8, 2020; 4.3. Resolution 20-109 Approving HRA Down Payment Assistance Program; 4.4. Resolution 20-110 Authorizing Purchase of Laptops for the Fire Department with CARES Funds; 4.5. Authorize purchase of Quick Response Team Gear for the Belle Plaine Police Department; 4.6. Resolution 20-112 Approving Joint Powers Agreement Providing for Building Official Back Up Service By/Between City of Belle Plaine and City of Le Sueur and Authorize Execution Thereof and 4.7. Authorizing CRF (Coronavirus Relief Funds) expenditures as of 09/11/2020. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Report.

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

5.2. Fire Report.

Fire Chief Otto was present. The Council acknowledged the Fire Department Report.

5.3. Police Report.

Police Chief Stier was present. Stier highlighted the Police Report and noted an increase in positivity rates for COVID-19 noting the increased testing. Stier explained Officer Cayer has been trained on cell phone forensics and will be taking over those duties.

5.4. Community Services Director Report.

Community Services Director Koller was present. Koller highlighted the Community Services Report noting no league teams are being played through Community Education. Koller noted K-8 football practice is being run with volunteer coaches, parents are not allowed to indoor practices and are asked to social distance if staying at outdoor practices.

5.5. Community Development Report.

Community Development Director Smith Strack was present. Smith Strack highlighted the Community Development Report and noted the City has awarded 17 residential and 16 business CARES Grants. Smith Strack explained grant money is still available for those in need.

6. PUBLIC HEARINGS

Mayor Meyer introduced the agenda item.

6.1. Variance Section 1107.02, Subd. 4(6) Front Yard Fence Opacity. The City Council will consider public comment on a request by Troy Schrom, Belle Court LLC, the fee owner of property at 561 Elk Street South for a variance to required fence openness in front yards. If approved the variance would allow for slats to be inserted into a proposed fence the subject property.

Community Development Director Smith Strack presented a brief slideshow explaining the variance request. Smith Strack explained City Code 1107.02 subd. 4.6 states fences located in the front yard shall have no more than 50% opacity. Smith Strack explained the fence is located on the property line with the first 30 feet from the west or front of the property with no slats. Smith Strack explained the remaining 110 feet of fence will have privacy slats inserted into the black chain link fence. Smith Strack noted two letters of support from surrounding property owners were included in the packet for review. Smith Strack explained the Planning Commission reviewed the variance and recommends approval.

Councilmember Coop inquired who will own the fence. Community Development Director Smith Strack explained the fence is owned by the applicant. Coop inquired why a two foot setback was not required. Smith Strack explained the road is an access road to the apartment buildings, and noted when the City Council approved the apartments a sidewalk was required on the north side of the access drive. Coop inquired what the intent of the fence is. Smith Strack explained privacy from the adjacent property owner. Coop inquired if we had fences right on sidewalks anywhere else in town. City Administrator Meyer explained the variance is only for the placement of the slats in the fence. Meyer explained the fence placement was an agreement between the two property owners and is allowed under code. Coop requested the slats be explained. Smith Strack explained the slats are vinyl inserts woven into the chain link fence. Coop inquired if the fence is meant to block the sidewalk from the homeowners view and inquired if we have any other fences like this within the City. Smith Strack explained the fence is meant for screening and noted privacy fences and slatted fences are throughout the City. Coop explained he does not understand why the privacy fence is needed. Councilmember LeMieux explained the applicant is helping the surrounding properties. Mayor Meyer noted the two letters of support of the fence from the surrounding properties. Coop explained he views the project as frivolous.

Mayor Meyer opened the public hearing at 6:44 PM.

No one stepped forward to speak.

MOTION by Councilmember LeMieux, second by Councilmember Coop, to close the public hearing at 6:44 PM. ALL VOTED AYE. MOTION CARRIED.

6.1.1. Resolution 20-106 Resolution Approving a Variance from Section 1107.02, Subd. 4(6) to Allow Less Than Fifty Percent (50%) Openness in at Front Yard Fence at 561 Elk Street South.

MOTION by Councilmember Chard, second by Councilmember LeMieux, to approve Resolution 20-106 Resolution Approving a Variance from Section 1107.02, Subd. 4(6) to Allow Less Than Fifty Percent (50%) Openness in at Front Yard Fence at 561 Elk Street South. Councilmembers Chard, LeMieux, Krings and Meyer VOTED AYE. Councilmember Coop VOTED NAY. 4-1 MOTION CARRIED.

Councilmember Coop stated the true purpose of fence is not known and fears setting a precedence.

Mayor Meyer introduced the agenda item.

6.2. Public Hearing Refunding EDA Revenue Bonds with Capital Improvement Bonds. The City Council will consider public comment on the issuance of refunding Capital Improvement Bonds in order to reduce overall interest expense.

Finance Director Jirik explained each year the City reviews bonds and noted the City received notice that the 2012A bond was eligible to save interest funds if refunded. Jirik explained on August 17 the City Council approved the sale of the refunding bond.

Mayor Meyer inquired how much the City will save if refunded. Finance Director Jirik explained the City will save \$46,971.00 in interest over the life of the bond. Councilmember Chard inquired if the refunding will affect our rating. Jirik explained the refunding will increase our rating as the bond will go to a general obligation bond with more savings.

Mayor Meyer opened the public hearing at 6:47 PM.

No one stepped forward.

MOTION by Councilmember LeMieux, second by Councilmember Coop, to close the public hearing at 6:47 PM. ALL VOTED AYE. MOTION CARRIED.

6.2.1. Resolution 20-107 Adopting a Capital Improvement Plan and Providing Preliminary Approval for the Issuance of Bonds Thereunder.

MOTION by Councilmember Krings, second by Councilmember LeMieux, to approve Resolution 20-107 Adopting a Capital Improvement Plan and Providing Preliminary Approval for the Issuance of Bonds Thereunder. ALL VOTED AYE. MOTION CARRIED.

Mayor Meyer introduced the agenda item.

6.3. Ordinance 20-10 – Building Type and Construction Standards. The City Council will hear public comment on proposed Ordinance 20-10, An Ordinance Amending Chapter 11, Section 1104.04 of the City Code Pertaining to Building Type and Construction Standards. If approved the Ordinance will provide for horizontal metal lapsiding as an approved exterior building material in residential zoning districts and provide for certain types of metal roofing in residential districts.

Community Development Director Smith Strack explained Ordinance 20-10 if approved will amend 1104.04 building type and construction standards. Smith Strack presented a brief slideshow and explained Ordinance 20-10 will clarify code language for use of metal siding and roofing providing

language that is more specific. Smith Strack explained horizontal metal lapsiding, concealed fastener metal roofing and open fastener metal roofing for buildings under 200 square feet will be approved in residential districts under the code updates. Smith Strack explained the City Council discussed Ordinance 20-10 in work session and the Planning Commission reviewed and recommend approval of the ordinance.

Mayor Meyer opened the public hearing at 6:50 PM.

No one stepped forward.

MOTION by Councilmember Coop, second by Councilmember Chard, to close the public hearing at 6:50 PM. ALL VOTED AYE. MOTION CARRIED.

MOTION by Councilmember Krings, second by Councilmember Coop, to approve Ordinance 20-10, An Ordinance Amending Chapter 11, Section 1104.040 of the City Code Pertaining to Building Types and Construction Standards. ALL VOTED AYE. MOTION CARRIED.

6.3.1. Resolution 20-108, Approving Summary Publication of Ordinance 20-10, Ordinance 20-10, An Ordinance Amending Chapter 11, Section 1104.04 of the City Code Pertaining to Building Type and Construction Standards.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 20-108, Approving Summary Publication of Ordinance 20-10, Ordinance 20-10, An Ordinance Amending Chapter 11, Section 1104.04 of the City Code Pertaining to Building Type and Construction Standards. ALL VOTED AYE. MOTION CARRIED.

7. BUSINESS.

7.1. Presentation of Claims.

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

7.2. Resolution 20-111 Authorizing Preliminary Report for the Proposed Block 89 Sanitary Sewer as part of the 2021 Improvement Project.

City Administrator Meyer explained as part of the 2021 project the Council requested review of the sanitary sewer for block 89. Meyer explained the Public Works Committee reviewed the sanitary sewer findings and agreed to proceed.

City Engineer Duncan explained the Public Works Committee directed televising of the sewer line. Duncan explained to stay on progress for the 2021 project the preliminary report would need to be accepted and a public hearing held on November 2nd. Duncan explained a review of the storm sewer and bituminous surface will be reviewed as part of the report. Duncan explained a significant stretch of pipe is under water and noted the age and pipe type are consistent with those being addressed.

Councilmember Coop inquired if the whole alley would need to be dug up as part of the construction. City Engineer Duncan confirmed approximately 80% would be dug up. Coop inquired if this addition would affect their assessments. Duncan confirmed and noted a property owner will not be assessed twice but rather only at the time when service is replaced. Coop inquired if timing would be addressed as some property owners on Willow will be surrounded. Duncan confirmed the project can be staged. Councilmember Chard noted he would like to see the group of neighbors make the decision on if the alley is improved. City Administrator Meyer explained the City's policy is to go to a hard service once an alley is improved and noted the Council can adjust. Duncan noted the alley improvements are 100% assessable to the property owners.

MOTION by Councilmember Coop, second by Councilmember Krings, to approve Resolution 20-111 Authorizing Preliminary Report for the Proposed Block 89 Sanitary Sewer as part of the 2021 Improvement Project. ALL VOTED AYE. MOTION CARRIED.

8. ADMINISTRATION.

8.1. Upcoming Tentative Meetings.

1. Design Committee, Monday, October 5, 5:15 PM.
2. City Council, Monday, October 5, 6:30 PM.
3. Work Session, Monday, October 5, 6:45 PM.
4. Public Works, Thursday, ~~October 8~~ October 15, 9:00 AM.

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

9. ADJOURN.

MOTION by Councilmember Krings, second by Councilmember Chard, to adjourn the meeting at 7:02 PM. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Renee Eyrich
Recording Secretary