

**BELLE PLAINE CITY COUNCIL
REGULAR MEETING
OCTOBER 3, 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, October 3, 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, Police Chief Stier, City Engineer Duncan, Public Works Superintendent Otto, City Attorney Vose and Finance Director Jirik. Wanda Savage served as the video recording operator.

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 19, 2022.
- 4.2. Work Session Minutes of September 19, 2022.
- 4.3. Resolution 22-113 Accepting \$300.00 Donation from the Belle Plaine Vets Club for Veteran's Memorial Park.
- 4.4. Approve Large Assembly Permit for LELS and International Operators Local 49er's Belle Plaine Unions for Santa Shack Events in December 2022.
- 4.5. Resolution 22-116 Accepting 2 (Two) Stihl BR 800X Leaf Blowers and 1 (One) Milwaukee M18 Battery Power Leaf Blower Donation from the Belle Plaine Fire Relief Association.

MOTION by Councilmember Coop, second by Councilmember LeMieux, to approve the Consent Agenda as follows: Regular Session Minutes of September 19, 2022; Work Session Minutes of September 19, 2022; Resolution 22-113 Accepting \$300.00 Donation from the Belle Plaine Vets Club for Veteran's Memorial Park; Approve Large Assembly Permit for LELS and International Operators Local 49er's Belle Plaine Unions for Santa Shack Events in December 2022 and Resolution 22-116 Accepting 2 (Two) Stihl BR 800X Leaf Blowers and 1 (One) Milwaukee M18 Battery Power Leaf Blower Donation from the Belle Plaine Fire Relief Association. ALL VOTED AYE. MOTION CARRIED.

PROCLAMATION

Domestic Violence Month

Mayor Meyer read the Domestic Violence Month Proclamation.

5. DEPARTMENT REPORTS.

5.1. Public Works Report.

Public Works Superintendent Otto was present. Otto highlighted the Public Works report and noted a good turn out for the Food Truck and Food Finale despite the weather. Otto explained with fall here Public Works Crews are working on winterizing the park shelters.

Councilmember Chard inquired if the other manhole on Highway 25 will be fixed this year. Public Works Superintendent Otto explained the manholes are being addressed in cooperation with MNDOT.

5.2. City Engineer Report.

City Engineer Duncan was present. Duncan highlighted the City Engineer report and noted the official variances for the angle/angle parking in the downtown has been received.

5.3. Administration Report.

City Administrator Meyer was present. Meyer highlighted the Administration report and noted absentee in person voting has begun at City Hall. Meyer explained the Minnesota Historical Society Large Grant reviewers tentatively awarded the City's request for a large grant for work at the Episcopalian Church. Meyer noted staff expect the official notice in late November.

Councilmember Chard inquired on the CASAH 8 meeting. City Administrator Meyer explained CASAH 8 will fall where future reclamation will be done, staff met with the County to review the design and layout. Chard inquired if underwater mining is happening now. Community Development Director Smith Strack explained three separate mines are in the City's Orderly Annexation Area. Smith Strack noted Koll's property has not proposed a under the water table mining yet, Kornder's request and public comment period has passed. Smith Strack explained the proposed road will skirt where a lake will be long term.

6. PUBLIC HEARINGS.

Mayor Meyer introduced the Public Hearing item.

6.1. Vacation of an Abandoned Portion of Kittson Boulevard in City of Belle Plaine. The City Council will receive and consider public comment on vacating a portion of Kittson Boulevard within the City of Belle Plaine.

Community Development Director Smith Strack reviewed the variance request and explained during the platting of Farmers Third and Fourth Kittson Boulevard was abandoned. Smith Strack explained the property to the south is owned by the City and is intended to be used as a future park. Smith Strack explained the right of way cannot be built on and staff requests vacation of the street. Smith Strack noted Xcel Energy requests the City keep a utility easement for their above ground power lines which the city has adjusted in the updated resolution.

Councilmember Chard inquired if South Ridge Court will need to have a turnaround. City Administrator Meyer explained staff will look at potential layout during the development stage.

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

LaJune Zellman, 24250 Kittson Blvd. explained she is not opposed to the building of a park but is opposed to the street name of Century. Zellman noted the name changes back and forth leading out to her property and she has had problems getting an ambulance to her house.

Mayor Meyer explained the City does not have control of the street names in the township and suggested she bring forward to her township representatives. Meyer noted staff will keep the concern in mind as City Development moves in that direction.

MOTION by Councilmember LeMieux, second by Councilmember Coop, to close the public hearing at 6:46 PM. ALL VOTED AYE. MOTION CARRIED.

6.1.1. Resolution 22-114 A Resolution Vacating A Portion Of Kittson Boulevard.

MOTION by Councilmember Krings, second by Councilmember Coop, to approve Resolution 22-114 A Resolution Vacating A Portion of Kittson Boulevard. ALL VOTED AYE. MOTION CARRIED.

7. BUSINESS.

7.1. Presentation of Claims.

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

7.2. Resolution 22-115 Approving Plans and Specifications and Authorizing Advertisement for Bids for the 2023 Improvement Project.

City Administrator Meyer explained the City has received the final plans and specification and staff recommend accepting and allowing advertising for bids. Meyer explained the angle/angle parking has been approved and staff are waiting on the approval paperwork. Meyer noted until the bid is awarded the project is not final or guaranteed to move forward. Meyer explained Finance Ways and Means have reviewed options for financing and that is at the forefront of both Council and staffs minds.

City Engineer Duncan explained the 2023 project is driven by public utilities needs. Duncan explained from the beginning of the review changes have been made to result in the project proposed to move forward. Duncan noted if approved tonight the staff will need to get approvals from the State and County before able to request bids. Duncan explained a proposed December 15 letting is expected.

MOTION by Councilmember Krings, second by Councilmember Coop, to approve Resolution 22-115 Approving Plans and Specifications and Authorizing Advertisement for Bids for the 2023 Improvement Project.

Councilmember Coop inquired if the Council moves forward with the plans and Specifications and approves a final bid, what are the consequences in rescinding the contract. City Attorney Vose explained if the City enters into a contract and then backs out of the contract the City could be in breach of contract. Coop inquired if he is a contractor and lining up subcontractors can the subcontractors file for damages? Vose explained in general claims against their contract would go to the contractor. Coop inquired if the League of Minnesota Cities the City's insurance provider cover breach of contract. Vose explained he does not have a copy of the City's insurance coverage but typically breach of contract is not a standard coverage. Coop inquired if the City had a judgement against the City for a couple of million how would the City pay for it. Finance Director Jirik explained if the city's insurance does not cover the judgement the City would be responsible to pay the judgement. City Administrator Meyer explained the City's general fund is required to cover 50% of the city's budget as the City collects taxes twice per year. Meyer explained if the city does not have the fund balance to cover the judgement the city would either have to borrow the money or put in effect massive staff and service cuts and/or a direct tax levy

After discussion Mayor Meyer reiterated the MOTION by Councilmember Krings, second by Councilmember Coop, to approve Resolution 22-115 Approving Plans and Specifications and Authorizing Advertisement for Bids for the 2023 Improvement Project. ALL VOTED AYE. MOTION CARRIED.

8. ADMINISTRATION.

8.1. Upcoming Tentative Meetings.

1. Gateway Parking Lot Ribbon Cutting, 5:00 PM, Thursday, October 6.
2. EDA, 5:00 PM, Monday, October 10.
3. Planning, 6:30 PM, Monday, October 10.
4. Public Safety, 7:30 AM, Tuesday, October 11.
5. Fountain Park Ribbon Cutting, 5:00 PM, Wednesday, October 12.
6. Public Works, 9:00 AM, Thursday, October 13.
7. Parks Commission, 5:00 PM, Monday, October 17. (meet at Fountain Park at 4:45 PM)
8. City Council, 6:30 PM, Monday, October 17.

9. Work Session, 6:45 PM, Monday, October 17.

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

9. ADJOURN.

MOTION by Councilmember LeMieux, second by Councilmember Coop, to adjourn the Regular Session at 6:58 PM. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Renee Eyrich
Recording Secretary