BELLE PLAINE CITY COUNCIL
REGULAR SESSION
OCTOBER 15, 2018

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, October 15, 2018 at 6:30 PM in the council chambers of City Hall, 218 North Meridian Street, Belle Plaine, MN. Mayor Chris Meyer called the meeting to order with Councilmembers Ben Stier, Cary Coop, Paul Chard and Theresa McDaniel present.

Also present were City Administrator Dawn Meyer, Finance Director Amy Jirik, Community Development Director Cynthia Smith Strack, Public Works Superintendent Al Fahey, City Engineer Joe Duncan and City Attorney Bob Vose. Police Chief Tom Stolee was not present. Wanda Savage served as video recording operator.

3. APPROVAL OF AGENDA.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve the agenda with the addition of Business Item #7.3. Rejecting All Bids Received for the 1935 Luverne Pumper Parade Fire Truck. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

4.1. Regular Session Minutes of October 1, 2018.
4.2. Resolution 18-120 Approving International Union of Operating Engineers Local 49 Labor Union Contract for 2019-2021.
4.3. Resolution 18-121 Approving Law Enforcement Labor Services Union Contract for 2019 2021
4.4. Resolution 18-122 Accepting the 2017 Street and Utility Project and Closing the 2017 Street Project Fund (488).
4.5. Resolution 18-125 Approving Terms of a ROSE Loan to Behnke Auto Center, Inc. for a structure at 235 Meridian Street South.
4.6. Resolution 18-127 Authorizing 90-Day Extension of Recording of Plat Deadline for Emma Krumbees Third Addition.

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

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

Ridgeview Ambulance Supervisor Doug Sweeney was present and provided a brief summary of the quarterly report. The Council acknowledged receipt of the Ambulance Department report.

5.2. Fire Department Report

Fire Chief Matt Stier was present. The Council acknowledged receipt of the Fire Department report.

5.3. Community Services Report.

Community Services Director Mindy Chevalier was not present. The Council acknowledged receipt of the Community Services Report.

5.4. Police Report.

Police Chief Tom Stolee was not present. The Council acknowledged receipt of the Police Department Report.

5.5 Community Development Report.

Community Development Director Cynthia Smith Strack was present and extended an invitation to a round table discussion on affordable housing sponsored by SCALE on October 31, 2018. Details will be forwarded to the City Council members.

6. PUBLIC HEARINGS.

6.1. Final Assessment Hearing for the 2018 Street Improvement Project. The City council will accept public comment on assessments for the 2018 Street Improvement Project.

Mayor Meyer introduced the agenda item.

Finance Director Jirik reported that at the June 5, 2017 meeting, the City Council held the public hearing on the Block 102 and Block 104 Improvement Project, City Council then accepted the preliminary engineering report. On August 31, 2017 the Block 102 and Block 104 Alley improvement project was bid, due to the higher that anticipated bids on September 5th 2017 Council rejected all bids and decide to rebid with the 2018 street project. At the July 17, 2017 meeting, the City Council accepted the preliminary engineering report and called for the public hearing for the 2018 street improvement project. The preliminary hearing on the improvements was held on August 21, 2017. After receiving testimony by the affected property owners, the Council ordered the plans specifications for the project. The final plans were approved at the February 5, 2018 meeting and Council authorized advertising for bids. The 2018 Street and Utility Project and Block 102 & 104 Improvements was let and the bid was awarded to OMG Midwest dba Chard on March 19, 2018.

The 2018 Street Improvement Project and Block 102 & 104 Alley Improvement is substantially complete and the City Engineer feels confident that the costs can be accurately assessed. The final assessments are shown on the attachments. The Council will accept public comment on the final assessments for the project. The process is to accept the assessments applied according to the City's Assessment Policy. Property owners have the opportunity to appeal the amount of the assessment by a written submittal by tonight, October 15, 2018. This allows the appeal process to proceed.

After the close of the public hearing, the Council will adopt the final assessment. The payment period is for seven (7) years at an interest rate of 6.0% per annum. The property owners have the option of submitting payment by November 21, 2018 to the City in order to avoid interest charges

City Engineer Duncan explained the street improvement project was administered according the State Chapter 429 public improvement process. He invited property owners to contact him directly or City staff for questions or comments related to the construction project. The project is not yet complete and a 5% retainer is held. City Engineer Duncan provided a brief summary of the City's Assessment Policy.

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

Greg Schwichtenberg, 200 Oakwood Circle, inquired as to why his water main assessment was higher than most other properties. He also inquired about the front footage assessment as compared to a pie-shape lot assessment and how the appeal process works.

City Engineer Duncan explained the assessment amount does involve square footage and does not include area beyond the break line, or ravine area, to arrive at the adjusted front footage. Your intent to appeal must be submitted in writing to the City this evening in order to proceed with an appeal.

City Attorney Vose further explained if the Council proceeds with adoption of the assessment roll as presented, then cases involving property owners who follow the appeal process by submitting written objection to their assessment amount will be resolved through the Scott County court system.

Mr. Schwichtenberg would like to see a change in the calculations used to determine the water main assessment. City Engineer Duncan explained the City bases the water, storm and sewer main assessments on front footage. If a property owner would like to see a change to that policy, the individual must present this to the City Council.

MOTION by Councilmember Coop, second by Councilmember Chard, to close the public hearing at 6:48 p.m. ALL VOTED AYE. MOTION CARRIED.

Finance Director Jirik acknowledged receipt and read the written appeal from John and Brenda Hallgren for their properties at 109 Robert Circle and 116 Robert Circle, requesting a reduction in the assessment amount.

MOTION by Councilmember Coop, second by Councilmember McDaniel, to approve 18-123 Adopting Assessments for the 2018 Street Improvement Project and Blocks 102 & 104 Alley Improvements. ALL VOTED AYE. MOTION CARRIED.

6.2. Non-Conforming Use Expansion Permit. The City Council will consider public comment on requests by Joseph and Kathy Hartmann, owners of property at 600 Prairie Street East for a non-conformance expansion permit under Code Section 1102.03. If approved the non-conformance expansion permit would allow a 728 square foot garage to be moved onto the subject property.

Mayor Meyer introduced the agenda item.

Community Development Director Smith Strack explained that Joseph and Kathy Hartmann have applied for a non-conformance expansion permit under Section 1102.03 of the Code. If approved, the non-conformance expansion permit would allow a 728 square foot garage to be moved to property at 600 Prairie Street East. An existing 240 square foot accessory structure would be demolished. The property use is a single family residential rental. The subject property is currently zoned I/C Industrial Commercial District. Residences are not allowed in the I/C District and as such the use is legal non-conforming.

The Applicants represent the property use is non-homestead one family residential (rental). An existing 240 square foot accessory structure is proposed for demolition and a 28' X 26' (728 sf) garage is proposed to be moved onto the property to replace the existing accessory structure. The existing driveway would be used to access the detached garage. The proposed garage will increase habitability of dwelling and replace a dilapidated structure that has exceeded its useful life. The dwelling is not proposed for expansion/alteration.

Community Development Director Smith Strack provided City Code language for Non-Conformance Expansion Permit Review, the review criteria for non-conforming use expansion permits, and potential findings, both in favor and denial. Staff recommends conditional approval of the non-conforming use expansion permit as the dwelling unit size (footprint/height) and habitable area of the residential use is not being expanded. As such, staff finds the garage replacement to amount to an improvement to the use of the property and not an expansion of the use of the property. The conditions were listed in the proposed resolution. The Planning Commission recommended approval.

Mayor Meyer opened the public hearing at 6:54 p.m. and asked for public comment. There was no response.

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

6.2.1. Resolution 18-126 (A) Approving A Non-Conformance Expansion Permit Relating To Replacement of A Garage at 600 Prairie Street East in the I/C Industrial Commercial District.

MOTION by Mayor Meyer, second by Councilmember Coop, to approve Resolution 18-126 (A) Approving A Non-Conformance Expansion Permit Relating To Replacement of A Garage at 600 Prairie Street East in the I/C Industrial Commercial District. ALL VOTED AYE. MOTION CARRIED.

7. BUSINESS.

7.1. Presentation of Claims.

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

7.2. Resolution 18-124 Establishing a $1,500,000 Per Occurrence Limit on Liability Insurance Coverage per State Statute, Electing Group and Individual Open Meeting Law Insurance Coverage for the Mayor and City Council Members and Affirming a $2,500 deductible.

Mayor Meyer introduced the agenda item.

Finance Director Jirik explained the City's insurance coverage from the League of Minnesota Cities Insurance Trust must be renewed annually and the City Council must annually adopt a resolution establishing the per occurrence liability limit as well as elect open meeting law coverage for the entire Council. Staff recommends that the per incident deductible remain set at $2,500.

Mayor Meyer welcomed Jeff McDonald, Canopy Group.

Mr. McDonald of the Canopy Group provided a brief overview of the City's renewal and rates.

MOTION by Councilmember Coop, second by Councilmember Stier, to approve Resolution 18-124 Establishing a $1,500,000 Per Occurrence Limit on Liability Insurance Coverage per State Statute, Electing Group and Individual Open Meeting Law Insurance Coverage for the Mayor and City Council Members and Affirming a $2,500 deductible. ALL VOTED AYE. MOTION CARRIED.

7.3. Rejecting All Bids Received for the 1935 Luverne Pumper Parade Fire Truck. ALL VOTED AYE. MOTION CARRIED

Mayor Meyer introduced the agenda item.

City Administrator Meyer explained the City Council authorized the Fire Department to seek sealed bids for the sale of the 1935 Luverne Pumper Truck. It was anticipated the proceeds from the sale would be utilized for the refurbishment of the 1947 Ford Pumper Truck.

Upon review of the project bidding, it appears that the Fire Department's bidding process did not include publication or other public advertisement of the City's interest in receiving sealed bids. Due to the requirements of the bidding process, the City Administrator recommended that the City Council reject both bids that were received. Upon notifying Fire Chief Stier of the recommendation, Stier requested that a re-bidding take place early next spring, and until then the vehicle will be stored at Pioneer Power. If the Council authorizes the re-bidding of the sale, the City will handle the public advertisement and receipt of the sealed bids to ensure proper process. It is the expectation that additional bids may be received in that process.

MOTION by Councilmember Coop, second by Councilmember Chard, to reject all bids received for the 1935 Luverne Pumper Parade Fire Truck. ALL VOTED AYE. MOTION CARRIED.

8. ADMINISTRATION.

8.1. Upcoming Meetings.

1. **OAA Joint Planning Board Meeting, 6:00 PM, Wednesday, October 17.**
2. **Public Works, 9:00 AM, Thursday, October 18.**
3. **City Council Special Session, 6:30 PM, Monday, October 29.**
4. **Design Committee, 5:15 PM, Monday, November 5.**
5. **City Council, 6:30 PM, Monday, November 5.**
6. **Work Session, 6:45 PM, Monday, November 5.**
7. **NO MEETINGS – ELECTION Tuesday, November 6.**
8. **Public Works Committee, 9:00 AM, Thursday, November 8.**
9. **City Offices Closed, in Observation of Veteran's Day, Monday, November 12.**
10. **Public Safety Committee, 4:30 PM, Tuesday, November 13.**
11. **EDA, 5:00 PM, Tuesday, November 13.**
12. **Planning and Zoning, 6:30 PM, Tuesday, November 13.**
13. **General Election Canvas, 6:15 PM, Wednesday, November 14.**
14. **Budget Work Session, 6:30 PM, Wednesday, November 14.**

The Council was reminded of the upcoming meetings as listed.

9. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Stier, to adjourn the meeting at 7:01 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Bonnie Vinkemeier and Patricia Krings
Acting Recording Secretary