

**BELLE PLAINE CITY COUNCIL
REGULAR MEETING
OCTOBER 21, 2019**

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 21, 2019 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 Ben Stier, Cary Coop, Paul Chard and Renee LeMieux present.

Also present were City Administrator Meyer, Finance Director Jirik, Community Development Director Smith Strack, Public Works Superintendent Fahey, City Engineer Duncan, City Attorney Vose, Fire Chief Stier, Chief Stolee, and Ambulance Director Sweeney. Community Services Director Koller was not present. Wanda Savage served as video recording operator.

3. APPROVAL OF AGENDA.

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

4. APPROVAL OF CONSENT AGENDA.

- 4.1. Regular Session Minutes of October 7, 2019.
- 4.2. Resolution 19-125 Approving Fire Relief Schedules I and II for 2019, and Establishing the Annual Benefit Amount at \$2,800 and the 2020 Municipal Contribution at \$18,530.
- 4.3. Resolution 19-129 Authorizing Placement of Destination Belle Plaine 2040, the City's 2040 Comprehensive Plan Update, into effect.
- 4.4. Resolution 19-130 Approving Lights and Board Quote for Hickory Park.
- 4.5. Approving Large Assembly Permit for Holiday Traditions Event by the Belle Plaine Historical Society at Court Square on December 5, 2019.

MOTION by Councilmember Coop, second by Councilmember Stier, to approve the consent agenda items as follows: 4.1. Regular Session Minutes of October 7, 2019; 4.2. Resolution 19-125 Approving Fire Relief Schedules I and II for 2019, and Establishing the Annual Benefit Amount at \$2,800 and the 2020 Municipal Contribution at \$18,530; 4.3. Resolution 19-129 Authorizing Placement of Destination Belle Plaine 2040, the City's 2040 Comprehensive Plan Update, into effect; 4.4. Resolution 19-130 Approving Lights and Board Quote for Hickory Park and 4.5. Approving Large Assembly Permit for Holiday Traditions Event by the Belle Plaine Historical Society at Court Square on December 5, 2019. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Report.

Ambulance Supervisor Sweeney was present. Sweeney highlighted the ambulance report.

Mayor Meyer inquired on the response times. Sweeney explained the response times for September were a little longer, but expects them to come back down.

The Council acknowledged receipt of the Ambulance report.

5.2. Fire Report.

Fire Chief Stier was present. Stier highlighted the fire department report and noted the department is expected to hit 200 calls in 2019, which is a record amount. Stier explained although September had a low amount of calls the department had two hard fire calls, the grain bin accident and the river rescue.

The Council acknowledged receipt of the Fire report.

5.3. Community Services Report.

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

5.4. Police Report.

Chief Stolee was present. Stolee highlighted the Police report. Stolee noted the combined effort of the Police and Fire departments to sponsor a November blood drive.

Mayor Meyer stated, in response to a recent editorial the Council wished to voice support of Chief Stolee and his staff.

The Council acknowledged receipt of the Police Report.

5.5. Community Development Report.

Community Services Director Smith Strack was present. Smith Strack highlighted the Community Development report.

Mayor Meyer inquired if staff foresee any additional home permits for 2019. Smith Strack explained typically a few more permits are pulled at the end of the year for an early building start on the new year.

The Council acknowledged receipt of the Community Development Report.

6. PUBLIC HEARINGS.

Mayor Meyer introduced the agenda item.

6.1. Final Assessment Hearing for the 2019 Street Improvement Project. The City Council will accept public comment on assessments for the 2019 Street Improvement Project.

Finance Director Jirik explained the 2019 Street Improvement Project is substantially complete. Jirik noted the Council will accept public comment on the final assessments for the project. Jirik explained after public comment it is appropriate for Council to consider adoption of the final assessment. City Engineer Duncan reviewed the final assessment rate of 30% and explained the final ware course will be placed in the spring of 2020. Duncan noted the two-year warranty process will begin once final payment is made on the project. Duncan highlighted weather issues and utility delays with the addition of contractor changes, which prolonged the project.

Mayor Meyer explained a public hearing has been scheduled and the City Council will accept public comment on the Final Assessments for the 2019 Street Improvement Project, citing residents must state their name and address for the record before testifying.

Meyer opened the public hearing at 6:43 PM and asked for public comment.

Ester Tikalsky, 1003 Prairie Street, inquired how the assessment formula is figured. City Engineer Duncan explained he will walk through the improvement hearing slides. Mayor Meyer had others testify as staff worked to pull up the necessary information.

Clarence Doheny, 223 S. Buffalo, inquired on why his assessment includes the sidewalk from across the street and storm sewer. Doheny noted Buffalo Street has never had storm sewer and it was not added with the project. City Engineer Duncan explained all streets have curb and gutter, which directs water run off to storm sewer regardless if a drain basin is located on your street. Duncan noted all streets are part of the drainage system and drain basins are strategically placed. Duncan also explained according to City policy the sidewalk is assessed to both sides of the street regardless to the sidewalks position or location.

Anthony Ziebarth, 125 Sunset Drive, cited the 429 statute for special assessment stating special assessment benefit must be equal to or greater than the special assessment. Ziebarth inquired what was done before the project started to guarantee property owners that their property value will rise by the assessed amount. City Attorney Vose explained the statute doesn't require the City to get an appraisal done for specific properties or the project as a whole. Vose explained if the assessment is appealed the City would get an appraisal for that property. Vose also cited Cities often don't do appraisals due to the increased costs to the project. Ziebarth requests an appraisal be done on his property. City Administrator Meyer explained the City will follow the appeal process. Ziebarth inquired if he would need to take the appeal to court. Meyer explained unless the Council makes a different decision at the close of the public hearing the next option would be appeal. Ziebarth cited an appeal on an assessment that was over turned in Stillwater. Vose explained the concept of using front footage is not mandated by law however many cities do calculate by front footage. Vose also noted Minnesota law does not require cities to do an appraisal before assessment. Ziebarth noted an assessment overturned in Le Sueur and explained his belief that his assessment amount was unfair and almost double that of his neighbors.

A slide from the preliminary improvement hearing was shown and City Engineer Duncan explained the breakdown of how the City calculated property's assessments. Duncan explained 30% of the cost of the assessment comes from the street, utilities, curb, gutter and driveway, the remaining 70% is paid by the City. Duncan noted the City is aware some utilities may have some life left in them but it has determined it is prudent to replace at this time. Duncan explained utility service lines from the water main to the property are assessed at 100%. Duncan noted the only caveat to the calculations is corner or irregular shaped lots which are adjusted per city policy. Ester Tikalsky inquired what figure the 30% is based on, the bid or the final project. Duncan explained the City waits until the actual costs come in and work has been substantially completed before assessing properties. Duncan noted this process typically brings down the assessment for the majority of property owners.

Dave Otto, 115 Hillcrest Drive, explained his property is a pie shaped lot and most likely the smallest front curb footage of 53 feet. Otto explained his property is being assessed for 213 feet, Otto noted no utilities are in the back yard and the property has an unimproved alley. Otto explained his sewer and water are being assessed at 2-3 times more than his neighbors are. Otto sighted Woodridge development, which he believed, was assessed differently and noted he wants to have a middle ground for assessments. Otto explained his calculation of his eight neighbors average of \$10,295.00 and noted his willingness to pay his fair share.

John Watzl, 117 Sunset Drive, explained the installation of drain pipe was not correct. Watzl noted his videos and pictures as proof of ongoing issues. Watzl explained his conversations with staff and the project manager and wants the issues corrected.

Rod Bauer, 133 Sunset Drive, inquired when the City Council made the decision to assess by the lot size vs frontage. Bauer noted no utilities are in the back yard. Mayor Meyer explained the decision was made over 20 years ago and requested in sight from Duncan. City Engineer Duncan explained the City does

assess on frontage except in the cases of corner or irregular/pie shaped lots. Duncan explained the lot is divided by size and then multiplies by 80 square feet, which was a number the previous City Council believed normalized the lots and has been part of the policy. Duncan explained it is the discretion of the City Council if they want to change the policy on assessments.

Dave Otto commented on the 20-year policy noting the Woodridge project was done within that time frame but calculated differently. Otto noted a \$17,000.00 assessment as a heavy burden on families.

Carly Behnke, 125 Sunset Drive, inquired at what point will the City Council look at and consider irregular properties and how they affect individual residents. Behnke cited the assessment policy as unjust.

City Administrator Meyer explained the City has received two written appeals and read into record the names and addresses. Anthony Ziebarth and Carly Behnke at 125 Sunset Drive and Dave and Mary Otto at 115 Hillcrest Drive.

MOTION by Councilmember Coop, second by Councilmember Stier to close the public hearing at 7:08 PM. ALL VOTED AYE. MOTION CARRIED.

Councilmember Stier inquired about the appraisals for the special assessment. City Administrator Meyer explained appraisals for projects are looked at differently than a normal appraisal of your home. Meyer explained the appraisal are based on the improvements of your property and calculates if the improvements increase the value of your lot. Councilmember LeMieux questioned why some properties pay more when it is the same hookup. Meyer explained the policy is based on the assessment formula and is different for each property.

6.1.1. Resolution 19-126 Adopting Final Assessment for the 2019 Street Improvement Project.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 19-126 Adopting Final Assessment for the 2019 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

6.2. Variance Garage Door Height: Lot 1, Block 5, Belle Plaine School Plat. The Planning Commission will consider public comment on a request by Belle Plaine Schools ISD 716, owners of the aforementioned property for a variance from Section 1105.07, Subd. 6(3) to allow a maximum garage door height of ten (10) feet at the subject property in the R-3, Single Two Family Medium Density Residential District. The Code establishes maximum garage door height at nine (9) feet.

Community Development Director Smith Strack provided a brief slideshow and explained Belle Plaine Schools are looking for a variance to allow a garage door height of 10 feet to accommodate buses for a structure on their facility zoned R-3. Smith Strack noted the planning commission has reviewed the project and recommends approval. Smith Strack noted no public comment for or against the project has been received.

Mayor Meyer opened the public hearing at 7:15 PM and asked for public comment.

Applicant representative Jeff Heine stepped forward and explained the building will house buses, lawn and activity equipment currently stored outdoors. Heine noted the project will be done in conjunction with the construction class to help provide hands on training.

Councilmember Coop inquired on the parking lot and if the school will lose any parking. Heine confirmed four parking spaces will be lost to the building.

MOTION by Councilmember Stier, second by Councilmember Coop, to close the public hearing at 7:18 PM. ALL VOTED AYE. MOTION CARRIED.

6.2.1. Resolution 19-0131(A) Recommending the Council Conditionally Approve a Variance to Section 1105.07, Subd. 6(3) of the Code to allow a garage door height maximum of ten (10) feet for a structure on Lot 1, Block 5 Belle Plaine School Plat.

Resolution 19-131(B) Recommending the Council Deny a Variance to Section 1105.07, Subd. 6(3) of the Code as proposed by Independent School District 716 for a proposed structure at Lot 1, Block 5 Belle Plaine School Plat.

MOTION by Councilmember LeMieux, second by Councilmember Coop, to approve Resolution 19-0131(A) Recommending the Council Conditionally Approve a Variance to Section 1105.07, Subd. 6(3) of the Code to allow a garage door height maximum of ten (10) feet for a structure on Lot 1, Block 5 Belle Plaine School Plat. ALL VOTED AYE. MOTION CARRIED.

7. BUSINESS.

7.1. Presentation of Claims.

- 7.1.1. Water Tower No. 2 Coating Repair – Pay Request No. 2 to Maguire Iron.
- 7.1.2. 2019 Pavement Maintenance – Pay Request No. 1 to Asphalt Surface Technologies Corporation.
- 7.1.3. Hickory Park Warming House & Ice Rink – Pay Request No. 1 to Mohs Construction, Inc.
- 7.1.4. 2019 Street Project – Pay Request No. 5 to OMG Midwest, Inc. dba Chard

Councilmember Chard inquired on the RDH Drywall payment. City Administrator Meyer explained the payment was for his painting work on the pickle ball courts.

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

7.2. Annual Renewal Liability Insurance – Jeff McDonald, Canopy Group.

7.2.1. Resolution 19-127 Establishing a \$2,000,000 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.

Finance Director Jirik explained the City's insurance coverage must be renewed annually. Jirik advised council of the revised resolution 19-127 provided before the meeting.

Jeff McDonald of Canopy Group provided a brief overview of the City's liability insurance and anticipated premium. McDonald noted overall the premium did not increase, however an increase for additional facilities and equipment was added and is reflected in the premium. McDonald also noted the League of Minnesota Cities has requested an appraisal of the Aquatic Center facility.

MOTION by Councilmember Coop, second by Councilmember Stier, to approve the revised Resolution 19-127 Establishing a \$2,000,000 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. Resolution 19-128 Providing for the Sale of \$1,445,000 General Obligation Bonds, Series 2019A, to Finance the Construction of the 2019 Street Reconstruction Improvements in the City of Belle Plaine.

Finance Director Jirik explained the City Council awarded the contract for the 2019 Street reconstruction project on March 4, 2019. Jirik explained the funding for the project will be from General obligation bonds and repaid using special assessments and tax levy. Jirik noted water, sewer and storm sewer funds will be paying their portion of the project up front therefore they are not included in the bond amount.

Todd Hagen from Ehlers and Associates was present and gave a brief overview of the sale day report. Hagen noted the cities strong financial management has maintained a strong and stable rating. Hagen explained the bond received three bids, with the winning bid going to BAIRD, Milwaukee, Wisconsin. Hagen noted the bid offered \$151,000.00 more than the requested amount which staff has elected to keep paying for project costs. Hagen explained the City has taken advantage of a historically low interest rate, which has been passed on to the residents as well. Hagen noted staffs strong management of city funds has been a benefit to receiving great rates for improvement projects.

City Administrator Meyer thanked Hagen for his report and commended the Council on their current and past good fiscal decisions.

MOTION by Councilmember Coop, second by Councilmember Chard to approve the revised Resolution 19-128 Providing for the Sale of \$1,445,000 General Obligation Bonds, Series 2019A, to Finance the Construction of the 2019 Street Reconstruction Improvements in the City of Belle Plaine. ALL VOTED AYE. MOTION CARRIED.

7.4. Concept Plan – Lynn & Gary Crosby Commerce Drive West. The Applicant's propose a phased planned unit residential development consisting of 114 condominium units on 29 lots in the 800-900 block of Commerce Drive West.

Community Development Director Smith Strack explained the concept plan for Lynn and Gary Crosby's Commerce Drive location is a big picture look at what is proposed. Smith Strack explained a planned residential development with concurrent subdivision for the 800-900 block of Commerce Drive West is proposed with 29 lots and 114 units. Smith Strack noted the condominium units are structures housing three or four dwellings. Smith Strack noted the planned use is medium density residential and is proposed to be seven plus dwellings per acre. Smith Strack noted the current zoning is R-7 mixed housing which is consistent with the plan and allows for all densities except one family dwellings. Smith Strack explained Crosby is requesting flexibility though the PUD with the setback and noted transportation will have access from West Commerce Drive, which serves as a collector street. Smith Strack also noted staffs suggestion of a pedestrian easement mid-block for access to the proposed dedicated parkland. Smith Strack explained Crosby is private financing the phased development with the east 13 lots built in 2020 and the remaining lots in 2-3 years. Smith Strack noted the Planning Commission reviewed the concept plan and has recommended approval to the City Council.

Mayor Meyer thanked the applicants for their continued investment in Belle Plaine.

7.4.1. Resolution 19-132: A Resolution recommending conditional of a Concept Plan for Crosby's WCD Subdivision.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve the revised Resolution 19-132: A Resolution recommending conditional of a Concept Plan for Crosby's WCD Subdivision. ALL VOTED AYE. MOTION CARRIED

7.5. Resolution 19-134 Authorizing Submittal of Scott County CDA Economic Development Incentive Program Grant application.

Community Development Director Smith Strack showed a slide and explained the Scott County CDA has released a request for grant proposals for the 2020 Economic Development Incentives Program. Smith Strack explained Smith Strack noted the EDA's recommendation to the Council to authorize grant submittal. Smith Strack noted the EDA's commitment to contributing funds for the required local match of grant program money.

MOTION by Councilmember Coop, second by Councilmember LeMieux, to approve Resolution 19-134 Authorizing Submittal of Scott County CDA Economic Development Incentive Program Grant application. ALL VOTED AYE. MOTION CARRIED.

8. ADMINISTRATION.

8.1. Upcoming Meetings.

1. Design Committee, 5:15 PM, Monday, November 4.
2. City Council, 6:30 PM, Monday, November 4.
3. Work Session, 6:45 PM, Monday, November 4.
4. City Offices Closed in Observance of Veterans Day, Monday, November 11.
5. Public Safety, 4:00 PM, Tuesday, November 12.
6. EDA, 5:00 PM, Tuesday, November 12.
7. Planning, 6:30 PM, Tuesday, November 12.
8. Public Works, 9:00 AM, Thursday, November 14.
9. Truth in Taxation, 6:15 PM, Monday, December 2.

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

9. ADJOURN.

MOTION by Councilmember LeMieux, second by Councilmember Stier, to adjourn the meeting at 7:44 PM. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Renee Eyrich
Recording Secretary